

NOTICE OF PUBLIC HEARING
MAIN TILE AND PROPOSED LATERAL 7 IMPROVEMENTS
DRAINAGE DISTRICT NO. 65
 Kossuth County, Iowa

TO: Gary Anderson, Tiffany Arend, Barbara Bauer, Patrick Bradley, Terry & Vicki Briggs, Mark & Jodi Broesder, City of Burt, Burt Township Cemetery, Cole Cherland, Roger Cherland, Countryside Properties LLC, Ioana Cozma, DMJ Trucking Inc., Roger & Marilyn Evans, Exceptional Opportunities Inc., Jeramie Faber, Melvin & Lucille Faber, Fast Cash For Homes LLC, Kevin & Michelle Feuring, Shannon & Kelsey Garrett, Roger Giddings, Sharon & James Goche, Garold Gordon, David Haase, Duane & Shirley Habeger, Ryan Habeger, John & Connie Hattle, Denise & Maurice Hingson II, Alfred & Evelyn Julius, James & Rhea Julius, K&H Cooperative Oil Co., Connie Kadow, James & Eileen Kadow, John Kadow, Arthur Kahler, Oliver Kardoes, John Gerald & Nancy Ann Kissner, Vern Koestler, Victoria Koestler, John Kollman, Thomas E Kriethe, Shelley Graham, Jean Lockwood, Phillip Lovstad, Steven & Vickie Madsen, Carol McGuire, Michael Melick, Mary E Melick, Burnadene Opheim, Samantha Opheim, Terry & Sherri Parsons, Gerald Pesicka, Drew Rasmussen, Maddie & Justin Raymond, Reutzel Excavating, Claire & Joyce Reutzel, Rick Schuller, Matthew Scott, Mary Shiper-Oleson & Gordon Oleson, Jean & Kendall Stumme, Ann Thompson, Union Pacific Railroad Co, Randy Ulses, Randy & Robin Van Laningham, Scott Vaske, Dennis Walker, Mark Wolf, Matthew Youngman, and all lienholders or encumbrances, unknown heirs and claimants by will, to all whom it may concern, including the actual occupants of the land, or tract of land, described in, and including Drainage District No. 65, Kossuth County, Iowa.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED the Board of Supervisors of Kossuth County, acting as Trustees for Drainage District No. 65, Kossuth County have requested a preliminary investigation be performed on the facilities of Drainage District No. 65. The Board, acting as Trustees for the District, appointed Kent L. Rode, P.E. Bolton & Menk, Inc. of Algona, IA as Engineer to investigate the general condition of the district facilities and to report their findings on the facilities.

The report is on file at the Kossuth County Auditor's Office and can be viewed on the Kossuth County website at co.kossuth.ia.us.

YOU ARE FURTHER NOTIFIED that drainage engineer, Kent Rode, P.E. of Bolton & Menk has filed his report with the Auditor of Kossuth County in which he recommends certain repairs and/or improvements. The Drain 65 Main Tile is aging and undersized and needs improvement. The Main Tile needs to be extended to allow access to landowners in a depressional area on the southwest corner of DD65 watershed. Proposed Lateral 7 is suggested to be constructed to allow access to tie into district facilities not currently present for the southwest area of the district. Options for several drainage coefficients for the Main Tile and Proposed Lateral 7 Tile improvements are included in the report.

The Engineer's Opinion of Probable Project Costs of the proposed improvement are as follows:

Drainage Coefficient Options	<u>0.50"</u>	<u>0.75"</u>	<u>1.00"</u>
Main Tile Improvement	\$731,000.00	\$878,000.00	\$1,048,000.00
Lateral 7 Improvement	\$123,000.00	\$129,000.00	\$136,000.00

At the hearing on June 30, 2020, the Board of Supervisors made the decision to move forward with an annexation and preliminary reclassification of the drainage district. A preliminary reclassification report is attached to this notice to provide landowners (including those to be annexed) a better estimate of their individual costs for the three (3) drainage coefficient improvement options for the Main Tile and Proposed Lateral 7 Tile. This document and the numbers thereon are only preliminary and are completely subject to revision by those persons to be appointed as the Commissioners for that purpose. An Engineer's Report on Annexation of lands to the drainage district will be considered at a scheduled hearing just prior to this hearing.

YOU ARE FURTHER NOTIFIED that this Engineer's Report and recommendations in full are on file in the office of the Kossuth County Auditor at the Courthouse in Algona, Iowa, for your information. You may review the same prior to the date set for hearing in this notice. Said reports have been reviewed and considered by the Board of Supervisors and they have been tentatively approved as the board has determined that the repairs, improvements, and are necessary and feasible. The engineer report also contained the following recommendations and proposals:

1. **Right of Way.** The report recommends the consideration by the board of the acquisition of additional right of way for this project which will be considered at this hearing or a continuation thereof.

2. **Annexation.** That annexation of additional lands will be considered by the board.

3. **Reclassification.** That at a later date the board will consider commissioner's report on reclassification with appropriate adjustment of assessments.

4. **Interest Rate and Waivers.** The board will also consider the appropriate interest to charge on stamped warrants and determine the length of time that assessments may be paid of not less than ten (10) nor more than twenty (20) years.

For further particulars, you are referred to the engineer's report for DD 65 Improvements now on file in the office of the Kossuth County Auditor and on the website at co.kossuth.ia.us.

YOU ARE HEREBY NOTIFIED that the Board of Supervisors for Kossuth County, Iowa, acting as Trustees for the Drainage District have set **January 12, 2021, at 10:15 a.m., at the Kossuth County Election Center 108 S Hall St., Algona, Iowa**, as the date, time and place for a public hearing to discuss the Engineer's preliminary findings.

At said hearing, the Board of Supervisors shall hear objections to the feasibility of such repairs and/or improvements of the drainage district as may be presented by and for any landowner in the district. The report of the engineer as filed herein may be amended before final action is taken thereon by this Board of Supervisors. This hearing may be continued from time to time without further notice as determined by this Board of Supervisors.

YOU ARE FURTHER NOTIFIED THAT ALL OBJECTIONS TO THE ENGINEER'S REPORT OR TO ANY MATTER CONNECTED WITH THIS HEARING MUST BE IN WRITING AND FILED WITH THE KOSSUTH COUNTY AUDITOR DURING THE HEARING OR BEFORE THE TIME FIXED FOR HEARING. For a remonstrance to be met, objections must be made to the auditor by a majority of the landowners in the district, and these landowners must own in aggregate more than seventy percent of the total land in the district. Iowa Code Chapter 468.126(e). Any interested party may be heard in an argument by himself or by counsel. Anyone who fails to object shall be held to have waived all objections and claims for damages. Any interested party may file a written supporting statement with the Auditor, at or before the date for hearing.

YOU ARE FURTHER NOTIFIED that if you fail to object, the Board of Supervisors can make a final decision to make repairs and/or improvements of DD No. 65, acquire additional right of way, annex additional lands and reclassify. As a consequence of your failure to object, you lose your right to appeal the final decision within twenty (20) days to the Iowa District Court.

This notice is published and mailed as provided by law at the direction of the Board of Supervisors of Kossuth County, Iowa, acting on behalf of Drainage District No. 65.

Amber Garman
Kossuth County Auditor