

DRAINAGE MININUTES
DISTRICT RICHLAND #20
APRIL 11, 2017

The Story County Drainage District Trustees met in the Public Meeting Room at the Story County Administration Building to consider approval of the 'Engineer's Report: Annexation' and the 'Commissioner's Report: Reclassification of Benefits' in Drainage District Richland #20 (both reports and all supporting maps are on file in the Auditor's Office). Members present were Rick Sanders, chair, Martin Chitty, and Lauris Olson. Also present were Drainage Clerk Scott Wall, Project Engineer Kent Rode and Tyler Connelly from ISG, Drainage Commissioner David Anderson, and 11 landowners in the district (see attached sign-in sheet).

Sanders called the meeting to order at 6:00 p.m. He said the latest word on the project was that the contractor would start pushing the culvert under the Union Pacific tracks next Monday.

Rode gave some background on this project. The first public hearing on the Engineer's Report (on file in the Auditor's Office) was on August 10, 2015. Part of that report determined the watershed of the district using LIDAR data. That data is the basis for determining what lands are in and outside of the district watershed. On September 14, 2016, the district acquired additional right-of-way (ROW) along the open ditch and along the extension of the west branch of that ditch. The construction contract was awarded on October 26, 2016 and a preliminary reclassification was presented. Construction began in November and is still progressing today.

Tonight the trustees will consider accepting the annexation of additional lands into Richland #20 prior to consideration of the final reclassification, which includes the lands to be annexed. The lands to be annexed are shown in pink in the 'Engineer's Report: Annexation'. The red line is the watershed boundary and the dashed black line is the parcel boundary for tax parcels along the district's perimeter. Note that these parcels are not entirely within the watershed and only their acres within the watershed are included in the assessment schedule.

Richland #20 includes a sub-district, Richland #20A, within its watershed. There is additional land being annexed into both #20 and #20A plus #20A is annexing land already within #20.

A landowner asked about properties that are inside the old district boundary but are outside the new watershed boundaries.

Rode said those lands remain in the district but they are not included in the reclassification.

John Hunter asked about the map of Richland #20A. Has the area of Richland #20A changed?

Rode explained that the area within the heavy dashed line is the original #20A and the pink areas are lands to be annexed into #20A. The pink shaded areas are being added to the original #20A.

Dick Pringnitz questioned the district boundary along 640th Avenue in the northwest corner of the district. There are parcels west of the road that are in the original classification that are outside the watershed.

Rode said the road has separated those parcels from the district. There are no culverts under 640th so surface water cannot reach the district facilities.

Pringnitz and Steve Henry both said there is tile running under 640th from the properties in question and they should remain in the district.

Rode said ISG was not made aware of any tile under the road. If tile does exist, ISG will need proof, either in the form of tile maps from the property owners or a physical locating of any tile under 640th, which would involve digging to expose what might be there. Ideally, the landowners will provide maps of their tile but they are typically not eager to prove that they should be included in assessments for drainage. Because the land in question is in the original district, it does not need to be annexed but it is not currently included in the reclassification. It can be included if tile under the road are shown to exist.

Rode received tile maps prior to the meeting that showed land in Section 35 of Richland Township that the district will be annexing has subsurface drainage away from the district. That land will still be annexed as it surface drains into the district but it will receive a reduction to its benefits to drainage in the reclassification.

Sanders asked what the trustees do if the annexation and reclassification are approved and then discover at some later point in time that additional properties are draining into the district. Would the district have to go through another reclassification?

Rode said if someone is tiling into the district that tile would have to be located either physically or with tile maps to learn if it really is coming in from outside. In this case, the four quarter, quarter sections in question are still part of the district but are not being assessed. The schedule can be adjusted without reclassifying the entire district.

Wall said there is a Code Section (468.119-120) that allows the trustees to annex land without reclassifying the entire district. It allows the trustees to classify only the newly annexed lands and add them to the existing schedule.

