

Iowa Code 468.506  
Eligibility of Trustees

Iowa Code 468.508  
Assessment To Determine Right to Vote

Iowa Code 468.511  
Votes Determined by Assessment

November 17, 1999  
Landowners challenge district court decision permitting Drainage District board of Trustees to rescind results of election by petition. Went too the Supreme Court of Iowa.

1890- First adopted statutes describing and defining Drainage Districts in Iowa.

1908- Iowa Constitution amended specifically providing Drainage Districts with authority.

**468.506 ELIGIBILITY OF TRUSTEES.**

Each trustee shall be a citizen of the United States not less than eighteen years of age, and one of the following:

1. The bona fide owner of agricultural land in the election district for which the trustee is elected, and a resident of the county in which that district is located or of a county which is contiguous to or corners on that county.

2. The bona fide owner of nonagricultural land in the election district for which the trustee is elected, and a resident of that district. This subsection applies only when the election district is wholly within the corporate limits of a city.

3. A stockholder of a family farm corporation as defined in section 9H.1, subsection 8, which owns land in the election district who is a resident of the county in which that district is located or of a county which is contiguous to or corners on that county.

4. In a district which is a levee and drainage district which has eighty-five percent of its acreage within the corporate limits of a city and has been under the control of a city under subchapter II, part 3, a bona fide owner of benefited land in the district. If the owner is a family farm corporation as defined by section 9H.1, subsection 8, a business corporation organized and existing under chapter 490 or 491, or a partnership, a stockholder or officer authorized by the corporation or a general partner may be elected as a trustee of the district.

**468.508 ASSESSMENT TO DETERMINE RIGHT TO VOTE.**

Before any election is held, the election board shall obtain from the county auditor or auditors a certified copy of so much of the record of the establishment of such district as will show the lands embraced therein, the assessment and classification of each tract, and the name of the person against whom the same was assessed for benefits, and the present record owner, and such certified record shall be kept by the trustees after they are elected, for use in subsequent elections. They shall, preceding each subsequent election, procure from the county auditor or auditors additional certificates showing changes of title of land assessed for benefits and the names of the new owners.

468.511 VOTES DETERMINED BY ASSESSMENT.

1. When a petition asking for the right to vote in proportion to assessment of benefits at all elections for any purpose thereafter to be held within said district, signed by a majority of the landowners owning land within said district assessed for benefits, is filed with the board of trustees, then, in all elections of trustees thereafter held within said district, any person whose land is assessed for benefits without regard to age, sex, or condition shall be entitled to one vote for each ten dollars or fraction thereof of the original assessment under the current classification against the land actually owned by the person in said district at the time of the election, but in order to have such ballot counted for more than one vote the voter shall write the voter's name upon the ballot. The vote of any landowner of the district may be cast by absent voters ballot as provided in chapter 53 except that the form of the applications for ballots, the voters' affidavits on the envelopes, and the endorsement of the carrier envelope for preserving the ballot shall be substantially in the form provided in subsections 2, 3, and 4, below. Application blanks, envelopes, and ballots shall be provided by and submitted to the office of the county auditor in which the election is held. The cost of such blanks, envelopes, ballots, and postage shall be paid by the district. For the purpose of this subchapter all landowners of the district shall be considered qualified voters, regardless of their place of residence.

2. For the purpose of this subchapter, applications for ballots shall be made on blanks substantially in the following form:

Application for ballot to be voted at the ..... (Name of District)
District Election on ..... (Date)
State of ..... )
..... County ) ss.

I, ..... (Applicant), do solemnly swear that I am a landowner in the ..... (Name of District) District and that I am a duly qualified voter entitled to vote in said election, and I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same before the day of said election.

Signed .....
Date .....
Residence (street number if any) ....
City ..... State .....

Subscribed and sworn to before me this ... day of ..... (month), ... (year)

3. For the purpose of this subchapter, the affidavit on the reverse side of the envelopes used for enclosing the marked ballots shall be substantially as follows:

State of ..... )
..... County ) ss.

I, ..... (Applicant), do solemnly swear that I am a landowner in the ..... (Name of District) District and that I am a duly qualified voter to vote in the election of trustees of said district and that I have marked the enclosed ballot in secret.

Signed .....

Subscribed and sworn to before me this ... day of ..... (month),  
... (year), and that I hereby certify that the affiant exhibited the  
enclosed ballot to me unmarked; that the affiant then in my presence  
and in the presence of no other person and in such manner that I  
could not see the affiant's vote, marked such ballot, enclosed and  
sealed the same in this envelope; and that the affiant was not  
solicited or advertised by me for or against any candidate or  
measure.

.....  
.....

(Official Title)

4. For the purposes of this subchapter, upon receipt of the  
ballot, the auditor shall at once enclose the same, unopened,  
together with the application made by the voter in a large carrier  
envelope, securely seal the same, and endorse thereon over the  
auditor's official signature, the following:

- a. Name of the district in which the voter is a landowner.
- b. Date of the election for which the ballot is cast.
- c. Location of the polling place at which the ballot would be  
legally and properly cast if voted in person.
- d. Names of the judges of the election of that polling place,  
and the statement that this envelope contains an absent voters ballot  
and must be opened only at the polls on election day while said polls  
are open.



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IN THE SUPREME COURT OF IOWA

No. 211 / 98-275

Filed November 17, 1999

**BOB COOK, ALTA COOK, LELAND ROUDYBUSH,**

**TERI SCHULTZ, LARRY COOK, ELAINE COOK,**

**RANDALL COOK, JERRY HENNING, CATHY**

**HENNING and BEVERLY WEBER,**

Appellants,

vs.

**RODD McNEAL, ROGER BARTENHAGEN and**

**JACK W. WILSON, Trustees In Behalf of the**

**Muscatine-Louisa Drainage District #13 of**

**Muscatine and Louisa Counties, Iowa,**

Appellees.

Appeal from the Iowa District Court for Muscatine County, J. Hobart Darbyshire, Judge.

Landowners challenge district court decision permitting drainage district board of trustees to rescind results of election by petition held pursuant to Iowa Code section 468.511 (1997). **REVERSED AND REMANDED.**

Joel D. Yates and Robert K. Clements of Clements Law Firm, Oskaloosa, for appellants.

William Scott Power of Aspelmeier, Fisch, Power, Warner & Engberg, P.L.C., Burlington, for appellees.

Considered by McGiverin, C.J., and Larson, Neuman, Snell, and Ternus, JJ.

**NEUMAN, Justice.**

This appeal concerns the authority of a drainage district board of trustees to upset the results of an election petition filed with the former board of trustees in accordance with Iowa Code section 468.511 (1997). The district court, ruling in equity, agreed with the new board's decision to void the election because it believed the board rightly considered remonstrances that, if counted, would have defeated the petition. On our de novo review, we conclude the district court deviated from the pertinent statutory scheme. Accordingly, we reverse the judgment of the district court, thereby reinstating the election results.

The material facts are largely undisputed. Plaintiffs are landowners in Drainage District No. 13 located in the eastern Iowa counties of Muscatine and Louisa. The governance of the drainage district is in the hands of a three-member board of trustees. See Iowa Code § 468.500 (authorizing landowners to elect trustees for "control and management" of the district). At the time of the decision challenged on this appeal, defendants—Rodd McNeal, Roger Barthenhagen, and Jack Wilson—were the trustees. One of the plaintiffs, Bob Cook, was the immediate past chairman of the board, having served as a trustee for over twenty years.

In December 1996, Cook and others circulated a petition to amend the method for electing drainage district trustees. Such elections had been based on one vote per landowner. This is the method prescribed for any district organized under Iowa Code chapter 468, unless the voting method is changed pursuant to section 468.511. That statute—which is at the heart of this controversy—pertinently provides as follows:

When a petition asking for the right to vote in proportion to assessment of benefits at all elections for any purpose thereafter to be held within said district, signed by a majority of the landowners owning land within said district assessed for benefits, is filed with the board of trustees, then, in all elections of trustees thereafter held within said district, any person whose land is assessed for benefits without regard to age, sex, or condition shall be entitled to one vote for each ten dollars or fraction thereof of the original assessment under the current classification against the



land actually owned by the person in said district at the time of the election . . . .

