

DRAINAGE MEETING
DISTRICT GRANT #5
March 22, 2016

The Drainage District Trustees of Story County met in the Public Meeting Room of the Story County Administration Building at 900 Sixth Street, Nevada, IA for an informational hearing to gather landowner feedback on a proposed annexation of additional lands into Drainage District Grant #5 and to hear other landowner concerns regarding the district. Members present were Paul Toot, chair, Rick Sanders, and Wayne Clinton. Also present were County Engineer Darren Moon, Drainage Clerk Scott Wall, Kent Rode and Nick Frederiksen from I & S Group, and 30 landowners within the district and the areas proposed for annexation into the district (see attached sign-in sheet).

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

Rode said the purpose of the evening's meeting was to gather information, not to make any decisions. He explained how the watershed map (on file in the Auditor's Office) of Grant #5 was generated using LIDAR elevation data. I & S also visited the site in person to locate culverts and tile intakes. Rode explained the meaning of the various lines on the map with particular attention paid to the areas proposed for annexation which were highlighted in red. These are areas where the LIDAR data indicate water is surface draining into the district. Rode said the watershed study was initiated at the request of a district landowner and that was all that I & S had been asked to do so far. They have not looked at the capacity of the existing district tile but Rode suspects that it is significantly undersized.

Josh Gerig asked about the interstate. Had I & S confirmed that the area in red west of I-35 is draining toward Grant #5? Rode said they used design plans supplied by the Iowa Department of Transportation (IDOT) that indicated water can drain east under the interstate but they had not done any on-site surveying.

A landowner asked if some of the land in the proposed annexation was already served by other drainage districts. Rode replied that some of the land in Drainage District Milford #55 surface drains towards Grant #5 while subsurface water is drained the other direction by Milford #55 tile. The areas in blue on the map are areas that are in neighboring districts but surface drain into the Grant #5 watershed. There may be tiles in these areas that move subsurface water away from Grant #5.

Dennis Smith asked what benefit lands in the red areas would get from being annexed into Grant #5. Rode said those lands are already benefitting by draining into the district. Through annexation they would gain the ability to tie into the district facility. Smith did not see any benefit to the annexed land if the district tile is not extended closer to those areas.

Smith asked if there were any plans to extend the district tile north. Rode said not at this time. The purpose of this meeting is to hear from the landowners what they want.

Smith said in the 1940's or 50's a landowner in Section 29 of Milford Township built a berm to redirect water flow. There was a lawsuit and the owner was forced to remove the berm. Smith felt the lawsuit would be of interest to the district. Smith said the water in the annexation area flows in two different directions. There is private tile in Section 30 that runs into Section 29 then back into Section 30 then runs south to an 18" main at the UP tracks. It does not enter into Grant #5 at all.

Someone asked if that was the tile that goes through a county wetland. Smith said yes, it goes through Ketelsen Marsh.

Rode asked if Smith had any information on that tile. Gerig said Ralph Luethje tiling has done much of the tile work in this area and would be a good resource. Gerig had spoken to Luethje this morning but Luethje had not been able to attend the meeting.

Smith invited Rode to come down the next time there is a 5" rain and see which way the water is going before getting any deeper into any potential projects with Grant #5.

Smith said there should be a new drainage district along the west side of Grant #5 to take care of surface water that in the annexation area. That would take care of 75-80% of the water.

Smith said he was not opposed to the annexation but only if it can be shown that it will improve drainage in the area. If we can improve the drainage in the area he'll pay twice.

Gerig said they own a significant portion of Section 29 and he could confirm what Smith was saying about the tile line that runs through Sections 29 and 30 then south into Section 31.

Smith has been on two tiling projects with the IDOT in Section 19 of Milford Township which both directed water into the 18" main runs south along the west side of 570th Avenue.

Sanders asked if the 18" tile ran straight north and south. Smith confirmed that it does. Rode said that is tile but it is not uncommon for tiles to drain in one direction and surface water to go another. Smith replied that in this case they both go the same way. Rode said he would appreciate if Smith and Gerig could get him all the information they have on the private tile in the area.

Roger Engstrom asked if there had been a feasibility study done on what size tile would be needed to serve the proposed annexation area. Rode said no but if there is interest in doing that the landowners need to make that known.

Sanders said it was important to know how we got to this point and why we are here tonight. A request was made by a landowner to look at surface water drainage.

Gerig said they had made the initial request and wanted the feasibility study that Engstrom had mentioned but first they wanted to investigate the possibility of annexation. Now it looks like there may be a third consideration with the possibility of a new district.