Rode said in this case, if the land in question is found to be tiled into the district it is classified and added to the existing schedule. No one else's classification will go up or down, the benefits to the additional parcels are simply added to the existing schedule.

Pringnitz said a road should not remove land from a watershed. His understanding of drainage law is you look at the watershed without regard to the roads and if there were no roads there, this area would be part of the watershed so it still must be part of the watershed.

Rode said ISG did not consider the watershed without the road because the road is there, it's been there for a long time, and surface water cannot get from the west to the east side.

Wall said there is a Code Section (468.188) that allows lands severed by public improvements (defined as roads or levees) to be removed from a drainage district. Story County has been through this process with a district that was split by Interstate 35.

Henry asked if there would be additional costs involved with looking for tile under 640th Avenue.

Sanders said yes, there is always a cost.

A landowner asked what would be the procedure for requesting a culvert under the road.

Sanders said that would go through the County Engineer who would then bring it to the Board of Supervisors for approval. The county would be responsible for the cost of any culverts. There would have to be easements purchased and investigation of the natural course of drainage before placing a new culvert so it is not a simple process.

Rode moved to the reclassification, which was required because the current project is an improvement. Richland #20 currently has a single assessment schedule meaning that everyone in the district shares in the cost of all repairs to district facilities regardless of whether those repairs impact their land. Under the new classification, there are 11 schedules and lands will only be assessed for work that benefits them directly.

Sanders clarified that this meant land on the east tile would no longer share in the cost of repairs to land on the west tile and lands in the south part of the district will not have to pay for repairs done upstream from them.

Rode touched on the five primary factors used to determine benefits to drainage. They are area, wetness, proximity to outlet, facility use, and runoff. Based on what has already come up this evening some lands will include a sixth factor – the existence of tile draining into or out of Richland #20.

Connelly spoke in detail about the reclassification process. He focused on the new schedule for the main open ditch, pointing out that the same process was used for each of the other 10 schedules. For this project, the district will be levied using the schedules for the main open ditch and the east and west open ditches. Those schedules are based on the estimated project cost. The other eight schedules use an assumed \$10,000 cost. The cost of any future work done using any of the new schedules will be levied as a percentage of the total assessment for that schedule.

ISG uses statewide LIDAR coverage to create a digital elevation model of the district. The LIDAR coverage is accurate to within 6" vertically and it is this data that was used to determine the watershed of the district. The district is then broken into catchments, smaller watersheds within the district, to determine where any water that falls on the district has to go to reach a district facility.

The first factor is area. How many acres are in the district watershed as determined with the LIDAR data?

The wetness factor is based on USDA soil maps of the area. The wetness of the various soils within each parcel in the district are averaged together to create an overall wetness for each parcel. This determines each parcel's need for drainage. Wetness is categorized as high, low, wet, or swamp with a numerical value attached to each designation with 20 being high and 100 being swamp.

Facility use is how much of the facility – the main open ditch in this case – that each parcel uses. Most of the land in Richland #20 uses all of the main open ditch and gets a use factor of one. Properties that use only a portion of the main open ditch get a use factor of less than one.

Proximity is how close each parcel is to the district facility. Parcels that have district tile or open ditches running through them have higher proximity than parcels that are farther away. This is because the parcels on a facility have to do very little to access that facility whereas more distant parcels will have to run private tile to reach the facility.

Runoff accounts for some surfaces having less permeability than others do. Everything is compared to agricultural lands, which have a runoff factor of one. Because roads, railroads, and urban areas shed water faster than Ag land, they have runoff factors greater than one. Ponds and swampland will have runoff factors of less than one.

All the factors are multiplied together to determine assessable units of benefit to each parcel. The parcel with the highest assessable benefits becomes the 100-classification parcel. All other parcels in the district are then compared to the 100 parcel and are assigned a number of less than 100. They will pay a per acre

percentage of what the 100 parcel pays. For instance, a parcel with a classification of 35 will pay 35% of what the 100 parcel pays.