Iowa Code § 468.511.

The signed petition to amend the voting method was presented by Cook at the regular monthly meeting of the board of trustees held on December 20, 1996. The minutes of the meeting reflect that the board "accepted the petition" and agreed to present it to the auditor "to be filed and counted." The minutes also reveal that one of the landowners who had signed the petition, Charles Gaeta, appeared and asked that his name be withdrawn. The board took no action on the request, directing Gaeta to contact the county auditor.

The trustees subsequently learned that county auditors play no role in the counting or canvassing of petitions submitted under section 468.511. So, at the board's mid-January 1997 annual meeting, it scheduled two further meetings for the purpose of canvassing the vote. The first was held January 23 in Louisa County, the second on January 27 in Muscatine County. In the interim, a regularly scheduled election of trustees occurred. Based on the one-vote-per-landowner method still in existence, Cook was defeated and replaced by defendant Jack Wilson.

Despite the change in board membership that occurred between the meetings held in Louisa and Muscatine counties, the official actions taken were identical. The trustees reviewed each auditor's records and the petition to determine the number and eligibility of voters' signatures. Several citizens appeared for the purpose of requesting the removal of their names from the petition, either because they had changed their minds or because someone had signed in their behalf (as in the case of a spouse). Following considerable discussion, the trustees unanimously agreed that anyone whose name had been affixed to the petition by someone else could have it removed. They also agreed, however, that petitioners who had personally signed the petition by the filing date of December 20, but simply wanted to change their mind, would not be permitted to do so. After making these adjustments, the trustees determined there were 303 eligible voters in the district and that 153 valid signatures had been affixed to the petition. Thus, the measure passed.

Despite these events, the board at its next regularly scheduled meeting voted two-to-one to rescind the election results. The majority favoring rescission expressed the belief that "[t]oo many people felt they were misinformed" about the petition. Noting "they are a different board now," they decided to "have it sent around again" with better explanation.<sup>(1)</sup>

Plaintiffs appealed the board's decision to the district court. See Iowa Code § 468.83. In its decision affirming the board's action, the district court ruled the board was required to honor requests for removal of signatures before the canvassing was completed. The court also found the trustees violated their fiduciary duties by actively soliciting for a change in the voting method. It did not rest its decision on that point, however, concluding instead that there were sufficient votes in controversy to defeat the petition altogether. This appeal by plaintiffs followed.

#### I. Scope of Review.

Iowa Code section 468.91 provides that, except for appeals from drainage board decisions involving compensation or damages for lands taken for right of way, "[a]ll other appeals shall be triable in equity." This case was so tried in the district court. Our review on appeal is, therefore, de novo. Iowa R. App. P. 4.

#### II. Issue on Appeal.

Plaintiffs' challenge to the district court's ruling is three-pronged. They claim the court erred by (1) concluding that the vote was not effective until canvassing was completed; (2) expanding the statutory power of the board by reading into section 468.511 a "seemingly implied" authority to accept remonstrances after filing; and (3) justifying this implied discretionary authority by reference to unrelated portions of the drainage district statute. Defendant trustees counter that the "jurisdiction" of the board to act on the petition did not "attach" until after voter eligibility was determined and the votes counted, thereby authorizing the withdrawal of votes in the interim to effectively defeat the petition.

We are guided in our assessment of these opposing arguments by the maxim that, in construing statutes, courts are bound by "what the legislature said, rather than what it should or might have said." Iowa R. App. P. 14(f)(13). Section 468.511 plainly makes the filing of a petition, signed by a majority of the landowners, the triggering event for a change in voting method. Reduced to its essential elements, the statute states: "When a petition . . . signed by a majority of the landowners . . . is filed with the board of trustees . . . then, in all elections of trustees thereafter held . . . [voting shall be based on assessment]." Iowa Code § 468.511.

The district court wisely noted that, as with any election, the examination or "canvass" of the votes necessarily follows the election or, in this case, the filing of the petition. To "canvass" means "to examine (votes) officially for authenticity." Webster's Ninth New Collegiate Dictionary 203 (1986). All agree that is what the board did here. The question is whether this later act of verification somehow changed the filing date to the canvass date as found by the district court. We think not.

In a strikingly similar case, decided over 100 years ago, this court held that "filed" means "filed." See *Siebert v. Lovell*, 92 Iowa 507, 61 N.W. 197, 199 (1894). The statute in controversy involved a process by which "100 legal voters" could file a petition with the auditor requesting the appointment of a "competent engineer or commissioner" to recommend to the board of supervisors the establishment of such drainage ditches and water courses as needed to reclaim low-lying land. *Id.* at 509-10, 61 N.W. at 198 (quoting 1873 Iowa Acts ch. 186). Once the engineer filed a report, the board of supervisors was required by statute to "hear and determine the petition" and take such action as necessary on the proposed improvements. *Id.* at 510, 61 N.W. at 198. A dispute arose because, although the petition presented to the auditor contained the requisite number of signatures, by the time the board acted on the matter "enough petitioners had protested and remonstrated against granting the prayer of the petitioners to reduce the number of petitioners below the legal number." *Id.* This court held the postfiling remonstrances "were of no effect" because "the question of jurisdiction is to be determined from the petition as it was when filed." *Id.* at 511, 61 N.W. at 199. Summarizing, we said:

It must be remembered that jurisdiction did not attach as of the date when the board acted, but as of the date when the legal petition was filed. The power to act having been conferred upon the board by virtue of a legal petition, it could not be impaired or taken away by the protests, remonstrances, or attempted withdrawals of some of the petitioners. The question requires no further consideration.

*Id.*

In a slightly later case, relied on heavily by the appellees, this court held that remonstrances filed in connection with a petition to consolidate roadways could be considered. *Dunham v. Fox*, 100 Iowa 131, 135, 69 N.W. 436, 438 (1898). Crucial to the decision, however, was the fact that the remonstrances were filed simultaneously with the petition, evidencing a change of heart by a majority of the petitioners. *Id.* "Had the trustees obtained jurisdiction before the remonstrance was presented," we held, "the case would come within the rule of *Siebert v. Lovell*." *Id.* at 136, 69 N.W. at 438.

*Siebert*, not *Dunham*, controls the case before us. Only Charles Gaeta sought to withdraw his name from the petition simultaneously with its filing. Although the vote was close, one permitted remonstrance would not have tipped the balance so as to defeat the petition. All other remonstrances and protests were voiced long after the petition was filed and jurisdiction attached.

It is true that other portions of the statute governing drainage district management permit remonstrances. A petition seeking reversion to management by the county board of supervisors, for example, specifically provides for the counting of remonstrances filed at least five days before the hearing set to canvass the votes. Iowa Code §§ 468.533, .534. No such authorization appears in the statutory scheme before us, however, and the district court should not have gone outside the statute to look for it.

Finally, we address the trustees' contention that "public bodies as a matter of law are allowed to reconsider and rescind actions previously taken." The point can hardly be disputed in the context of the case upon which the trustees rely, *Dunphy v. City Council of City of Creston*, 256 N.W.2d 913 (Iowa 1977). There, we summarily rejected the claim that a city council could not embark on a new depot project on a site previously chosen for a parking lot. *Dunphy*, 256 N.W.2d at 921. Clearly the proposition advanced in *Dunphy* has no bearing here. The trustees' sole duty under section 468.511 was to accept the filed petition. Any subsequent canvassing of the signatures would relate back to the authenticity of the petition when filed. Nowhere does the statute vest the board with the discretion to reconsider or rescind the will of the electors evidenced by the number of signers to the petition. See generally *Zilske v. Albers*, 238 Iowa 1050, 1054-56, 29 N.W.2d 189, 191-92 (1947) (discussing general rules governing remonstrance before and after filing, and distinguishing, in context of school consolidation, election by petition from petitions used to place an issue on a future ballot).

