

Drainage District #37 Meeting of Private Trustees
June 6, 2024 following Hearing of Completion of Repair Project
Clay County Administration Board Room

The June 6, 2024 meeting of the Drainage District #37 Trustees was called to order by Chairman Allen McGranahan at 10:47 a.m., following the Hearing of Completion of Repair Project, in the Clay County Administration Board Room.

In attendance in person were trustees Allen McGranahan, Bill Gerdeman, and Rod Dillard; clerk Connie Swan; engineer Collin Klingbeil of Jacobson-Westergard & Associates; and 12 guests: John Metcalf, Brent Swart, Nathan Reffer of B&W Brush & Weed Control Specialists, Inc. Algona, IA, John Rahn, Leonard Langner, Nick Lowrey from Spencer Daily Reporter, Aaron Rutter, Jerry Groenewold, Sandy Langner, David Wyatt, Steve Swan, Bob Swan.

Three guests were in attendance by phone: Linda Carter, Megan Roos, and LeAnn McGranahan

The minutes of the April 26, 2024 meeting were approved as presented and will be posted on the pickerelrun.com website.

The following bills were presented:

- Jacobson-Westergard & Associates \$862.10 Engineering services for notice assistance and completion hearing
- Iowa Drainage District Association \$239.49 for annual dues

Allen moved to approve the bills. Second by Rod. Motion carried.

Repair Project Update

At the Hearing of Completion of Repair Project held immediately previous to this meeting, the trustees voted to accept the Drainage District No. 37 Tree Clearing Certification of Completion from Jacobson-Westergard & Associates, Inc. dated April 18, 2024 and to release the retainer after the 30-day waiting period.

September 1st Assessment

At the April 26th meeting it was estimated that a tax levy of around \$850,000 would be necessary to satisfy the expenses from the repair project. After discussion, it was proposed that a levy of \$843,930.10 would provide funds to satisfy the current outstanding warrants in the DD#37 account, cover the retainage fee to Reutzal Excavating and other currently anticipated upcoming expenses, and provide a cushion of approximately \$15,000 for unknown future expenses.

Bill moved to submit a Certificate of Assessment to the Clay County Auditor's Office in the amount of \$843,930.10. Second by Rod. Motion carried. The Certificate of Assessment will be presented to the Clay County Board of Supervisors for their approval at their next regularly scheduled meeting.

The Clay County Auditor directed that an optional installment period could be set by the trustees at either 10 years or 20 years. Bill moved to set the installment period at 10 years. Second by Rod. Motion carried. Each landowner will have the option to establish an installment payment plan by working through the Clay County Auditor's Office. Per the Clay County Auditor's Office, the initial waived payment is from the levy date of September 1, 2024 to November 30, 2024. Thereafter, interest will be calculated annually from December 1st to November 30th. The annual due date is September 30th. A waiver can be signed until September 30, 2024, and a first installment made by September 30, 2024.

U.S. Fish & Wildlife Abatement of Real Estate Taxes

An email from LeAnn Black, Clay County Iowa Treasurer was read that included a letter from Krista Adams, Deputy Realty Officer, U.S. State Dept. The U.S. Fish & Wildlife has been assessed as a landowner of acres in the district. According to the letter from Krista Adams, as a federal entity the U.S Fish & Wildlife will not pay its portion of the assessment. Treasurer Black inquired as to whether the trustees were willing to abate the assessment. Action on this was tabled to a future meeting.

Lawsuit Update

Allen read the proposed settlement agreement to resolve the legal Case EQCV032432 between David Wyatt and Robert Swan, Plaintiffs, and Allen McGranahan, Bill Gerdeman, and Rodney Dillard as Private Trustees of Clay County Drainage Dist No 37 Defendants. Allen moved to sign the agreement. Second by Rod. Motion carried. This should settle the final outstanding lawsuit of DD#37.

Weed Control

Allen introduced Nathan Reffler of Brush and Weed Control Specialists Inc. Algona, IA. Nathan had prepared a quote in the amount of \$1753.90 for late summer/fall spraying noxious weeds, including thistles, where the tree clearing was done along the channel, with early spring 2025 follow up. It was calculated that the area would be approximately 25 acres along roughly 5 miles of ditch, from water's edge to the tree line, roughly 20 feet wide using Freelex herbicide, Milestone herbicide and Freeway surfactant.

There was discussion about the need for immediate control of trees and brush because sprouts were already beginning to grow. Nathan shared the concern and said that control would require a different herbicide combination, namely Opensite and Method, applied in the near future. Rod

moved to approve weed and brush control at a cost up to \$3500. Second by Bill. Motion carried.

Matters/questions from landowners

Steve Swan has reached out to Jon Winterboer Excavating. Jon is willing to complete the rip rap on Wyatt Farm and repair of the tile main along N14 beside Swan Farm after harvest is completed this fall.

Meeting adjourned at 11:42 a.m.

Respectfully submitted,

Connie Swan, Clerk

Allen McGranahan, Chair

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