

DRAINAGE MEETING
DISTRICT HOWARD #46
APRIL 19, 2022

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building in Nevada, IA to consider approval of the 'Engineer's Report: Annexation' and the 'Commissioner's Report: Reclassification of Benefits' for Drainage District Howard #46. Members present were Latifah Faisal, chair, Linda Murken, and Lisa Heddens. Also present were Story County Communication and Social Media Intern Bryce Garman and Drainage Clerk Scott Wall, Engineers Kent Rode and Tyler Conley from Bolton & Menk, and, attending virtually, landowner Steve Hanson.

Faisal called the meeting to order at 6:30 p.m.

Murken moved, seconded by Heddens, to approve the agenda. Motion carried unanimously (MCU).

Rode reviewed the Engineer's Report: Annexation (on file in the Story County Auditor's Office). There are five parcels (shown in pink on page 5) owned by three landowners that should be annexed into the district. The properties owned by Harold and Vicky Hovick contain the last part of Main Tile A and the outlet into Bear Creek but surface water there actually drains to the north, away from the creek to meet Tile A on the Carpenter Brothers property. Similarly, the Ron and Sandra Risdal property is quite close to Bear Creek but surface drains away from the creek towards Main Tile B. All five properties derive a material benefit from Howard #46 and should be annexed into the district. Rode recommends approval of the annexation report.

Heddens moved, seconded by Murken, to adopt the Engineer's Report: Annexation and to annex the additional five properties into Howard #46 as recommended by said report. MCU.

Rode mentioned that Harold Hovick had submitted a letter this morning (attached) protesting his inclusion in the district after not having been a part of it when it was established. The letter also states that Mr. Hovick did not receive mailed notice of this hearing and he is not satisfied that his damages will not be paid until the district can be assessed.

Wall said notice was mailed to everyone in the existing district and to the property owners to be annexed on March 11, 2022 and notice was published in the paper where Mr. Hovick saw it. Once those letters leave the Auditor's Office they are out of our control. We had a drainage meeting last week in which one of the landowners present stated he had received only one of two mailed notices and had not opened the one he did receive. The Auditor's Office does multiple mailings for elections and it is alarming how many voters call to say they never received a voter registration card or absentee ballot. We are doing what is required under the Code but there are things that are simply beyond our control. As to the damages it would be nice to pay them immediately but that is not the way the process works. Mr. Hovick will be reimbursed, with interest, once funds are available in October 2022.

Rode reviewed the Commissioner's Report: Reclassification of Benefits (on file in the Story County Auditor's Office). Acting as a commissioner, he met with the other two commissioners, Marty Chitty and Mark Tjelmeland, on February 17, 2022 to review the reclassification of benefits and the process used to determine those benefits. Howard #46 has a single classification of benefits but two separate Main Tiles, A and B. Until now the cost of every repair in the district was shared by everyone, regardless of which tile the work was done on. The existence of two main tiles essentially made Howard #46 two districts sharing a common name and the reclassification remedies the inequity of landowners paying for work that cannot possibly benefit them. In addition, the Main Tile A project was an improvement which mandates that a reclassification be done.

Rode went over the five primary factors that are considered in assigning benefits to each parcel in a drainage district. They are the area factor (how much of each parcel is in the watershed), soil type factor (high, low, wet, or swamp), proximity factor (how close the parcel is to the district facility), use factor (how much of the facility the parcel uses), and runoff factor (bare ground vs building sites vs roads). All of the factors are multiplied to get units of benefit for each parcel. Those units divided by the total is the percentage each parcel pays of any assessment.

Conley emphasized that the reclassification process used today relies on hard data – soil types, elevations, distances – and is completely data driven. It is an objective process and not subject to commissioner's opinions about how things should look. The process is designed to generate a fair and equitable classification.

Murken asked where the soils data comes from and how old is that data?

Conley said it comes from USGS maps of soil types. The age is hard to determine as the maps were created on a county by county basis so some are quite old while others are more current. Presumably there is a process in place to update the maps as time goes by but he does not know what that process might be.

Murken asked about who pays for what in this project and, since this was an improvement, do the benefits to drainage increase?

Rode said the construction costs would be borne only by the parcels on Main Tile A. Improving the drainage does not impact the benefits each parcel receives. While the parcels have access to better drainage the benefit is determined by the parcels' relationship to each other. One parcel receives the highest benefit and the other parcels' benefits are determined as a percentage of that 100% parcel. Classification is based on the presumption that each parcel makes the maximum use of the district facilities.

Murken asked how the benefits under reclassification compared to the original benefits.

Rode said they did not do a comparison. When reclassifying they start with a clean slate and do not look at what was there before nor do they look at landowners' names. What they do pay attention to are the color-coded maps showing each of the factors and the final map showing the benefit. If there is a parcel that stands out they take a closer look at that.

Conley said it would be difficult to compare schedules since the new schedule is split into two. Conley and Rode both pointed out that the maps they are showing here for each factor do not appear in the report because they are difficult to interpret without someone who can explain how they all relate to each other.

