

DRAINAGE DISTRICT MEETING
JOINT DISTRICT HAMILTON #105-STORY #1
JULY 16, 2013

The Drainage District Trustees of Hamilton and Story Counties met at the Fairview Lodge in Story City to present a plan for removal of trees from the open ditch and levying funds for said removal in Joint Drainage District Hamilton #105-Story #1, Story County controlling. Members present were Rick Sanders, chair, Paul Toot, and Wayne Clinton of Story County and David Young of Hamilton County. Also present were Story County Engineer Darren Moon, Civil Attorney Jessica Reynolds, Vegetation Management Biologist Joe Kooiker, Vegetation Management Specialist Tyler Kelley, Drainage Clerk Scott Wall, and 12 land owners in the district (see attached).

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

Sanders explained that county supervisors are the default drainage district trustees under the Code of Iowa. The residents of any district can choose to be their own trustees if they are not satisfied with supervisor management. In either case the district belongs to the land owners and the trustees rely on those land owners for guidance in district projects. At the same time the Code specifies that the trustees must maintain drainage districts to their original design capacity.

Previous Story County trustees chose to rely on land owners to bring district problems to their attention. This has not proven to be effective with the open drainage ditches and Story County has recently completed a \$400,000 project in one district, put a hold on a \$794,000 project in another district, and is in the middle of a proposed \$760,000 project in a third. These projects involve removal of all trees and brush from the open ditches, removal of silt from the ditch, and reshaping of ditch banks. They have made the current trustees cognizant of the importance of keeping the drainage ditches clear of trees and other obstructions.

In the past year Story County has begun a program to evaluate our open drainage ditches, clean them out, and keep them clean using personnel from our Integrated Roadside Vegetation Management (IRVM) program. Many of our ditches have not been cleaned in 50 years or more and it will take some time to get them back to where they need to be.

Kooiker said there are 55 miles of open drainage ditches in Story County. Last year he and Kelley evaluated all of these ditches and categorized them based on their condition as to whether they could be cleaned using county resources or would require the use of outside contractors. The IRVM program is part of Story County's Conservation Department and they are sensitive to conservation issues. The intent is to remove only the trees that are in the ditch and to encourage buffer strips and other conservation measures wherever possible. They are eager to work with the land owners to preserve any vegetation the land owners want saved. Kelley said the goal of the program is to clean the ditches then inspect them regularly to keep them clean.

Clinton said the large cleanout projects were begun when land owners in those districts petitioned to have the open ditches repaired. He served with members of previous boards and believes the current board's proactive approach to district maintenance will be a big improvement over the way it was handled in the past. Over the long run the proactive approach should save the drainage districts a considerable amount of money by preventing the need for large repair projects.

Young said Hamilton County has been contracting for work like this for years in their open drainage ditches and are pleased that the neighboring counties are starting to see the value of regular maintenance of open ditches. Hamilton County has 331 drainage districts and every open drainage ditch is checked

every three years to keep undesirable plant growth in check.

Sanders asked about the timing of the project and the nature of the work to be done. Kelley said quotes were solicited from three excavation companies and one tree removal company. The tree removal company, Finco Tree/Wood Service, would cut the trees off at ground level and chemically treat the stumps. The other three companies would remove the entire tree, including the root balls. Kelley would prefer to leave the root balls since removing them leaves a hole in the ditch bank presenting more opportunities for erosion.

Kooiker said he envisions this as a 12-month a year program. If they can only work when there are no crops in the ground they will not have time to accomplish their goals. If we get a bad winter that may leave only 2 or 3 months when there aren't crops in the ground. They want to minimize crop damage but the Code does grant the district an easement along the ditch so equipment can gain access for repairs. In many cases land owners are now farming in that easement right up to the edge of the ditches. He emphasized that he and Kelley want to work with the land owners to prevent damage to crops and to desirable plantings. What has to be done is to remove the trees that are growing inside the ditch and any trees that are in danger of falling into the ditch.

Sanders asked about some outstanding claims for repairs in this district. Moon said the claims were for tile repairs and are not related to this meeting's topic.

Wall explained benefits to drainage, how they relate to the original assessed value of the district, and how that is used in determining the amount of an assessment. He spoke about when levies are generally done and when assessments are due. If the trustees levied this district tonight payments would be due with property taxes on September 30 but late penalties cannot be assessed unless the district is levied prior to May 31. This means any assessments in Hamilton #105-Story #1 would not be subject to delinquent penalties until after September 30, 2014.

One of the land owners said the way the weather was this spring and how it affected spring planting means there are a lot of areas where there aren't many crops to damage or the crops that are there may not have much value.