We therefore reverse the decision of the district court and remand for entry of a judgment reinstating the election by petition filed December 20, 1996.

**REVERSED AND REMANDED.**

[1] The record reveals that the signatures had been collected on several identical petitions. Each petition recited that the landowners signing it "respectfully petition for the right to vote in proportion to assessment of benefits at all elections for any purpose" as provided by section 468.511. Following this recitation was a verbatim copy of the statute printed just above the signature lines.

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## OBSERVATIONS OF A DRAINAGE ATTORNEY

*By James W. Hudson, Attorney at Law*

**Editor's note:** James Hudson has more than 50 years of experience as an attorney dealing with drainage law. Since 1951 he has represented supervisors, trustees, and landowners in more than half the counties in northern Iowa. These observations result from that experience.

### Old common law

A drainage district as we know it in Iowa did not exist under the old common law. The old common law water law was very general but also somewhat restrictive and did not permit landowners to properly utilize the potential of their land. Basically, the courts did not permit much alteration of a natural watercourse. A dominant landowner, being a landowner of higher elevation, was entitled to drain his water onto the lands of the servient landowner, being the lower in elevation. The dominant landowner could not increase the flow or divert the flow in or out of the natural watercourse. The servient landowner could not obstruct the flow of water, and a person could not divert water out of or into another watercourse.

### Laws pertaining to drainage districts

The Iowa Legislature first adopted statutes describing and defining a drainage district in about 1890. The Iowa Constitution was amended in 1908 specifically providing drainage districts with the authority necessary to carry out the purposes of drainage districts as provided by statute. Drainage districts have the right of eminent domain to acquire lands for the public purpose of establishing and maintaining drainage district facilities.

Over the years the drainage statutes have been amended and expanded in many areas. I have participated in the recommendation of many of these amendments to the statutes.

For many years, the law for drainage districts existed in 13 chapters—Chapters 455–467 of the Code of Iowa. About twenty years ago the legislature decided to consolidate those thirteen chapters into one, namely, Chapter 468. The consolidation resulted in confusion for the many people who seek a specific statute in the chapter containing nearly 500 sections.

### Drainage district basics

A drainage district is not required to follow the natural watercourse and can divert water in or out of a natural watercourse if it is more efficient in the management of the drainage of water. Ordinarily, however, a drainage district is established along watershed lines since the natural watersheds collect much of the surface water.

### Wetlands and drainage districts

It has been said that over 90 percent of the wetlands in the state of Iowa have been drained. This is perhaps true, and the establishment and existence of drainage districts has probably contributed to the draining of the great majority of said wetlands. Drainage districts have drained some wetlands as have individual landowners who acquired outlets from a drainage district. By virtue of the drainage of these lands, the agricultural economy in the state of Iowa has been greatly enhanced.

### Establishing a drainage district

Two or more landowners can petition to establish a drainage district by filing a petition with the county auditor's office and the board of supervisors in the county where the district is located. The basic purpose is to provide facilities for draining the excess water in a watershed area. All lands within the watershed area

July 31, 2008

Letter from Eric Furnas, Zoning & Environmental Administrator for Muscatine County, noting the impact of spoils placed in our backyards.

May 2, 2008

Letter from Jerry Neff, Chairperson of the Sierra Club recommended placement of spoils on opposite bank.

June 2, 2008

Meeting with Muscatine County Board of Supervisors noting, "they have no jurisdiction at this point".

June 5, 2008

Letter from the White House saying "city or state issues should be addressed by agencies and elected officials at those level of government".

Note: Chet Culver's office took the same position as the White House.

**MUSCATINE COUNTY**  
**Building ~ Zoning ~ Environmental**  
3610 Park Avenue West · Muscatine · IA · 52761-5634

Eric Furnas  
Building Official, Zoning Administrator &  
Environmentalist  
Email: [efurnas@co.muscatine.ia.us](mailto:efurnas@co.muscatine.ia.us)

Jadee Stepleton  
Building Inspector  
Email: [jstepleton@co.muscatine.ia.us](mailto:jstepleton@co.muscatine.ia.us)

Debie Seitz  
Office Administrator  
Email: [dseitz@co.muscatine.ia.us](mailto:dseitz@co.muscatine.ia.us)

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July 31, 2008

Mr. Russell D. or Joann Alderin  
2083 Hwy 61  
Muscatine, IA 52761


Dear Mr. and Mrs. Alderin,

This letter is in response to your questions regarding the possible effects of placing approximately six to eight feet of dredging spoils over the top of the drain fields serving your residence. In my professional opinion, this should be avoided or an alternate location for the drain field should be sought. When septic drain fields are installed, they are limited to a depth of three feet. This provides adequate aeration of the soil whereby soil microbes can effectively break down the waste. Limiting the depth of the drain field lines also contributes to a certain amount of evaporation of the waste water, which further enhances the treatment abilities of the soil. Covering the drain fields to the depth you specified would most likely cause premature failure of your system.

If you install a new drain field in a different location on your property, it is important to remember that it must still be a minimum of 100 feet from any wells. This may be difficult given the size of your lot.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

  
Eric S. Furnas  
Zoning & Environmental Administrator  
Muscatine County

**drainage district 13**

From: **Gerald Neff** (gmn14r@mchsi.com)  
Sent: Fri 5/02/08 8:57 AM  
To: reinsagertodd@hotmail.com

Todd, Copied and pasted below is the letter we talked about. I was not able to email it on our letter head. If you will send me your mailing address I will send the letter as printed on the letterhead. If you find any inaccuracies let me know before I mail it and I will make the necessary changes. Jerry

To whom it may concern:

My name is Jerry Neff and I'm chair of the Eagle View Group, Sierra Club in the Quad City Region. I represent over 600 members in 7 counties in Iowa and Illinois.

May 2, 2008

One of our members, Todd Reinsager asked if I would comment on the environmental impact that would affect property owners along a stretch of the Muscatine-Louisa Drainage District 13. The Drainage District Board wants to dredge the ditch and dump the spoils on homeowner's land that adjoins the drainage canal. In order to get access to this area many trees would be removed. After looking at the site it is my opinion this would cause great harm to wildlife living in this area. Removal of approximately 100 trees along the edge of the water would cause siltation from bank erosion. Many bird species nest in these trees. Disposal of the trees that would be removed is uncertain at this time, but it is probable that they would be piled and burned causing great amounts of smoke and air pollution in the neighborhood. This action would also release huge amounts of global warming gases into the atmosphere. Removing the trees with heavy equipment would produce diesel emissions and be a health concern for anyone living in the subdivision.

My suggestion would be to do what has always been done in the past--work from the opposite bank on Rod McNeil's land and spread the spoils on adjacent land not in crop production.

Jerry Neff (563) 332 5373  
18144 242 Avenue  
Pleasant Valley, IA 52767  
Jerry

Muscatine County Board of Supervisors  
Monday, June 2, 2008

The Muscatine County Board of Supervisors met in regular session at 9:00 A.M. with Shultz, Dean, Furlong, Kelly and Watkins present. Chairperson Furlong presiding.

On a motion by Shultz, second by Dean, the agenda was approved as written. Ayes: All.

On a motion by Dean, second by Kelly, claims dated Monday, June 2, 2008 were approved, as amended, in the amount of \$279,424.67. Ayes: All.

Discussion was held with Bill Zinkowich, Director of Human Resources for IPSCO Steel, Inc. regarding a proposed expansion project. On a motion by Watkins, second by Kelly, the Board approved Resolution #06-02-08-01 Authorizing the Submittal of Applications to the State of Iowa for Financial Assistance Programs Which Include High Quality Jobs Creation Program and Physical Infrastructure Assistance Program. Roll call vote: Ayes: All.

Discussion was held regarding issues related to Drainage District #13. Todd Reinsager stated that the proposed dredging project would ruin the property of Thayer's Subdivision homeowners. Russ Alderin stated that the district was not well represented when voting comes down to landowners having more rights and he would like the County Board to look into the situation. County Attorney Gary Allison stated that the Board of Supervisors has power to set up Drainage Districts, then power shifts to the Drainage District Boards, the Board of Supervisors has no authority or jurisdiction at this point.

