

DRAINAGE MEETING
DISTRICT FRANKLIN #39
SEPTEMBER 24, 2013

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building to consider cancelling a proposed tree removal and rescinding a levy against Drainage District Franklin #39. Members present were Rick Sanders, chair, Paul Toot, and Wayne Clinton. Also present were County Engineer Darren Moon, Conservation Director Mike Cox, Vegetation Management Specialist Tyler Kelley, and Drainage Clerk Scott Wall.

Sanders called the meeting to order at 9:30 a.m.

Wall said Franklin #39 was one of the districts that had been targeted for removal of trees from the open drainage ditch in 2013. Last Thursday, September 19, two land owners in the district, Bernard Dean Olson and Ron Stensland, had come to the Auditor's Office to protest the assessment and the proposed tree removal. Their complaint was that the open ditch was never a district facility, the county has never done any work in the open ditch, and Olson's father and one of his neighbors had dug the ditch themselves when Olson was a child.

Wall researched the minutes from the establishment of the district (on file in Drain Record Book 11 in the Story County Auditor's Office) and it appears Olson and Stensland are correct. On February 7, 1911 Engineer John M. Wells submitted a report recommending the creation of Drainage District Franklin #39 which was to consist of an 18" tile which dropped to a 16" tile as it moved upstream from the outlet and an overflow ditch to care for the water from the adjacent hills. Wells filed a plat and profile of the proposed district, both dated December 1910, reflecting the recommendations in his report.

On September 11, 1911 Wells filed a supplemental report recommending that the overflow ditch be abandoned and the size of the tile reduced. The tile was still 18" at the outlet and shrank to 16" upstream but then shrank again to 14" and, finally, to 12". The supplemental report was approved and adopted on October 5, 1911. The contract for work on the district was based on the supplemental report and all the contractor payments were for installation of drain tile.

No additional maps were filed with the supplemental report. We have been relying on the December 1910 maps since the district was established and they show the open ditch. We also have a township by township book of maps that show the open ditch but, curiously, show the tile configuration from the supplemental report. Wall has a second book of township maps, photocopied from the original, in which the words Open Ditch are blacked out. This was the only map Wall could find that indicates the ditch is not part of the district. On the December 1910 profile the original tile sizes have been changed in pencil to match the supplemental report but there are no notations on the open ditch profile.

Wall believes the open ditch was built privately, as Olson and Stensland assert, after the district was established and the tile work was completed. He recommends that the 2013 levy be rescinded, the tree removal be cancelled, and the County Treasure be directed to refund the entire amount of the levy. There is a section in the Iowa Code (468.61) allowing for this and there were adequate funds for minor repairs in the district account prior to the current levy.

Sanders asked if any work had been done on the open ditch as part of this project. Kelley said he had not done any work in Franklin #39 yet and supports Wall's recommendation to cancel the Franklin #39 project.

Toot moved, seconded by Clinton, to accept the drainage clerk's recommendation to rescind the July 1, 2013 levy against Drainage District Franklin #39, cancel the proposed tree removal, and direct the County Treasurer to refund all monies collected by the 2013 levy. Sanders said he would add to the motion a directive for Wall to note the removal of the open ditch on all drainage district maps where it appears. Motion (as amended by Sanders) carried unanimously (MCU).

Moon said he had received a telephone call some time ago from a Mr. Kepley who is a landowner in Franklin #39. Kepley was upset about the assessment and Moon thinks this might resolve that issue. Sanders directed Wall to contact Kepley at the same time he contacts Olson and Stensland about the cancellation of the project.

Toot moved, seconded by Clinton, to adjourn. MCU. Meeting adjourned at 9:40 a.m.

Respectfully submitted,

Scott T. Wall