Finally, the classification is used to determine how much each parcel will pay for this project. The classification will also be used to determine each parcel's share of the cost of all future assessments.

Connelly briefly went through the east and west open ditch classifications as well as those for the other eight schedules emphasizing again that only the three open ditch schedules will be used for this project.

Hunter was concerned that everyone used to share the maintenance costs but now the east and west mains will be separated and Richland #20A will be left to fend for themselves.

Connelly said that is not the case because #20A is also part of the #20 east main so they will continue to share in the costs of maintaining the east open ditch and tile, which is their outlet. The rest of #20 will not share in the cost of any work taking place in #20A.

Hunter said he had seen a large, square, concrete structure near the jobsite. Is that the culvert for the railroad?

Rode said that is the drop structure that will be buried just west of the railroad. It will be the terminus of the west main tile, which will empty into a basin west of the tracks before flowing through the culvert to the west open ditch. The culvert is a 108" diameter, 1.5" thick, steel pipe.

Sanders asked Rode how much work is involved in doing a basic search for evidence of tile under 640th Avenue without spending a lot of time or money.

Rode said if the county engineer assists with locating any private tile they should be able to ascertain quickly whether there is anything under the road.

Sanders doesn't want to spend a lot of time or money but feels it is in the trustees' best interests to do at least a cursory examination of 640th Avenue before the annexation and reclassification are finalized.

Rode agreed and said now would be the time to do it.

Sanders asked about the trustees' ability to take action on the annexation and reclassification this evening in light of the potential changes to both.

Rode said the reports could still be approved this evening, subject to adjustments to be made for lands that are shown to be tiled into or out of the district or this meeting could be continued to a later date after the adjustments have been made.

Olson asked for confirmation that if the annexation is approved it will not affect what is done with the parcels west of 640th Avenue. That is correct.

Olson moved, seconded by Chitty, to approve the 'Engineer's Report: Annexation', bringing the additional acres into Drainage District Richland #20 as recommended by said report. Motion carried unanimously (MCU).

Chitty moved, seconded by Olson, to approve 'Engineer's Report: Annexation', bringing the additional acres into Drainage District Richland #20A as recommended by said report. MCU.

Sanders said the reclassification report is missing information that was just brought to light this evening. First, there is land in the southeast part of Richland #20 that may be tiled out of the district and second, there is land in the northwest part of the district that is in the district but not on the new assessment schedule that may be tiled into the district under 640th Avenue.

Rode said tile maps have already been submitted for the southeast land in Section 35 so that will be an easy fix. Getting the information for Section 20 will be more difficult as we are asking landowners to show that they should be included in district assessments.

Sanders said he felt, since the land west of 640th in Section 20 is already part of the original classification, the trustees should go ahead and have it added to the assessment schedule unless the landowners can show that they do not drain into the district. They have been paying drainage assessments since the district was established and if they felt they were not benefitting they would have complained. Let them prove that they should be excluded rather than the trustees trying to prove that they should be included.

Rode said he has no evidence that those lands are draining into Richland #20. Furthermore, the methods of determining benefits are more sophisticated today and the road may not have existed when the district was established.

Sanders understood that and agreed that an adjustment can be made for these lands not surface draining into Richland #20 but we should assume they are tiled in unless the owners can show that they are not.

Rode said what about the land in Section 28 that is no longer in the watershed.

Pringnitz and Henry said they could provide tile maps for the lands in Section 28 showing they are tiled away from Richland #20.

Sanders said the trustees need to see those maps so that everyone is being treated equally. We already know the surface drainage goes out in Section 28.

Rode said he can contact the landowners in question but their initial response will be that they do not drain into the district.

Sanders said that is why he wants the trustees default position to be that those properties do drain into the district. If they do, we can add them to the schedule and if they do not it is on the landowners to prove it.

Chitty asked how long this would take.