On a motion by Watkins, second by Kelly, the Board approved Resolution #06-02-08-02 Groundwater Hazard Reporting System. Roll call vote: Ayes: All.

On a motion by Dean, second by Shultz, the Board approved various utility permits: Permit #LC-080519- Lightcore, relocate existing BRS-C070 (43)—60-70 fiber cable for IDOT project bridge replacement- Mud Creek; Permit #QW080509-Qwest, place fiber from Fruitland to Monsanto. Ayes: All.

County Engineer Keith White discussed setting road standards for future subdivisions. In response to Dean's question regarding potholes in County roads, White stated that 58,000 tons of rock has been put on the roads so far, which may not have made the roads perfect but it takes time to get material to all the roads. White also stated that the road crews had to start fixing culverts and preparing roads for dust control applications.

On a motion by Dean, second by Kelly, the Board approved an ordinance regarding imposition of a school infrastructure local option sales and service tax in Muscatine County on the second of three readings. Roll call vote: Ayes: All.

6-4-2008

## County can't overturn commission's decision

MUSCATINE, Iowa — The Muscatine County Board of Supervisors is unable to help landowners in southern Muscatine County who live along a drainage ditch that needs to be cleaned.

About a dozen residents attended Monday's meeting. They told the Board that Drainage District 13 commissioners plan to dredge the ditch (also known as Muscatine Slough), which would result in removal of several trees and placing dredge spoils in and near their back yards. Property owners are concerned that their water wells could be

adversely impacted, they said.

County Attorney Gary Allison said that according to research by his office, the Muscatine and Louisa County boards of supervisors met together in 1911 and delegated complete authority to the Drainage District, and the supervisors have no jurisdiction over the Commission. Allison said the matter may have to be decided by a judge.

Supervisor Kas Kelly told the *Journal* that it looks like both sides have hired attorneys in hopes of settling the matter.

"We listened to them, but

had to say, 'We are sorry, but there is nothing we can do,'" Kelly said.

She also noted that the Iowa code is concerned with damage to agricultural land, but does not address residential areas being affected by Commission actions.

Kelly said no trustees attended the supervisors' meeting.

"It is too bad they can't work together and solve this," Kelly said. "The money that will be paid to attorneys could be used toward cleaning up the area."

— *Connie Street*  
of the *Muscatine Journal*

THE WHITE HOUSE  
WASHINGTON

June 5, 2009

Mr. Todd B. Reinsager  
2089 Highway 61  
Muscatine, Iowa 52761

Dear Mr. Reinsager:

Thank you for contacting the office of President Barack Obama. The President appreciates your taking the time to voice your concerns and opinions.

We would like to be of assistance to you; however, all concerns related to city or state issues should be addressed by agencies and elected officials at those levels of government. For further assistance, please contact your local representatives.

Please be aware that you can visit [www.usa.gov](http://www.usa.gov) or call 1-800-FEDINFO for information about Government assistance.

We hope your concerns are resolved to your satisfaction.

Again, thank you for your correspondence.

Sincerely,



F. Michael Kelleher  
Special Assistant to the President and  
Director of Presidential Correspondence

## Subdivision Timeline

January 12, 1959

Zoning Ordinance filed to change A-1  
Agricultural Classification to R-3  
Residential and C-1 Commercial.

August 3, 1962 Motion Carried.

June 5, 1989

Quit Claim Deed issued to all homeowners  
in Thayer Lodge Subdivision.

September 21, 1989

Received notice of Quit Claim Deed issued  
by Muscatine County.



On January 12th, 1959, a Zoning Ordinance of Muscatine County, Iowa, was filed in the office of the Recorder of Muscatine County, Iowa. Same was officially adopted by the Board of Supervisors of said County, on said date. It governs the use of lands in Muscatine County, Iowa, and on August 23rd, 1962, at a regularly adjourned session of the Board of Supervisors of Muscatine County, Iowa, with all members present, the following motion was unanimously carried:

"That the public hearing having been held in the matter of changing Zoning classification from the present A-1 Agricultural Classification to R-3 Residential and C-1 Commercial as per plat submitted as Exhibit A and located in the SE $\frac{1}{4}$  Section 26, Twp. 76 N., R 3 W and part in the W $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 25, Twp. 76 N., R 3 W, as petitioned for by Edwin Buelt and Kenneth Shultz, that lots 1, 2, 3, 4, 5, 6, 7 and 8 and Parcels C, D and E be changed to R-3 Residential classification and that lots 9, 10, 11 and 12 and parcels A & B be changed to C-1 commercial Classification, all shown on Exhibit A, plat, and as recommended in the report of the Muscatine County Zoning Commission dated August 3, 1962."

The Zoning Ordinance is recorded in Book 121 of Lands, page 61, in the office of the Recorder of Muscatine County, Iowa, and the above motion of the Board of Supervisors is recorded in Supervisor's Minute Book "I", page 265, in the office of the Auditor of Muscatine County, Iowa.

The real estate taxes for the year 1962, payable in 1963, have been paid in full.

All prior real estate taxes have been paid in full.

In motion duly seconded Board adjourned to meet August 23, 1962.

ATTEST:

Marvin Shafer, Auditor  
John Rex, Chairman

August 23, 1962

The Muscatine Bounty Board of Supervisors met in regular adjourned session with all members present.

10:00 A.M. and 10:30 A.M.: Two public hearings were held as advertised by the Zoning Administrator.

Motion introduced by Supervisor Sywassink Seconded by Supervisor Inns.

That the public hearing having been held in the matter of changing the zoning classification of Lots 7 and 8 in Block 2, Town of Montpelier, Iowa; as petitioned for by Grover Kinley the owner of the property, that lots 3, 4, 5, 6, 7 and 8 in Block 2, Town of Montpelier be and are hereby changed in zoning classification from the present R-2 residential classification to C-1 Commercial classification as recommended in the report of the Muscatine County Zoning Commission dated August 3, 1962. Motion carried unanimously.

Motion introduced by Supervisor Inns; Seconded by Supervisor Steen: That the public hearing having been held in the matter of changing zoning classification from the present A-1 Agricultural Classification to R-3 Residential and C-1 Commercial as per plat submitted as Exhibit A and located in the SE 1/4 Section 26, Twp. 76 N., R 3 W and part in the W 1/2 SW 1/4 Sec. 25, Twp. 76 N.; R 3 W, as petitioned for by Edwin Buelt and Kenneth Shoultz, that lots 1, 2, 3, 4, 5, 6, 7 and 8 and parcels C. D and E be changed to R-3 Residential classification and that lots 9, 10, 11 and 12 and parcels A & B be changed to C-1 Commercial Classification, all shown on Exhibit A, plat, and as recommended in the report of the Muscatine County Zoning Commission dated August 3, 1962.

Motion Carried Unanimously.

On motion duly seconded, Board adjourned to meet Sept. 4, 1962.

Attest: Marvin Shafer, Auditor  
John Rex, Chairman

2 public hearings held as advertised by Zoning Administrator.

Changing the zoning classification of Lots in Montpelier public hearing held.

Changing the zoning classification public hearing held.

4487

BOOK 130 PAGE 671

FILED JUL 7 1964

11:32 A.M. P.M. LUCILE FAYRELL, RECORDER

WARRANTY DEED—VESTING ENTIRE TITLE IN SURVIVOR

This Indenture, MADE AND EXECUTED by and between

Edwin Buelt and Hilda Buelt, husband and wife

of the County of Muscatine, State of Iowa, grantors, and

William I. Reinsager and Katherine A. Reinsager, husband and wife

of the County of Muscatine, State of Iowa, grantees, as joint tenants with full rights of survivorship, and not as tenants in common, grantors;

WITNESSETH:—That for the consideration of Ten (\$10.00) Dollars and other good and valuable consideration, the said grantors, hereby convey, to grantees as joint tenants with full rights of survivorship, and not as tenants in common, the following described Real Estate, lying and being situated in the County of Muscatine, State of Iowa, to-wit:

That part of Lot Six (6) of Thayer Lodge Sub-division in Section Twenty-six (26), Township Seventy-six (76) North, Range Three (3) West of the Fifth (5th) Principal Meridian, according to the recorded plat thereof, lying Southwesterly of a line drawn parallel to and Fifty-two (52) feet from (measured at right angles) the Southwesterly line of said Lot Six (6); and

Also, that part of Lot Five (5) of said Thayer Lodge Sub-division lying Northeastly of a line drawn parallel to and Thirty-eight (38) feet from (measured at right angles) the Northeastly line of said Lot Five (5)

Subject to Easement for Access Roadway as set out in Exhibit "A" attached hereto and made a part hereof.



TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said grantees as JOINT TENANTS, and not as tenants in common, and to their heirs, or to the heirs and assigns of the survivors of them, forever, and they, the grantees, named herein, for themselves, and their heirs, executors, and administrators, do covenant with the grantors named herein and with their assigns and with the heirs and assigns of the survivors of them, that they are lawfully seized of said premises that said Real Estate is free from incumbrances except as stated herein, and that they, the said grantees, have good right and lawful authority to sell the same, and that they, will and their heirs, executors and administrators shall warrant and defend the same unto the grantees named herein and unto their assigns and unto the heirs and assigns of the survivors of them, forever, against the lawful claims of all persons whatsoever, excluding the exceptions named herein.

Signed this 30th day of June, 1964

STATE OF IOWA

COUNTY OF Muscatine

On this 30th day of June, A.D. 1964, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Edwin Buelt and Hilda Buelt, husband and wife

Edwin Buelt
Hilda Buelt

In me hereon to be the identical person named in and who executed the foregoing instrument, and who know full well that they executed the same as their voluntary act and deed.

Robert B. Gehring, Notary Public in and for said County.

R E S O L U T I O N

WHEREAS: Muscatine County has been given real estate by the State of Iowa located along the slough in Muscatine County. Muscatine County has no need for this real estate and Muscatine County may become liable for the construction and maintenance of fences around the individual parcels.

The property is not taxable in the name of the County and conveyance to private parties will put the property on the tax rolls. The property taxes to be paid will be additional revenue for the County and benefit all other taxpayers. The Board of Supervisors determines that limiting fencing expense, and generating tax revenues, and thereby providing a measure of property tax relief, are public purposes.

NOW, THEREFORE, BE IT RESOLVED by the Muscatine County Board of Supervisors that the following described real estate shall be conveyed by Quit Claim Deed from Muscatine County to the adjacent property owners and Muscatine County will prepare deeds and pay recording fees. The County will not pay for surveys or abstracts.

All that land in Sections 35, 26, 25, 36, 23, 24, and 13, Township 76 North, Range 3 West, Sections 18, 7, 8, 9, 4, and 3, Township 76 North, Range 2 West of the 5th P.M.; and

Above the Ordinary High Water Line of Muscatine Slough and within the area delineated by the survey authorized by the provisions of Chapter 186 of the Acts of the 30th General Assembly in 1918 and not previously transferred by the State of Iowa to other ownership; and except an area contiguous with the boundary of Pecan Grove State Preserve and the Ordinary High Water Line of Muscatine Slough located in the North Half, Northeast Quarter of Section 8, Township 76 North, Range 2 West of the 5th P.M., Muscatine County, Iowa.

Approved this 5<sup>th</sup> day of June, 1989.

Virgil Eichelberger  
Virgil Eichelberger, Chairman  
Board of Supervisors

ATTEST:

Marilyn P. Hansen  
Marilyn P. Hansen  
County Auditor

IOWA STATE BAR ASSOCIATION  
Official Form No. 4 (Trade-Name Registered, State of Iowa, 1967)

FOR THE LEGAL EFFECT OF THE USE  
OF THIS FORM, CONSULT YOUR LAWYER



### QUIT CLAIM DEED

Know All Men by These Presents: That Muscatine County, Iowa

\_\_\_\_\_ in consideration of the sum of  
One dollar and other good and valuable consideration

in hand paid do hereby Quit Claim unto WILLIAM L. REINSAGER and KATHERINE A. REINSAGER

Grantees' Address: Route 6, Box 563, Muscatine, IA 52761

all our right, title, interest, estate, claim and demand in the following described real estate situated in  
MUSCATINE County, Iowa, to-wit:

See legal description which is attached as Exhibit One

FILE NO. 1236  
BOOK 182 PAGE 56

1989 SEP 26 PM 3:23  
DOROTHY J. FITCHNER  
RECORDER  
MUSCATINE CO.

This Deed is executed and tendered for recording as an instrument conveying title by gift wherein the Grantee is a political subdivision of the State of Iowa and no actual consideration is to be paid, and it is thus exempt from taxation as a real estate transfer under the provisions of Section 428A.2(6) of the Code of Iowa.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the above described premises.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated \_\_\_\_\_ 19\_\_\_\_



Virgil Eichelberger  
Virgil Eichelberger, Chairman  
Board of Supervisors

(Grantor's Address)

Dated \_\_\_\_\_ 19\_\_\_\_

Marilyn J. Hansen  
Marilyn J. Hansen  
Muscatine County Auditor

(Grantor's Address)

Dated \_\_\_\_\_ 19\_\_\_\_



(Grantor's Address)

(Grantor's Address)

STATE OF IOWA, COUNTY OF \_\_\_\_\_, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_

to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

\_\_\_\_\_  
Notary Public in and for said County and State

STATE OF \_\_\_\_\_ COUNTY, ss:  
 On this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_

to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

\_\_\_\_\_, Notary Public in and for said County and State

STATE OF \_\_\_\_\_ }  
 COUNTY OF \_\_\_\_\_ } ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me personally known, who, being by me duly sworn, did say that they are the \_\_\_\_\_ and \_\_\_\_\_ respectively, of said corporation; that (no seal has been procured by the said) corporation; that said instrument was signed (and sealed) on behalf (the seal affixed thereto is the seal of said) \_\_\_\_\_ of said corporation by authority of its Board of Directors; and that the said \_\_\_\_\_ and \_\_\_\_\_ as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

\_\_\_\_\_, Notary Public in and for said County and State

BOOK 182 PAGE 57

Quit Claim D d

TO \_\_\_\_\_

Entered upon transfer book and for taxation this 27 day of September, 1989.  
 By Marilyn J. Hansen Auditor  
Cindy Dabson Deputy

Filed for record, indexed and delivered to County Auditor this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_\_ of \_\_\_\_\_ County Records. Recorder's and Auditor's fee \$ \_\_\_\_\_ PAID.

Auditor \_\_\_\_\_ Deputy \_\_\_\_\_

WHEN RECORDED RETURN TO \_\_\_\_\_

STATE OF IOWA, MUSCATINE COUNTY, ss:

On this 27th day of September, 1989, before me, a Notary Public in and for the State of Iowa, personally appeared Virgil Eichelberger and Marilyn J. Hansen, to me personally known, and who, being by me sworn, did say that they are the Chairperson of the Board of Supervisors and County \_\_\_\_\_ respectively, of the County of Muscatine, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Supervisors, as contained in a resolution passed by the Board of Supervisors on the 5th day of June, 1989, and Virgil Eichelberger and Marilyn J. Hansen acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Marilyn J. Hansen  
 Notary Public in and for said County and State

STRICT LM-FR PARCEL 1226427028  
E. REINSAGER, WILLIAM L  
DRESS - KATHERINE A  
EGGERS RR#6 BOX 563  
ADDRESS MUSCATINE, IA  
ZIP CD 52761-

