

## Adkisson, Doug [LEGIS]

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**From:**  
**Sent:** Friday, December 10, 2010 5:56 PM  
**To:** Adkisson, Doug [LEGIS]  
**Subject:** topics for discussion on drainage districts  
**Attachments:** drainage 001.jpg; pic1.JPG; pic2.JPG; pic3.JPG; pic4.JPG; SCAN0012.JPG; Thayer Lodge - Whitacre aerial 071408.pdf.pdf; zoneletter.JPG

This is what the concerns are that need to be changed or added into the code for drainage districts.

1. Upgrading of Iowa code to include residential rights as well as farming.
  - a. Farming gets paid for damaged crop and residents receive nothing.
  - b. Farming has area for the dredging soil and equipment to spread and land to use the dredging soil.
  - c. Residential has no area, equipment, or financial assistance for the dredging soil deposit.
2. Drainage districts need responsible, educated person or group to supervise the drainage districts procedures and activities.
3. Before condemnation proceedings begin, there should be outside source (engineering) that recommends this to be the best solution based on efficiency, expense, common sense and just not for individual gain
4. All drainage districts should be compliant with the state of Iowa drainage codes

### \*Management of Drainage district 13

1. No written policies or procedure of future projects or foresight to the effect of the drainage ditch.
2. No knowledge of easement or county codes.
3. No research of studies of how projects should be done in an economical way or how it would impact the surrounding environment.
4. Dredging of the ditch with no educational or engineering qualifications or abilities.

### \* Accountability of Drainage District 13

1. Should have to follow all Iowa open meeting laws before any actions are taken.

### Examples:

- a. Voting on dredging on our side
- b. Monthly meetings are almost never posted.
- c. Meeting in variety of areas not open to public, for example a trustees private properties.
- d. The trustees have adopted an attitude and a course of conduct geared toward frustrating anyone who has interest in following their actions.

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MEDIAPOLIS OFFICE WEST POINT OFFICE  
319-394-3136 319-837-6614

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

Russell D. and Joann Alderin  
2083 Highway 61  
Muscatine, IA 52761-9531

Dear Mr. and Mrs. Alderin:

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.

264-8344

2. Have ignored health and safety issues of children occupying residential areas.

3. The district still maintains they intend to use the right of eminent domain to acquire the needed easement to proceed with a unannounced plan on how to accomplish dredging on residential property.

\* Homeowners rights

1. Voting and the criteria for becoming a trustee are unfair.

2. Residential homeowners have little to no votes or voice in Drainage District 13.



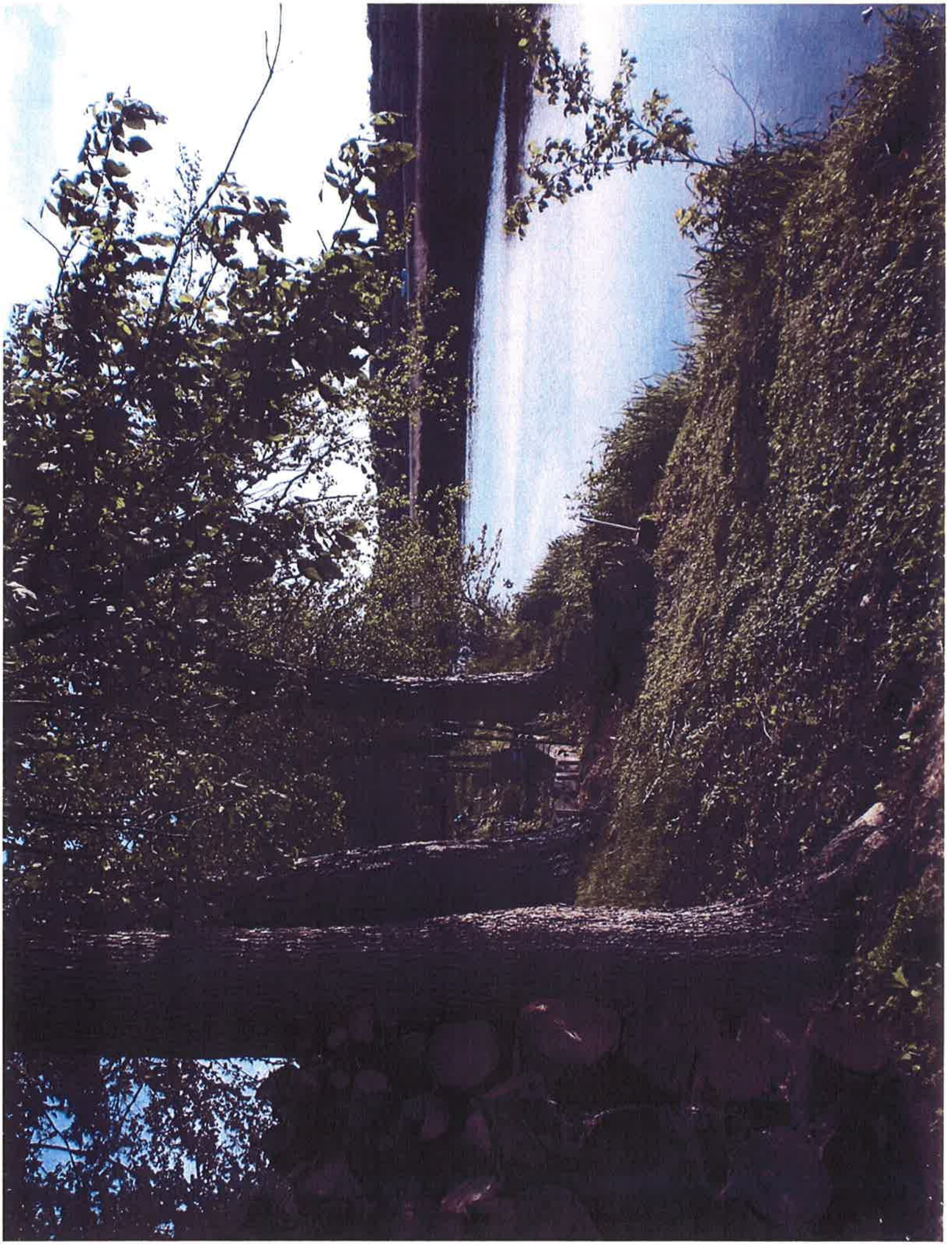




















NO.	REVISIONS	INITIALS	DATE



**Martin & Whitacre**  
**Surveyors & Engineers, Inc.**  
 P.O. BOX 413      MUSCATINE, IOWA  
 VOICE (319) 383-7191      FAX (319) 383-0848      EMAIL: info@martin-whitacre.com

**DRAINAGE**  
**DISTRICT # 13**  
**PROJECT NO. 6633.08**

DWG 6633.08  
 DATE 07/14/08  
**SHEET**  
**1**

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

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

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**Dixie Seitz**  
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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