Hanson owns 182 acres in the northeast quarter of section two of Howard Township. Those parcels are at the north end of Main Tile B and Lateral B-2. He said he is paying about 26% of the total cost for Main Tile B. He gets no benefit from the Main Tile A improvement. What is he getting for his money?

Conley said while there was no work done on Main Tile B the entire district shares the cost of the original Engineer's Report, the Annexation Report, and the Reclassification. These are the costs that Hanson will be billed for. He will not share in any of the construction costs which will be borne solely by landowners on Main Tile A.

Hanson asked what the cost was for reclassifying Main Tile B?

Rode and Conley said the reclassification costs had not been divided between the two main tiles but were spread over the entire district. They can get a rough breakdown for Mr. Hanson if he wants it.

Wall said the entire district also shares the costs of the original Engineer's Report and the annexation.

Hanson said he was paying \$14,000 and he thought it would be less than that. He's paying about 26% of the total cost to Main Tile B.

Rode said he was coming up with about \$8,000.

Hanson said he was looking at the classifications for Main B and for Lateral B-2.

Conley said the schedule for B-2 was generated for any future work done on just that lateral but it will not be levied separately for this project. Only the Main Tile A and B schedules will be used in the levy for this project.

Hanson said he will then be paying about \$8,300. When is that due?

Wall said assessment notices are mailed in early August and payment is due with the first half of property taxes on September 30, 2022. The amount may not be exactly what appears on the schedule but it should be close.

Hanson asked if the 26% he was paying was just for Main Tile B or if it was for the entire project.

Rode said it was just for Main Tile B.

Hanson asked if the assessment was based on the number of acres he owned.

Rode said it was based on a number of factors which he had covered earlier but he could go over them again.

Hanson said he'd had problems logging into Zoom and had joined the meeting late.

Rode briefly reviewed the five factors used in the classification process.

Hanson said he'd done some pattern tiling on his farm.

Rode said they don't consider private tiling in the classification process. They assume that every property is making the maximum use possible of the district facilities.

Hanson asked if you pay more at the top end of the district which is where he is located.

Rode said one of the factors is facility use and Hanson uses the entire main tile so his use factor is relatively high. That is only part of the equation however.

Hanson said there are other landowners on Main B that own quite a bit of land and he is paying significantly more than they are.

Rode said that is largely due to the location of Hanson's land. The other large landowners are to the south and have a lower facility use factor.

Hanson asked what the decision the trustees were making tonight.

Rode said they will decide whether to approve the reclassification or not. If the report is approved the report will be the basis for this project and all future assessments.

Hanson asked if the \$8,000 he will pay is a one-time deal.

Rode said that is correct for this project. If repairs become necessary on Main Tile B in the future there will be assessments for those.

Wall pointed out that the district already has a classification schedule which treats the entire district as a single entity. If the trustees do not approve the reclassification the district would be levied under the existing schedule and everyone would help pay the entire project cost. The new schedule is more equitable as properties on Main B will not be assessed for any of the construction costs of this project. The money has already been spent so the district is going to be levied this year.

Rode also pointed out that the trustees can make changes to the report before it is adopted but there would have to be a good reason for a change to be made and that is not typically done.

Hanson said he was concerned about the \$6,400 he would pay on B-2.

Rode said that schedule is only for work done on B-2 and that schedule will not be used this year. The numbers on the B-2 schedule are just an example. If there was a \$10,000 project on B-2 then \$6,400 is what Hanson would pay. Currently there is no project for B-2. Only the Main Tile A and B schedules will be used in the assessment for this project.

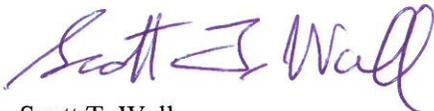
Hanson asked if the project was done. How much is Main Tile A paying?

Rode said the construction was complete and Main Tile A will be assessed for \$165,000.

Murken moved, seconded by Heddens, to approve the Commissioner's Report: Reclassification of Benefits as the basis for any current and future assessments against Howard #46. MCU.

Heddens moved, seconded by Murken, to adjourn. MCU. Meeting adjourned at 7:15 p.m.

Respectfully submitted,



Scott T. Wall

Drainage Dist. #46

4-18-22

I (Harold Hovick) personally did not get a mailed notice of this action (Staff Blamed U.S. Mail) just happen to see it in the paper.

I still claim I have never been in the Drainage Dist #46 since it was made years ago but now that repairs were needed I get added to it (the notice says it's for future repairs and on improvements, not ones completed last year).

I'm also very upset about how all my expenses I had for the project was paid with "Copy" of checks mailed out to me because of unavailable funds at this time. I wish I could pay my "Bill" this way!!!

Thanks
Harold Hovick
513 W. Maple St
Roland, Iowa
50236

FILED-STORY CO AUDITOR
APR 19 '22 AM 9:04