FILE 1989 ASSESSOR YEAR  
NAME TYPE D NAME NUMBER 1  
LOCATION  
ALTERNATE ID LM-FR  
REFERENCE NUMBER  
COMMENTS

LAND BUILDINGS DWELLINGS TOTAL VALUE MILIT HOMEST  
L 7,885 37,965 45,850

UCED  
SS RRSUB CLASS GROSS ACRES NET ACRES  
NUMBER->BUILDINGS UNITS DWELLINGS 1 CSR'S  
AGLAND CREDIT HOMESTEAD CREDIT CODE MILITARY CREDIT CODE  
MPT 1 EXEMPT 2 EXEMPT 3 EXEMPT 4 EXEMPT 5  
LUE  
CRES

C CODES=> 1 2 3 4 5 BANK CODE LOAN  
D DATE BOOK PAGE CONT DATE BOOK PAGE  
ECTION-TWP-RANGE 26-76-3 CONTINUATION CODE  
LEGAL 1 NE 38' LOT 5 LEGAL 2 & SW 52' LOT 6  
LEGAL 3 THAYER LODGE SD LEGAL 4

SC - % USE CREDIT % CREDIT \$  
ENDED - DEEDOCONTOMAILOLEGALOMILTOPROPO  
S ACTIVITYIA;C,D,I,N,L,P,U NEXT-->DIST LM-FRPARCEL  
T ACTIVITY IOR->RECONNAMESNLEGALSNMILITARYNPROP CRD N

*RCD*

*Tract E of Slough Add  
N 38' Lot 5 & S 52' Lot 6  
Thayer Lodge SD  
26-76-3*

## Louisa-Muscatine Drainage District 13 Actions

April 28, 2008

Received letter from DD#13's Attorney giving notice to dredging activities.

June 2008

Upon recommendation from our attorney, DD#13 was told to produce easement information. They didn't have any and hired Martin & Whitacre to evaluate area and conduct survey.

July 2008

Determination made. Insufficient easements.

February 20, 2009

Meeting with DD#13 and Sen. Tom Courtney and District 40 Jim Hahn. John Eichelberger represented Rod McNeil and said spoil could be placed on his side.



February 20, 2009 cont.

The stipulation: we pay for its removal. We proposed this in 2008 and was told by the trustees, "it's our turn".

July 27, 2009

Bulldozing began North of Subdivision.

July 28, 2009

Rock Island Army Corps of Engineers investigated site of bulldozing.

August 7, 2009

Corps issued Cease and Desist order against DD#13.

May 21, 2010

Notice of Assessment: Joe Niaves

July 22, 2010

Application for Condemnation: Joe Niaves

Louisa-Muscatine Drainage District 13  
Actions cont.

December 17, 2007

Meeting held at Rod McNeal's shed discussing actions Drainage District will take against our subdivision.

Note: This meeting was not held in a public place. Trustees used the excuse due to the June 1, 2007 tornado that destroyed the Fruitland Community Center, they had no other location to hold their meetings.

However, upon viewing minutes on file in the Muscatine Auditors office, there are numerous times prior to June 1, 2007 noting meetings held at Trustees homes. We know now this is a violation of the Iowa Open Meetings Law.

LAW OFFICES OF  
ASPELMEIER, FISCH, POWER, ENGBERG & HELLING, P.L.C.

WM. SCOTT POWER  
ROBERT A. ENGBERG  
BRIAN J. HELLING  
WILLIAM R. JAHN, JR.  
BRENT R. RUTHER

321 N. 3RD STREET - P.O. BOX 1048  
BURLINGTON, IOWA 52601  
PHONE NO. 319-754-6587  
FAX NO. 319-754-7514

MEDIAPOLIS OFFICE  
319-384-3136

WEST POINT OFFICE  
319-837-8614

JOHN J. SEERLEY (1877-1884)  
SEERLEY & CLARK (1884-1928)  
SEERLEY, CLARK & HALE (1928-1935)  
CLARK, HALE & PLOCK (1935-1938)  
CLARK, PRYOR, HALE & PLOCK (1938-1948)  
CLARK, PRYOR, HALE, PLOCK & RILEY (1948-1952)  
PRYOR, HALE, PLOCK, RILEY & JONES (1952-1959)  
PRYOR, RILEY, JONES & WALSH (1959-1976)  
PRYOR, RILEY, JONES & ASPELMEIER (1976-1985)  
ASPELMEIER, FISCH, POWER, WARNER & ENGBERG (1985-2001)

K. A. ASPELMEIER, OF COUNSEL  
JAMES F. FISCH P.C., OF COUNSEL

\*ALSO ADMITTED IN ILLINOIS

April 25, 2008

William L. and Katherine A. Reinsager  
2089 Highway 61  
Muscatine, IA 52761-9531

Dear Mr. and Mrs. Reinsager:

The duly elected trustees of Muscatine-Louisa Drainage District No. 13 determined that it is necessary to restore or maintain a drainage ditch located either on or adjacent to your real estate. According to drainage district records, a permanent easement for the drainage ditch was established when the District as formed nearly 100 years ago. The established easement appears to be 150 feet in width as located on the engineer's report which was approved when the District was formed pursuant to Section 468.27 of the Code of Iowa. Section 468.126(1) authorizes the Board of Trustees to do whatever is necessary to restore or maintain this ditch to its original capacity, including the removal of silt and debris and the removal of leaves and other vegetative growth, including trees. This means that spoil and other materials will be removed from the ditch and placed adjacent to the ditch on the District's permanent right-of-way. Because in the past spoil always has been cast on the land on the other side of the ditch from your real property, the spoil must now be placed on the bank of the ditch closer to your real property. Aside from the placement of the spoil in this location, the District no further obligation to spread the dredge material either on its easement or your real property. Additionally, the permanent easement gives the Board of Trustees the right of ingress and egress over and across your real property, if necessary, to carry out the proposed repairs. This is the only notice that you will receive from the Board of Trustees concerning this project.

Very truly yours,



Wm. Scott Power

Attorney for Louisa-Muscatine  
Drainage District No. 13

WSP/reg

cc: Rodd McNeal  
Terry Martin  
Bob Cook, Jr.

Certified Mail  
Return Receipt Requested



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS  
CLOCK TOWER BUILDING - P.O. BOX 2004  
ROCK ISLAND, ILLINOIS 61204-2004

<http://www.mvr.usace.army.mil>

August 07, 2009

Operations Division

SUBJECT: CEMVR-OD-P-2009-1013

Mr. Terry Martin  
Louisa County Drainage District # 13  
2331 Burlington Road  
Muscatine, Iowa 52761

Dear Mr. Martin:

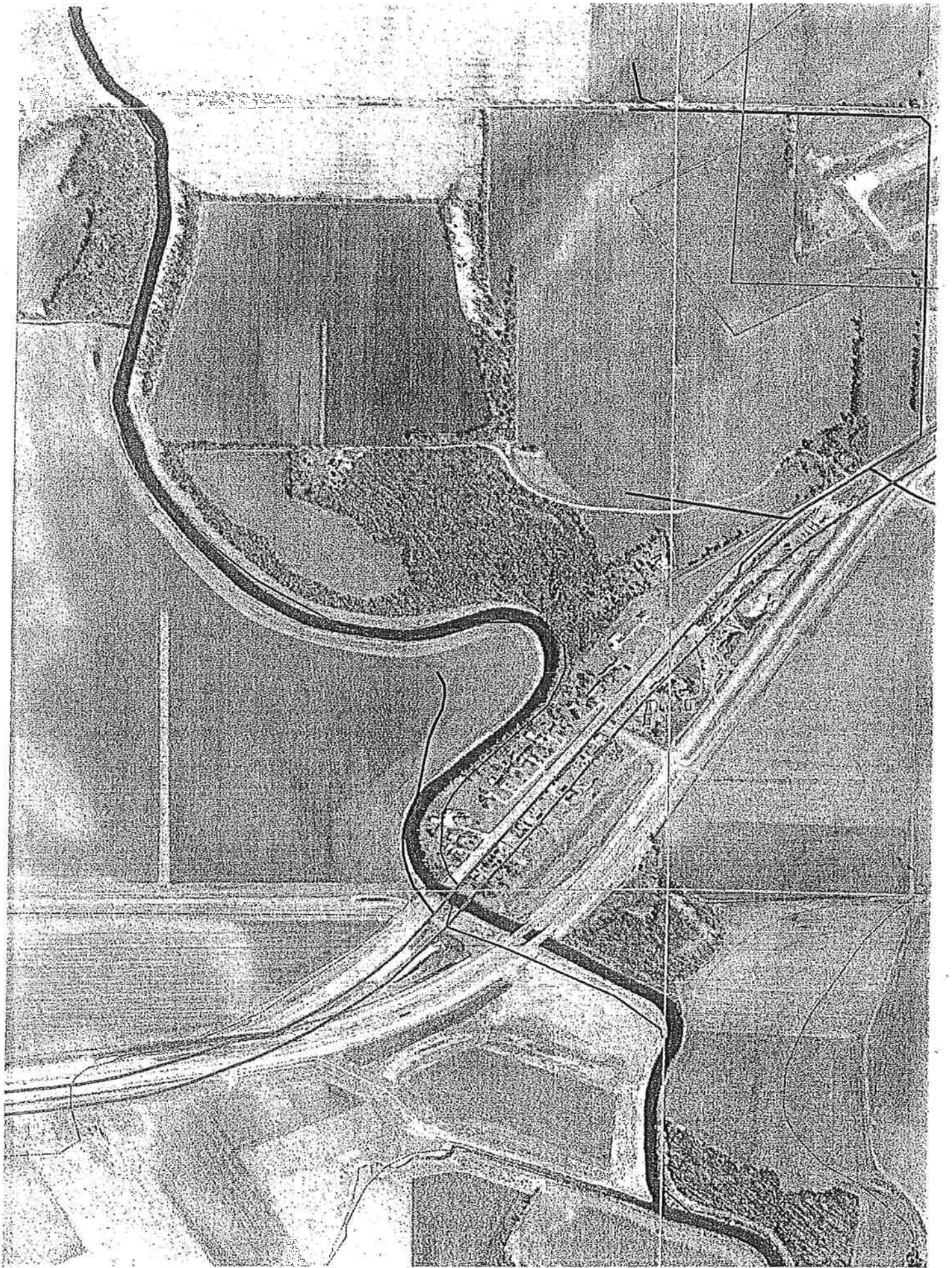
The United States Army Corps of Engineers has been charged by Congress with the regulation of many activities occurring in waters of the United States. I am enclosing a brochure entitled "Caring for the Nations Waters," that briefly describes the laws under which we operate.

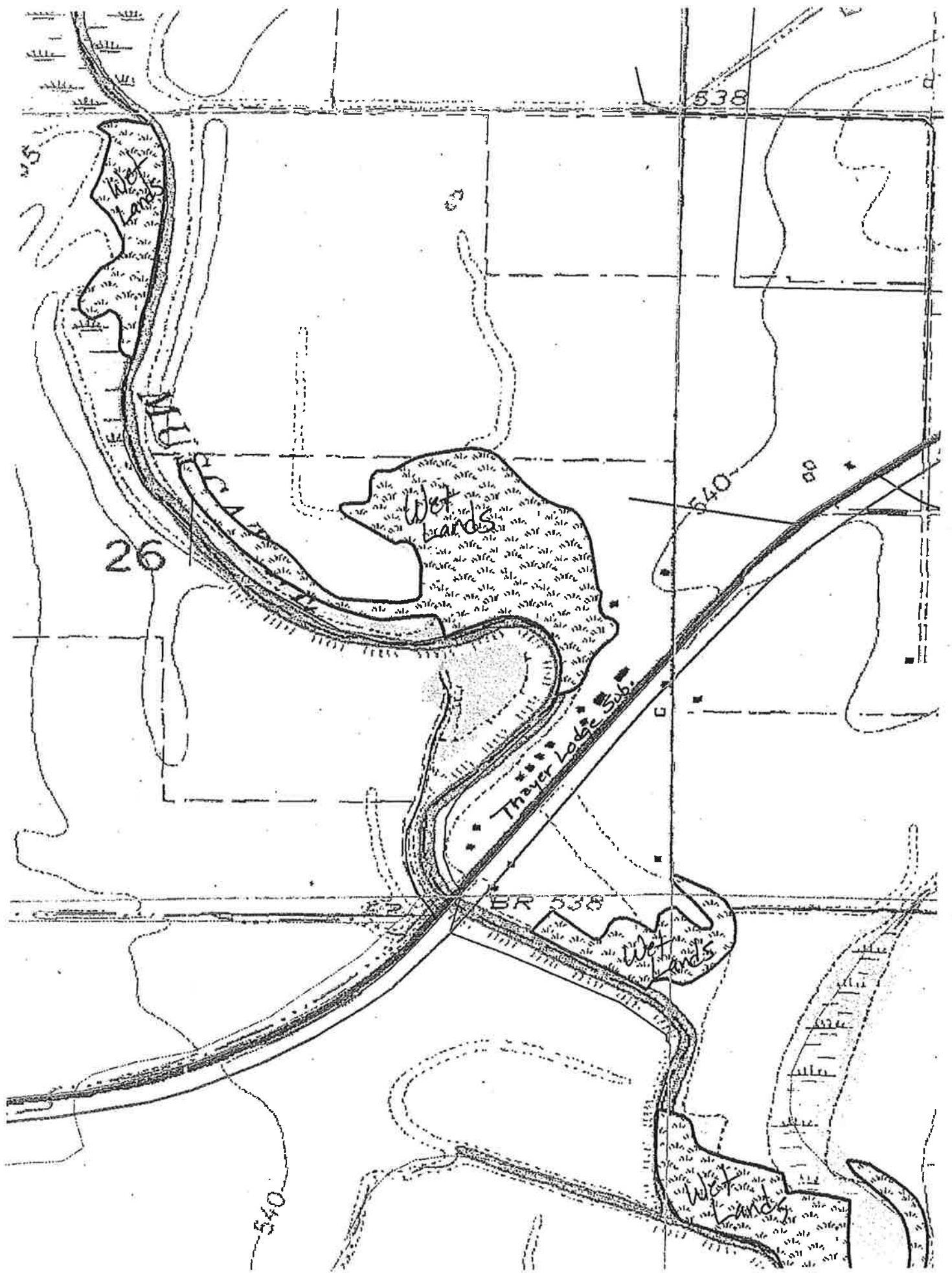
Based on the information gathered during an onsite inspection on July 28, 2009, discharges of dredged and fill material occurred in waters of the U.S., when approximately 1.7 acres of forested wetland were mechanically cleared and the woody debris and earthen material were pushed into Muscatine Slough and the abutting wetland in Section 26, Township 76 North, Range 3 West, Muscatine County, Iowa. Since we have not authorized the placement of this fill material into the wetland or the slough, it is in violation of the Clean Water Act (33 U.S.C. 1251 et seq.).