Young expressed concerns that leaving the root balls in place will cause problems if the ditch then requires further cleaning. If we come back in 5 years to remove silt from the ditch the root balls may have to be removed anyway. When the ditches are not maintained for as long as this one has gone there are going to be more issues than just the trees. Removing them is a good first step but he expects we'll be back within 10 years considering a larger project.

Sanders said if the land owners want a more extensive cleaning of the ditch the trustees will hire an engineer to prepare a survey of the district detailing repairs and their costs. Due to the expense of going in this direction the trustees have never hired an engineer without first getting a request from the land owners for something to be done.

A land owner asked about doing the work themselves. Reynolds said the trustees cannot assume the liability of allowing land owners to make their own repairs. The Code requires that companies doing drainage district work be bonded and insured to protect the district and the county in the event of an accident. While the trustees won't stop anyone from cutting trees on their land they cannot authorize those actions.

A land owner asked how much of the ditch would be cleaned. The letter they received indicated that only a couple of sections were involved but some of what was being said sounded like the whole ditch will be

cleaned. Kooiker said that originally he and Kelley were looking at cleaning the ditch across only two sections. When they found the Code does not allow for large projects to be broken into smaller pieces they asked the bidders to submit new quotes for the entire ditch. What is being discussed this evening is removing the trees from the entire open ditch. Wall said he hadn't realized the project had been expanded and the error in the letter that went out was entirely his.

A landowner asked if an engineering study were done would the trustees then be obligated to complete a larger project. Sanders said if an engineering report details what is necessary to return a district to its original design capacity the trustees are obligated, under the Code, to carry out those repairs.

Kooiker said, based on what he was hearing, and on his knowledge of this district it would probably benefit from an engineering study. If the land owners want to go that route that's fine – he and Kelley will move on to another district. He believes that removing the trees from the ditch is a good first step. Sanders agreed and said if the trees are removed and the land owners decide more needs to be done the trustees can revisit the issue at a later date.

A land owner asked if anyone had complained about the drainage in this district. Moon said there have been no complaints about drainage in the Hamilton #105-Story #1 ditch.

Sanders and Young both said their counties have not initiated large projects or engineering studies without a request from the people in the district. They feel the costs of the engineering work and the repairs that generally follow an engineering study are too great for the trustees to be the ones that start the process. Young said it only takes one land owner to make the request but Hamilton County encourages land owners to collect multiple signatures before petitioning for a repair project.

Another land owner said the trees need to be removed but there will be more work necessary at some point. The drainage district is an asset to the people living in it and we should be grateful people 100 years ago had the foresight to put these facilities in place. This district has been here for a century with very little cost to the land owners and they have to expect that there will be larger costs associated with being in the district sooner or later.

Toot asked Kooiker about removing the root balls. Kooiker would prefer to leave the roots. If they are removed it leaves holes in the ditch banks which will have to be filled in and seeded, adding to the expense of this project. Kelley said the herbicide they are using to kill the stumps will dissolve the roots over time.

Wall asked if the contractors' quotes were still valid. Kelley said he'd spoken to Finco, who submitted the lowest quote, and they had guaranteed their quote through the date of this meeting.

Toot moved, seconded by Young, to award the contract for removal of trees from the Hamilton #105-Story #1 open drainage ditch to Finco Tree/Wood service LLC. Sanders asked for any discussion on the motion.

Kooiker said he has worked with Finco before and they've done a great job. In response to a question he said Finco will haul the trees away and chip them at another location. They sell the chips as part of their business.

Young emphasized that removing the trees is a first step and there will be more work required in the future.

There being no more discussion Sanders asked for a vote on the motion by Toot. Motion carried unanimously (MCU).

Sanders asked Wall to talk about what the drainage district levy would look like. Wall said he was recommending a 70% levy (see attached) which takes into account the pending claims from the Story County Engineer and leaves a balance of just over \$5,000 after Finco is paid. The ending balance is necessary to cover any small repairs and IRVM's monitoring and suppression of regrowth in the ditch. If a levy is approved today assessments will be due on September 30 with property taxes. Because of the way drainage Code is written delinquent assessments cannot be charged a penalty until October 1 following the May 31 after which the district is levied. Thus, assessments will not be charged late penalties until after September 30, 2014. If people choose not to pay their assessments prior to 2014 the district must pay interest on all unpaid claims until funds become available. Wall said he could include a letter with the assessments explaining this.

Toot moved, seconded by Clinton, to approve a 70% levy against Joint Drainage District Hamilton #105-Story #1, said levy to be dated August 2, 2013 with assessments due and payable on or before September 30, 2013. MCU.

Sanders asked Wall to make sure the letter with the assessment notices explains that assessments will not be delinquent until September 2014 but any shortfall in funds will be paid to the contractor with interest, which will represent an additional cost for the district.

Clinton moved, seconded by Young, to adjourn. MCU. Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Scott T. Wall