Sanders asked if the trustees were planning to assess Richland #20 before May 31 so it can be part of this year's tax bill.

Wall said that was his preference. If the district is not assessed this year, interest will accumulate for another year, which is a disservice to the landowners.

Sanders asked if it was reasonable to get everything completed within 40 days with regards to the reclassification.

Rode said the available time would not be an issue on ISG's end. That was why he had recommended combining the hearings on annexation and reclassification into one hearing – to expedite the process. He said the absolute final cost might not be known precisely by the end of May. If a 2017 levy proves insufficient, the rest of the cost can be levied in 2018.

Olson asked if the trustees could approve the reclassification with the condition that any necessary adjustments to the report be made within a set period.

Rode said yes, that was reasonable.

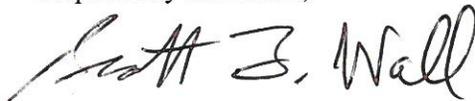
Olson moved, seconded by Chitty, to adopt the reclassification of Richland #20 and #20A, contingent upon the results of an investigation by ISG into private tiling on lands in Sections 20, 28, and 35 of Richland Township being factored into that reclassification, said adjustments to be completed by May 11, 2017. MCU.

Hunter asked about Richland #20A. The annexation there will bring in land that he has wanted to drain into the district tile for years. He has been asking for an inlet in the south ditch of Maple Street but his request has been denied because that land was outside the original district boundary. Can the water now be drained to the Richland #20A tile?

Sanders said let's hold that until after the meeting and he would talk to Hunter about a site visit with the county engineer.

Chitty moved, seconded by Olson, to adjourn. MCU. Meeting adjourned at 7:23 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott T. Wall". The signature is written in a cursive style with a large, stylized "S" and "W".

Scott T. Wall

April 11, 2017

Proposed Annexation of land into Drainage District Richland 20
(North 40 Sec-Twp-Rng 35-84-22 Property ID 07-35-300-105)
(South 40 Sec-Twp-Rng 35-84-22 Property ID 07-35-300-300)

I am Randy R. Miller and reside at 12023 NE 22nd Street, Ankeny, IA. 50021
I am the tenant of Tom and Carolyn Hildreth, owners of farm land you are
attempting to annex into Drainage District Richland #20.

I want to thank the Board of Supervisors for this open meeting and allowing me
to speak tonight on behalf of my landlords Tom and Carolyn Hildreth.

We oppose the annexation of the Hildreth's farm as there will be "No Material
Improvement" to the drainage of this farm. We base our opinions on the
following information:

1. Prior owners of the farm had installed field tile and the outlet is located in
Indian Creek to the East. Maps prepared by U.S. Dept of Agriculture Soil
Conservation Service and Luethe Tiling L.C. Nevada, Iowa.
2. Last fall a rock crushed a tile line and repairs were made, again, drainage
outlet was Indian Creek and repaired by Luethe Tiling L.C. Nevada, Iowa.
3. Early this spring additional tile was installed and outlet into Indian Creek
based on the advice of Jacob Handsaker with Hands On Excavating using
topography maps, his knowledge, prior experience and tile locator. Older tile
was located and identified. I am providing a map of the tile installed and also
identifies existing tile located and new tile main to Indian Creek. [Jacob was
doing tile work for us on our farm and he had time for this job on his way
home to Radcliffe, IA]
4. Topography map shows a circle ridge formation on the south side of the
farm that prevents rain water and snow melt from surface draining out of
the 'bowl' formation. This area is drained by subsurface tile and repairs were
made to the intake outlet of existing tile that flows into the neighbor's field to
the east and drains into Indian Creek.

Given the above information and copies of tile maps it is our request that you
reconsider the proposed annexation and assessment of the Hildreth's farm as we
do not believe there will be a "Material Improvement" of the drainage of this
farm nor advantage to be included into the Drainage District Richland #20.

Thank you,

Randy R. Miller, tenant
Tom and Carolyn Hildreth, Owner