

DRAINAGE DISTRICT MEETING
DISTRICT GRANT #13
AUGUST 6, 2013

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building to consider a proposal to sever some of the lands and levy the remainder for a tree removal project in Drainage District Grant #13. Members present were Rick Sanders, chair, Paul Toot, and Wayne Clinton. Also present were County Engineer Darren Moon, Vegetation Management Biologist Joe Kooiker, Vegetation Management Specialist Tyler Kelley, Drainage Clerk Scott Wall, and 5 members of the public (see attached sheet).

Sanders called the meeting to order at 6:30 p.m. and asked Wall for background on Grant #13.

Wall spoke about Story County's program to clear trees from Story County's open ditches through their Integrated Roadside Vegetation Management Department (IRVM) and how Grant #13 was one of the first districts to be considered. At a March 12, 2013 meeting to award a contract for removal of trees from the Grant #13 ditch between 260th Street and the Skunk River. Charles Potter, a land owner, had stated that construction of Interstate Highway 35 had cut off his land and all other district properties west of the interstate from the open ditch on the east side of the interstate. Since the ditch is the only drainage district facility, the lands west of I-35 no longer receive any benefit from Grant #13 and should not be levied.

George Martens, an Area Engineer with the Iowa Department of Transportation, attended at Potter's request and stated he had checked the "as built" plans for the interstate and found no provision for drainage across the ROW. The interstate was designed so rain falling on the road would drain into the median and ditches then flow south along the road to the Skunk River. This is what Mr. Potter said he had observed after heavy rains.

Further investigation by Story County indicated that water cannot cross the interstate. There is a provision in the Code of Iowa (468.188) which allows for drainage district lands severed from the district by a public improvement to be removed from the district without reclassification and their benefits to be spread among the remaining lands in proportion to those lands' original benefits.

Clinton said the investigation into severing Grant #13 was driven by information from a land owner in the district, not the district trustees. This is important as the district belongs to the landowners and the trustees simply manage the district for the landowners.

Sanders asked if there was any doubt in Moon's or Wall's minds that the public improvement, being Interstate 35, did, in this case, sever the lands west of I-35 from the rest of the district. Moon said there could be tile that connects the lands to the west to the Grant #13 ditch. Wall said Grant #13 is strictly an open ditch district – there is no district tile. There could be private tile we are unaware of that was in place prior to the construction of I-35.

Sanders asked if there was any question that the intent, when the interstate was built, was for the water on the west side to run south along the interstate ditch to the Skunk River. Moon agreed. Wall said when Mr. Martens was here in March he said the interstate was designed so that any water falling on the road would run into the east and west ditches and the median then south to the Skunk River.

Dave Gammon spoke for the City of Ames. They own land east of Interstate 35 and, based on what they've heard tonight and at the March 12 meeting, Ames supports the severing of the lands west of the interstate from the district. Their only concern is that a land owner or land owners west of I-35 might

request refunding of any assessments made after the interstate was built, necessitating a levy against the remaining lands to provide said compensation.

Sanders said in his view any past levies were made when the district was still a complete entity, regardless of the presence of the interstate. That money has been collected and spent, the district has no outstanding debt, and the proposed levy is only for work going forward. He believes he can reasonably state there will be no retroactive levies. Clinton cautioned the trustees cannot guarantee that such an occurrence would not take place.

Sanders asked Wall about recent levies in Grant #13. Wall said there was a 495% levy in 1975, after I-35 was in place. The levy prior to that was in 1954, predating the interstate. Sanders said he could not envision anyone coming forward now to protest a 1975 levy.

Toot moved, seconded by Clinton, to sever the lands in Drainage District Grant #13 lying west of Interstate Highway 35 from the district and to reapportion their benefits to drainage among the remaining lands per Code of Iowa Section 468.188. Motion carried unanimously (MCU).

Sanders said the next step was to consider the awarding of a contract for removal of trees from the Grant #13 open ditch which had been the intent of the March 12 meeting.

Kelley said that IRVM had received 4 quotes for the tree removal ranging from \$12,500-\$23,760 prior to the March meeting. The low quote was from Finco Tree/Wood Service and they have told him their quote is still valid. The intent is to cut all the trees from within the ditch banks, pile and burn them, and chemically kill the stumps. Kooiker said native trees (Plum and Elderberry) and some of the shrubs outside the ditch will be left in place. The work will probably begin in mid-October at the earliest so crop damage should not be an issue.

Sanders asked, once the work was done, if IRVM would then retreat the growth in the ditch after 3 years. Kooiker said maybe 1 year, depending on how things grow back. Sanders said once the trees are removed IRVM will visit the ditch at regular intervals and treat the growth as necessary.

Clinton moved, seconded by Toot, to accept the low bid of \$12,500 from Finco Tree/Wood Service for removal of trees from the Grant #13 open drainage ditch between 260th Street and the Skunk River. MCU.

Sanders asked Wall about levying Grant #13 for the tree removal. Clinton asked if this was the information on the Excel spread sheets.

Wall said there were 3 spread sheets (attached). The first is the district as it is now under the original classification. The other two are the new classification after severing the district but one of them has an added column showing the amount generated by a 285% levy which is his recommendation. A 285% levy will cover the cost of the project and leave just over \$2,000 in the Grant #13 fund to cover the near term costs of preventing regrowth of the trees in the ditch.

Sanders noted that the City of Ames, the City of Nevada, the State of Iowa, and Story County all have property in Grant #13 and would be assessed for benefits to drainage.

Clinton asked Wall if he had received any comments on this from the City of Nevada. Wall replied that he had not. In fact, the only person who had called about tonight's meeting was Cindy Hildebrand who was present this evening.

Clinton moved, seconded by Toot, to levy Drainage District Grant #13 at 285% of its original assessed value, said levy to be dated August 9, 2013 with payments due on or before September 30, 2014. MCU.

Toot moved, seconded by Clinton, to adjourn. MCU. Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Scott T. Wall