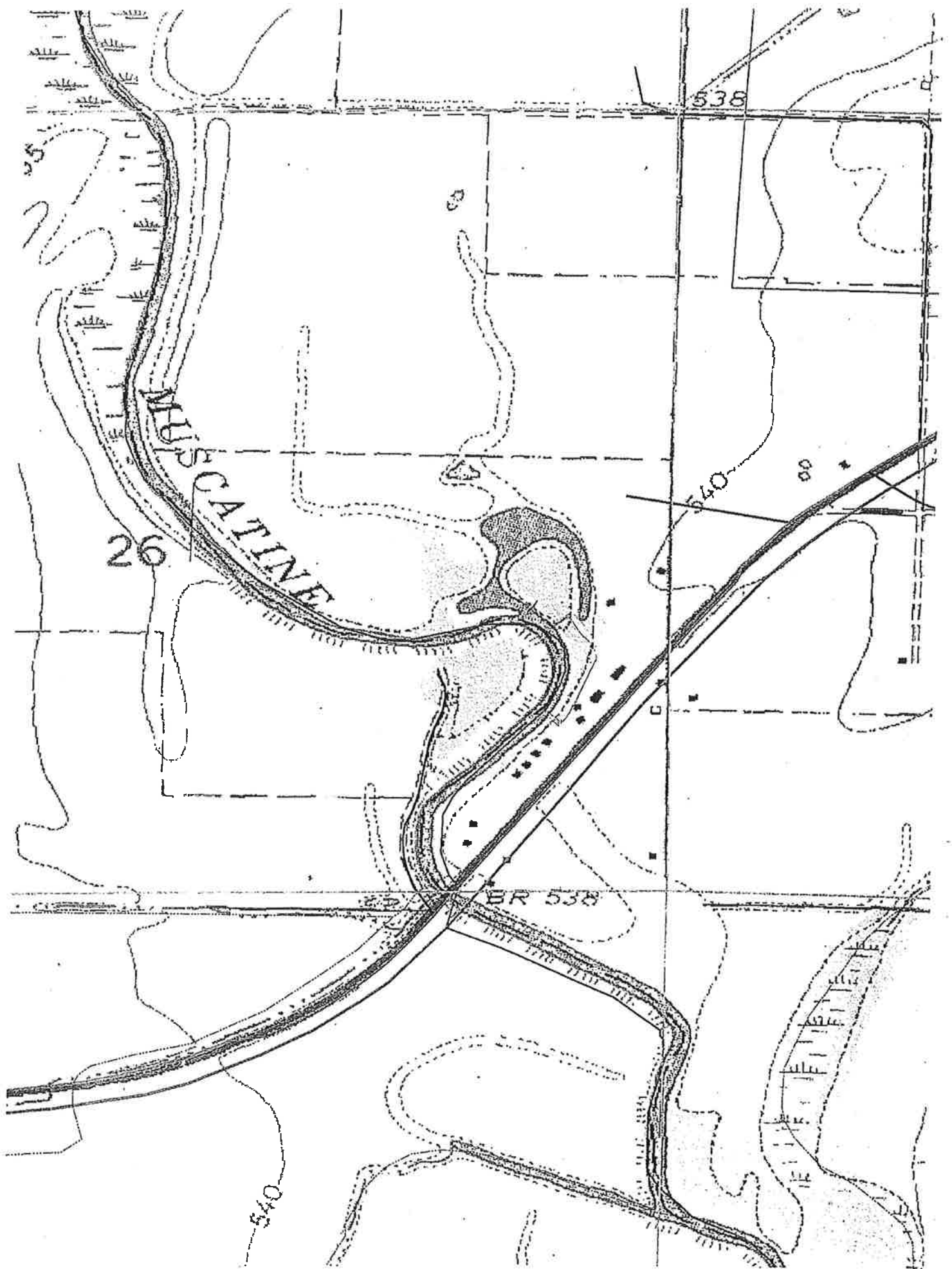
This letter is notice to you or any other responsible party to cease and desist all unauthorized activities at the subject site which are in violation of Federal law. This order remains in effect until our investigation and our findings are complete.

The penalty for violation of the Clean Water Act is a fine of up to \$27,500 per day for each violation. However, prior to seeking any of these penalties, we will attempt to provide an administrative solution, if appropriate.

Our office and other federal and state agencies will review the circumstances to determine what further action is required to resolve this matter. If you decide to restore the site to its pre-project conditions by replanting tree seedlings and removing the woody debris and earthen material from the slough and forested wetland to an upland non-wetland site, please respond within 30 days of the date of this letter with your plan of action. To assist us in completing our report, we also request you furnish this office, within 30 days of the date of this letter, any comments you have concerning the activity. These comments should include (1) when the work was conducted; (2) who performed the work; (3) forms of authorization you have received; (4) whether federal, state or local financial assistance was provided for the work; if so, from what agency or department and under what authority; (5) the reason for the work; (6) plans you may have for additional work beyond that which has already been completed; (7) drawings or sketches showing the area with completed and proposed work, its dimensions, and relationship of the work area to Muscatine Slough; and (8) any other relevant information. This information must be submitted to this office by letter. You are advised that any information which you furnish may be used against you if it is necessary for the Department of Justice to undertake legal proceedings.







COPY

December 28, 2007

Muscatine- Louisa Drainage District #13

The Trustee's of the Muscatine -Louisa Drainage District #13 held their monthly meeting on December 17, 2007 at the Rodd Mc Neal's shed.. All members were present. Everyone reviewed Kay Chapman's Audit report as of June 2007.

The minutes of the last meeting were read. They were approved by Rodd and 2<sup>nd</sup> by Robert.

The treasurer 's report was read . It was approved by Terry and 2<sup>nd</sup> by Robert. After a discussion about if we should make a Crane payment this year, a motion was passed to make a \$10,000 payment.

Rodd motioned to have this put on this January ballot. To change the voting time next year to 8:30 am to 11:30 am instead of the 1 to 5 pm time. The polls would open at 8:30 am and close at 11:30 am. This notice will have to be in to Leslie Soule by Friday December 21 ,2007.

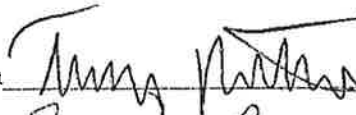
The trustees discussed the Three Rivers Organization. If we would join, we would have to pay 1/3 of the lawyers bill. We can't afford that, but decided Vickie Stoller can use our name and we would give a donation but not to be locked in a yearly fee. Rodd motioned to send her \$2000 -Terry 2<sup>nd</sup> that motion - as our donation. This donation to Two Rivers is to go toward the Attorney fee pertaining to help stop or change the proposed legislation.

The trustees will notify the people living along the slough on Highway 61 that in the July time frame ,they will start digging the sludge/mud from the slough and it will be put on their side of the slough on our right-away. They can move or cut down any trees or brush before hand as it will be coved with mud or taken out.

Election day will be January 19, 2008 at the Island Methodist Church Hall from 1 pm to 5 pm. Terry Martin from the 2<sup>nd</sup> district is up for election. It is our turn to buy the donuts. They will ask John Kiwala and Tom Wilson to be the election judges.

All the bills were approved and paid. Next meeting will be January 21, 2008 . The Annual meeting will be first followed by the regular meeting at the McNeal's Shed at 7 p.m. Meeting adjourned at 9:30 p.m.

Chairman



Secretary





December 28, 2007

Dear Vickie Stoller,

The trustees of Muscatine-Louisa Drainage District # 13 discussed their visit on the Three River Organization.

Rodd Mc Neal motioned to send you \$2000 and Terry Martin 2<sup>nd</sup> the motion. This is our Contribution to Two Rivers to go toward the attorney fees pertaining to help stop or change the proposed legislation.

They also decided, you can use our name for reference but do not lock us in a year fee.

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

*Janita Bierman*

COPY

Muscatine-Louisa Drainage District #13

The February meeting of the Muscatine-Louisa Drainage District #13 was held At the Terry Martin Home on February 18, 2008 at 7:00P.M.

All Trustees were present except Rodd McNeal . The minutes were read and approved by Robert Cook and 2<sup>nd</sup> by Terry Martin. The treasurers report was read and explained . It was approved by Terry and 2<sup>nd</sup> by Robert.

Teresa will make a claim for \$20,000 from the Muscatine maintenance fund and \$5,000 from the Seepage Fund. She will also make a claim from Louisa County tomorrow for around \$24,000.

We need to call our insurance agent Mr. Horak to attend our March meeting to go over our policy's .

This " Helen" ,who lives at the pumping station complex, is complaining the road is too slick. They are using our private road instead of theirs. The 911 signs are suppose to be on their road not our private road. They should be moved along with their mail boxes to their road.

When we start cleaning the slough in June or July , according to our handbook of drainage rules the book says " prescribed easement- whatever we need to maintain it." Each property owner will be responsible for the removal of the trees on their property.

The trustees agreed to send each property owner a notice that we would be cleaning the slough on their side sometime in June or July.

Teresa Wilson , our treasurer, said she will be resigning the end of June. That will give the trustees time to find a replacement.

All bills were approved and paid. Next meeting will be March 18, 2008 at Rodd McNeals shed at 7 P.M. Meeting adjourned at 8:15 p.m.

Chairman



Secretary