Sanders spoke of the trustee's responsibility. This meeting was triggered by a landowner's request. The trustees did not just decide to take a look at Grant #5. This meeting is the first time the trustees are getting to hear from the residents of the district. For Sanders, as a trustee, if there is land surface draining into Grant #5 let's get it annexed so those people can pay their fair share. If there is a desire to create a new district he'd love to be part of that but it is outside the scope of tonight's meeting. It is up to the people in the district to decide what they want to do as they are the ones who have to pay for it. The trustees are bound to maintain the district and its facilities but nothing beyond that.

Rode said if the landowners want to examine improvements to the district or other changes they have to submit a petition. It only takes one landowner to sign a petition though more is better.

Engstrom asked if anyone had investigated extending the 20" farther north. Again Rode said nothing had been done beyond the watershed map.

Smith said the 20" main could be twice as large and still be overloaded. If we can't increase the size of the tile under the Union Pacific (UP) tracks there is no point in doing anything else. Rode said it can be

done but dealing with the railroad complicates things. The railroad must approve any plans for construction in their right-of-way and they charge fees before they will approve anything and they will not contribute to the cost of any tile work. They will pay for culverts that handle surface drainage.

A landowner asked how deep the tile has to be. If we replace the existing 29" with a larger tile it will have to be buried deeper to maintain enough cover over the top of the tile. Then what happens at the outlet? The Ditch would have to be deepened as well.

Gerig asked about extending the open ditch to the north. Rode said it can be done but that would involve taking land out of production which the landowners involved will probably fight against. A larger tile can be installed but as the tile size increases you eventually reach a point where the open ditch is more economical. In addition, anything that is done that would improve or increase the district's capacity runs afoul of farm programs and wetlands conversion laws. All landowners lacking a wetlands determination would have to request one from the Soil Conservation Service.

Gerig asked if starting a new district was even possible. Rode said it is but it is seldom done anymore. If there is interest in going that direction he would recommend working with a drainage attorney. The process would start with a petition from people within that area.

Engstrom asked what the next step is after tonight's meeting. Rode said to prepare a feasibility study on the capacity of the district and potential improvements to district facilities.

Sanders said he would be in favor of anything that puts less water into the open ditch in Grant #5. Many of the people along the ditch feel it is already overloaded. Perhaps some of the surface water could be redirected towards the interstate where it could flow south, possibly into a ditch that runs along the east side of Barilla and from there to the Skunk River.

Rode said diverting water raises a lot of issues with the Department of Natural Resources but it is worth exploring that option. If something can be included in any project to improve water quality that is generally viewed favorably by the DNR. Money is available for creation of wetlands which is one of the best ways to treat water. The problem with wetlands is they take land out of production.

Smith said the red area on the map in Section 5 of Grant Township drains to the south and west, away from Grant #5 and not into it.

Sanders spoke about options. As a trustee he is obligated to maintain the district in its original capacity. Any talk of improvements must be initiated by the landowners since it is their district and they are the ones who will pay the bills. We can drop the whole thing now or the landowners can submit a petition to do a feasibility study/engineering report or look into creating a new district.

Gerig said if he understood the conversation the Trustees need a petition for an engineering report on Grant #5 and a separate petition if someone wants to start a new district. The landowners can't vote on it now and have it go forward. That is correct.

Toot said any study done at this point is not going to affect the people in the annexation area. The people currently in the district are the ones who will have to pay any costs.

Gerig said they would be glad to pay their share of any study as it is necessary to get adequate drainage for the land he represents and for surrounding lands. A new district would take pressure off Grant #5 so he feels that is worth pursuing as well.

Sanders noted that the Trustees are just finishing an \$850,000 project in Marshall-Story #1 and this is looking like it could be more complicated than that was.

Toot said that project was similar to what we are discussing here as it involved enlarging the main tile and cleaning out an open ditch plus annexing additional land into the district. The difference is that Marshall-Story #1 involved a much smaller area. Frederiksen said Marshall-Story #1 covers about 4,700 acres so it is half the size of Grant #5.

Sanders said he is comfortable spending district money to maintain the district but that is not what we are talking about here.

Rode said if the trustees are petitioned for an engineering study then they are obligated to hire an engineer and do the study.

Eric Jensen asked if there was a way to divert water away from the main tile but keep it within the district. You'd be taking water away from the main district facility. Rode said that is an option that could be investigated but it would be very difficult in practice. Any time you start diverting water you are putting it on someone who didn't have it before and they are not going to want it. It would likely end up in a lawsuit.

Smith said what Jensen was talking about wouldn't really be diverting water because it flows that way already. The watershed map prepared by I & S isn't entirely correct.

Jensen said when the interstate was built that redirected the natural flow of water. Grant #5 was there first but now they have to deal with changed the interstate brought in the 1960's.

