

IN THE MATTER DRAINAGE DISTRICT No. 40 Annexation Hearing
WORTH COUNTY, IOWA

MINUTES

The Board of Supervisors of Worth County, Iowa, acting for and on behalf of Drainage District No. 40, Worth County, Iowa met at the Worth County courthouse at 10:33 A.M. CST, January 5, 2026.

Members present: Enos Loberg, Chairperson
A.J. Stone, Vice-Chairperson
Mark Smeby, Supervisor

Also present: Jacki Backhaus, Auditor
Chesley Doty, Drainage Clerk
Jacob Hagan, AgriVia Engineer
Tyler Bauman, AgriVia Engineer
Jim Hanson, Conservation Director

Landowners present: Greg Thompson
Dave Irons
Gene Severson
Lynn Butler
Gene Severson
Darin Dahlby
Roger Dahlby
Roger Harris
Ronald & Marion Helgeson
John Shurtz, Crescent Swamp Lodge, LLC

Via Zoom: Ryan Buske, Drainage Attorney
Nathaniel Julseth, DD 40 Commissioner
Cindy Thompson, Landowner

Enos Loberg called the meeting to order and determine a quorum.

Motion by Mark Smeby/Second A.J. Stone approve today's agenda. Motion carried.

Enos recessed the meeting and took a motion to open the public hearing on the annexation for DD 40.

Motion by Mark Smeby/Second A.J.

Roll Call	Smeby	Yea <u>x</u>	Nay <u> </u>
	Stone	Yea <u>x</u>	Nay <u> </u>
	Loberg	Yea <u>x</u>	Nay <u> </u>

Jacob Hagan started the meeting off by introducing himself and explained a little why we are here for an annexation hearing. He said that Drainage District 40 was established in 1919 serving approximately 1,646 acres. This district includes a Main Tile, Lateral 1, Lateral 2, Lateral 3, Lateral 4, Lateral 5, and Lateral 6 tiles.

Jacob explained how they determine the condition of drainage when looking at the soil parameters. He said they use three categories. The first was Drain Class that is broken down between seven categories. The second was Ksat which means your soil is either clay, sand or silt. He said that there is some soil in this district that has high Ksats. The third was water table depth.

Jacob showed the elevation map and explained that on Beacon it is showing all of the parcels on their elevation map are already in DD40 when actually it stops at 450th Street and all lands upstream were never formally included. Jacob also said even more than elevation they look at slope. The slope dictates how you can drain. They also look at relations to how close you are to the tile. If you are closer to you, you benefit more. Lastly, they look at condition of drainage.

Jacob said that there was a landowner that brought up what was the existing capacity of the system. Jacob said when you look at the existing tile it was supposed to be larger than when they took off all of those upper lands. Jacob said it is recommended when you are looking at draining the entire watershed that drains to it not just the acres that are in the district itself. He said that there isn't any work being proposed yet. He said that the parcels that are proposed to be annexed into the district, prior to being annexed, have a right to tile into it rather than before they didn't have a right to tile into it.

Jacob explained that landowner rights are that any landowner can object to the annexation schedule. All objections must be put in writing before the meeting is over.

Lynn Butler read his objection. Lynn said that he wished not to be annexed because he lives on sand and receives no benefit. Jacob explains the board would make the final decision. Jacob's recommendation would be to be annexed. He said they would look at how much Butler would benefit in the reclassification hearing. Jacob said when they look at the Ksat value they would determine how much he benefits.

Roger Harris said if someone is in this district right now and can come in and sign a petition to do an improvement. Jacob explained that if someone comes in and wants to do an improvement project such as putting in a new main, it takes one person to file for an improvement. The board would then hire an engineer to study the petition, and the engineer would put together a report. There would then be a hearing. At that hearing they can either approve it or die and be done. Jacob said for a project to die, 50% of the landowners have to write a written objection and the second threshold those 50% landowners have to own 70% of the land.

One landowner asked what brought this up and Jacki stated if there aren't schedules to go by when we don't know what to do with because we don't know who to bill.

Jacob stated that the Beacon map was not correct as it already shows all these lands being annexed already in DD40. The board then decided to look into it because the maps don't match.

Dave Irons talked with the engineer and asked about the existing main in DD40. He said the main is functioning but if they annex all of this other land and people start tiling will they need to put in a new main.

Greg and Cindy Thompson had an objection and Greg said he doesn't see a benefit. Jacob said they don't look at land use. They said there was a court case, and the courts came back saying drainage districts cannot regulate farming practices and land use. Jacob said that land use can change verse soil types. Jacob read through his objection.

Enos took a motion to close the public hearing.

Motion by A.J. Stone/Second by Mark Smeby

Roll Call	Smeby	Yea <u>x</u> Nay <u> </u>
	Stone	Yea <u>x</u> Nay <u> </u>
	Loberg	Yea <u>x</u> Nay <u> </u>

Enos reconvened the regular meeting

Enos recessed the regular meeting and asked for a motion to open the public hearing again.

Motion by Mark Smeby/Second A.J. Stone

Roll Call	Smeby	Yea <u>x</u> Nay <u> </u>
	Stone	Yea <u>x</u> Nay <u> </u>
	Loberg	Yea <u>x</u> Nay <u> </u>

Enos asked for a motion to continue the public hearing until Monday, February 2nd at 10:15 a.m. for more information to be brought to the board. He stated that this was the only notice people were going to get for date and time of this meeting.

Motion by Mark Smeby/Second A.J. Stone

Roll Call	Smeby	Yea <u>x</u>	Nay <u> </u>
	Stone	Yea <u>x</u>	Nay <u> </u>
	Loberg	Yea <u>x</u>	Nay <u> </u>

Hearing adjourned at 11:10 a.m.



Enos Loberg
Chairperson

ATTEST:



Chealsey Doty
Drainage Clerk