

**Drainage District #37**  
**Meeting of Private Trustees**  
**November 22, 2021**

The first meeting of the Private Trustees of DD#37 was held November 22, 2021 in the Clay County Council Chambers. Those in attendance in person were Allen McGranahan, Bill Gerdeman and Rod Dillard; in attendance by phone were Attorney Gary Armstrong, and Connie Swan

Allen McGranahan, Bill Gerdeman and Rod Dillard are all eligible to be trustees per the stipulations of Iowa Code 468.506, were duly elected as trustees on September 28, 2021, have posted bond and taken the oath of office and are thereby qualified to act as trustees on behalf of Drainage District #37 (DD#37), Clay County, Iowa.

By unanimous consent, Allen McGranahan was selected to chair the meeting. The meeting was called to order at 10:00 a.m. Central.

The following appointments were made by unanimous consent:

Chair: Allen McGranahan

Clerk: Connie Swan

Attorney: Gary Armstrong of Mack, Hansen, Gadd, Armstrong & Brown, PC  
Storm Lake, IA Gary@mhgab.com

Gary indicated he had spent time familiarizing himself with the lawsuit that is still active.

Gary said that a repair is required; an improvement is not. Motion by Bill Gerdeman, second by Rod Dillard, to ask Gary to speak with Attorney David Johnson regarding dismissal of the lawsuit. Motion carried.

The two plaintiffs had hired Engineer Lee Gallentine to prepare a report for repair. Gary said that If DD#37 adopts the report, then the district could purchase the report from the plaintiffs. He will talk to Attorney David Johnson about this.

Bill Gerdeman said he had talked to the Clay County Engineer's Office and he was assured that the private trustees of DD#37 will have full access to all of the reports that have been prepared by Bolton & Menk. Gary Armstrong agreed that the new trustees have plenary power.

Any future action in regard to the repair must be conducted at a duly called meeting, which includes notice in the local paper.

Per Iowa Code 468.518, there needs to be an election of trustees on the third Saturday of January, in this case January 15, 2022, between the hours of 1:00 p.m. and 5:00 p.m. Notice of election needs to be

published at least twice in the newspaper, one week apart, the last notice no less than 10 days prior to the election. 468.507.

*Per Iowa Code 468.513 Candidates for drainage district trustee shall have their names placed on printed ballots provided a petition therefor is signed by ten qualified voters of the district and filed with the clerk of the board at least twenty-five days but not more than sixty-five days before the election. Space shall also be provided on the ballot for write-in votes.*

For this election, petitions must be submitted between November 12<sup>th</sup> and December 20<sup>th</sup>. The Clay County Auditor's office has requested that petitions be submitted by December 15<sup>th</sup> to allow time for absentee ballots. For this election only, each nominee must specify whether they are running for a three-, two-, or one-year term.

Attorney Gary Armstrong left the meeting.

Motion by Bill Gerdeman, second by Rod Dillard, to remove the beaver dams on the drainage ditch. Bill proposed Terry Osher, Clark Abel, or Jon Winterboer as potential excavators. Rod Dillard suggested that in streams it is good to wait until the ice crusts over as there is a better chance the beavers will move out or die, but also expressed that, with the flow in the drainage ditch, it is hard to know when it will freeze and dam removal should proceed when an excavator is available. Motion carried. Bill will contact excavators to remove the dams.

Motion by Bill, second by Rod, to offer a \$40 bounty on beavers trapped in the district. Motion carried.

Landowners have the right to control problem beavers on their property. It is recommended they contact the DNR Enforcement Officer in advance so he is able to address concerns reported by outside parties.

Allen McGranahan will write a letter to communicate with landowners regarding the upcoming election and request email addresses for future correspondence. He will also contact Bob Swan regarding the engineer's report from Lee Gallentine.

Meeting adjourned at 10:59 a.m. Central

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