Rode asked how much of the proposed annexation would be in a new district - all of it. Smith said a new district would involve about 60% of the area shaded in red on the map. That district would direct water south to the ditch east of Barilla that Sanders had mentioned earlier.

Toot said for there to be any more progress in Grant #5 the trustees will need a petition. Rode said it doesn't have to be fancy – a hand-written note will suffice. Toot said any discussion of a new district will be separate from the Grant #5 petition.

Wall said as far as creating a new district the beginning of the process is covered by Code Sections 468.6-9. The petition must be signed by at least two landowners in the proposed district. The Code lays out what the petition must include but Wall felt the most important requirement was that the petition be accompanied by a bond sufficient to cover all costs and expenses incurred should the new district not be established.

Chub Meyers said if a study is done that includes the area proposed for annexation can money be gotten from the landowners in that area to help pay for the study? Meyers owns land to the south and nothing the district does at the north end will be of any benefit to him. Why should he have to pay for any of it?

Rode said part of the study would confirm which lands outside the district should be annexed. If land is annexed into the district reclassification is mandatory and part of that process is setting up assessment schedules so landowners only pay for work that benefits them directly. If land is brought into the district the new schedule would include those lands and the new schedule would be used to pay for the study and any work done as a result of the study.

Meyers asked if that meant he would not have to pay for work that did not benefit him. Rode said that was correct. The new classification would include multiple payment schedules so everyone in the district would pay only for work that benefitted their property.

Sanders asked if Rode recalled what the cost in Marshall-Story #1 was just to get through the preliminary report, before any work was approved. Wasn't it \$50-60,000 in engineering fees? Rode said he was reluctant to give a figure for this district but thought it could easily be \$50,000.

Wall said he could see \$15-20,000 just for the preliminary report based on similar projects with Fox Engineering several years ago.

Sanders said just to have I & S take an in-depth look at Grant #5 and come up with suggestions as to what can be done is the preliminary report. Wall concurred. Sanders asked if we would have another public hearing once the report was completed. Wall said that was correct. Typically the report will go over conditions in the district and provide multiple options for repair along with the estimated cost of each option: Option 1, Do Nothing, Option 2, Annexation and Reclassification, Option 3, Improvements and so on.

Rode said that would be a formal hearing where decisions could be made on how to proceed. Sanders said with a report we would have a lot more information than we do now. This first look at Grant #5 is a very superficial look at the overall district without any details about its condition. Rode said he thought there was a lot of good information coming out of this meeting that will be helpful if things proceed towards a full engineering report.

Sanders asked when the last assessment was done and how much was it. Wall said last year for around \$10,000 (Note: the 2015 assessment was for \$6,500) as part of an ongoing project to remove trees and brush from the open ditch.

Sanders said if a preliminary report is prepared that would be the next chance for landowners to provide input. Rode said he is always available by phone or email and landowners are welcome to contact him with any information they think might be useful.

Rode said he sees the potential here for a big improvement project and he thinks the cost will be \$1,000,000.

Toot said we are at the point where the trustees need a petition to go any farther. That can come to him or to Wall and one landowner can set the process in motion.

Gerig asked if we were going to investigate what the lawsuit in the 1950's was all about. Rode said he'd have to see it before he has any idea if it is relevant or not. If it is part of the district's history it will be in the records and I & S does a complete check of the district's history as part of their report.

Smith asked what Grant #5 would get for \$1,000,000? Rode said he couldn't answer that question without more data. Smith said if a study is done will we have answers to these questions? Rode asked where the biggest problems were in the district. Is it the whole district or just the tiles or what? Landowners said everything north of the UP tracks is poorly drained and it gets progressively worse as you go north.

A landowner asked how costs are assessed. Is it per acre? Rode said no, it is based on a variety of factors and their ratios to each other as determined through the classification process.

A landowner asked if it was even possible to increase the capacity of the open ditch. He said there was a proposal to clean out the ditch in the mid-1980's and he thought they were told that it would not be possible to go beyond the original depth of the ditch. Rode said it is possible but because that is an improvement the process is much more complex than simply restoring the ditch to original specifications which is allowed.

A landowner asked if the district does enlarge the tile will that overwhelm the open ditch. Rode said not necessarily. Because the tile is constantly draining the land there is capacity in the ground to absorb normal rainfall in the soil and flows in the tile are not dramatically increased. When we get the large rainfall events as in 100 year flood type rains the water comes so fast the land cannot absorb it and the water runs off without reaching the tile.

Another land owner said if more water is added to the open ditch through a larger tile that means land at the bottom of the district will have to wait for the top of the district to drain before their water enters the ditch. Rode said that can be an issue if the facility is not sized correctly.

Toot said the trustees will hold off on any action in Grant #5 unless or until they receive a petition to investigate further.

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

Respectfully submitted,

Scott T. Wall