

12/3/2012 - Minutes

1. CALL TO ORDER 6:30 P.m.

The Drainage District Trustees of Boone and Story Counties met at the Log Cabin in Nelson Park in Slater

1.1. Gather Input From Landowners On A Potential Cleanout Of The Open Ditch In Joint Drainage District

Boone #80-Story #3, Story County Controlling

Members present were Wayne Clinton, chair, Rick Sanders, and Paul Toot of Story County and Stephen Duffy, Bill Lusher, and Tom Foster of Boone County. Also present were Boone and Story County Engineers Bob Kieffer and Darren Moon, Boone and Story County Drainage Clerks Janet Otten and Scott Wall, and Scott Renaud from Fox Engineering in Ames as well as 23 residents of the district (see attached sign-in sheet).

Clinton called the meeting to order at 6:30 p.m.

Wall gave some background on events leading to tonight. The district received a petition from Steve Kaltenhauser with concerns about a bridge on the county line impeding flow in the drainage ditch. The trustees have been aware that most of the Story County side of the ditch is overgrown with brush and trees. The Story County trustees have instituted a program this year to prevent the excessive growth of trees in drainage districts like this one. This seemed an opportune time to address those concerns and see what the residents of the district would like to have done.

Sanders emphasized that the district belongs to the people who own the land and the trustees merely administer it. While the Code of Iowa requires the trustees to maintain drainage districts to their original design capacities the land owners should have a say in how that gets done. Story County had proposals for repairs in two drainage districts like this one last year. One cleanout was completed and the other was shelved. Both outcomes were based on input from the people in the districts.

Kaltenhauser said he believes the bridge is an issue but the brush and trees are the main problem. He wants the ditch cleaned but believes the farmers on either side of the ditch should do it and could do it for a lot less than \$500,000. The trustees are supposed to maintain the district but they haven't and he doesn't believe they have the time to do it.

Sanders agreed that maintenance has been lacking and that is why Story County hired someone last July to start a regular program of controlling plant growth in our drainage ditches and prevent situations like we have here with mature trees in the ditch and beavers using the trees for dams.

Emil Grulke said the law is archaic. He has 7 acres with 8 district tiles running through and has to pay a disproportionate share of any assessment because his benefit to drainage is so high. It may have been fair when the district was created but with so many more people tiling intensively today their lands are benefiting more than they did when the district was established. He believes district levies should be a set cost per acre.

Sanders agreed and mentioned that we had gotten legislation to that effect introduced in the Iowa Legislature last spring. It was opposed by the Iowa Drainage District Association and the Farm Bureau.

Renaud mentioned that the only option for changing assessments under current law is a reclassification. This is a reassignment of benefits to drainage and it is time consuming and expensive (\$50-60,000). In his experience reclassifications have not changed the existing benefits to drainage much if at all and are not worth the effort and expense.

A land owner asked if anyone had elevations and knew what the fall across the district was. Moon said no elevations had been taken as the trustees felt it best to have this meeting before any money was spent on potential repairs.

Renaud said he was involved with the last cleanout in the district in 1995. At that time corn prices were around \$1.35/bushel and it was decided to do the minimum possible work to keep the cost down. The Boone County side was in the worst shape so it was completely cleaned. Renaud walked the ditch this afternoon and the Boone County side is in good shape. There is some siltation but nothing excessive. The Story County side needs a lot of work, predominately tree removal, but there are also siltation problems and the ditch is beginning to meander in places. Some people want to keep the trees and they do not all have to be removed. The trees in the ditch are the big problem. Renaud can work with individual owners to keep any trees that are outside the ditch and do not block construction equipment from having access to the ditch.

Grulke reiterated that he would like to see a change in how costs are assessed. Renaud said the problem is only about a third of the counties in Iowa have drainage districts and perhaps half of them are satisfied with the system as it stands. That doesn't leave very many people to lobby the state legislature for change.

Kaltenhauser asked Renaud about the culvert on the county line. Renaud said there is 3-4' of silt there now but he thinks the big problem is downstream. Clean out the Story County side of the ditch and the improved flow will clear out a lot of the silt.

Sanders asked about time frames. How soon could a cleanout be accomplished? Renaud said if there was a decision to proceed tonight he could have a preliminary engineering report by late January. The project could be put out for bid in February and work could be started in the spring but it is unlikely to be finished prior to planting and would have to be completed next fall. He does not want to have work being done during the growing season as the district would then have to pay for crop damages.

Renaud said a project of this type is more of a historical reconstruction than an engineering project. Silt removal is determined by probing to find the original ditch bottom and by referencing original district plans. Typically no surveying is done as that is an additional, and unnecessary, cost.

Toot said what the trustees need now is input from the land owners. Someone asked what a \$500,000 project was going to cost them. The meeting was recessed briefly so Otten and Wall could show everyone their share of such a project.

After the recess Renaud addressed some questions he had been asked. Can the district just take the trees and not reshape the ditch? Yes, this would probably run about \$150,000. When trees are cut the stumps are left in place and killed chemically. This is because pulling the stumps tends to destroy the ditch banks. Land owners could cut the trees themselves but should avoid trying to remove silt as that requires specialized equipment and the county engineer would want to oversee it. Contractors have the necessary machinery and they are insured and bonded. Renaud cautioned the land owners not to underestimate the difficulty of cutting trees on the one-to-one slope in the ditch.

Grulke asked about federal laws on improving waterways. Renaud said this project would be a repair back to original specifications and is exempt from federal regulations. If the district wanted to increase capacity over the original design the project becomes an improvement and the state and federal government become heavily involved. An improvement will be significantly more expensive and will take a lot longer to be completed.

Clinton said he's been on the board 12 years now and 4 years ago was the first time he'd seen a request for a major drainage district repair. This is the 3rd potential project this board has seen in the last 2 years. The current Story County board has chosen to take a more proactive approach to drainage district maintenance, particularly with regards to open ditches.

Kaltenhauser said he believes the trees need to come down in at least part of the ditch. He doesn't know if the silt is that big an issue across the district and is not comfortable with a half million dollar project. In addition to blocking the flow the trees are giving the beavers material to build dams. There was a dam removed last year and the beavers were rebuilding it within a week.

Wall said the \$500,000 project in the letter sent out announcing this meeting was his figure. It was based on Story County's having done a \$400,000 cleanout on 3.5 miles of open ditch and having a \$780,000

estimate for a clean out of 8.3 miles in another district. The larger project was actually cheaper per mile. The \$500,000 was splitting the difference between the other two projects as Boone #80-Story #3 has 4.3 miles of ditch to be cleaned. The only way to really get a good idea of the cost is to have a preliminary engineering report prepared. In the past Fox Engineering has prepared reports with multiple options and costs. Options can include doing nothing, removing the trees, or doing a complete cleanout. Getting the report is the only way to get a true idea of the cost.

Sanders said he's looking at a time frame where the district would have a preliminary report in late January or February. If there is a decision to move forward the engineering work could be done in the spring of 2013 with construction that fall.

Don Rimathe said he would move to have the engineering report done and Jeff Sernett said he would second that.

Clinton asked for a show of hands from those in favor of getting an engineering report. Virtually everyone raised their hands.

Foster moved, seconded by Clinton, to direct Fox Engineering to prepare a preliminary engineering report presenting repair options and their costs for the open ditch in Joint Drainage District Boone #80-Story #3, said report to be presented to the district at this location in Slater after January 15, 2013. Motion carried unanimously (MCU).

Lusher moved, seconded by Sanders, to adjourn. MCU. Meeting adjourned at 7:45 p.m.