

DRAINAGE DISTRICT MEETING
DISTRICT RICHLAND #20
DECEMBER 13, 2016

The Story County Drainage District Trustees met in Conference Room A in the Story County Administration Building in Nevada, IA to consider awarding a contract for an improvement project in Drainage District Richland #20. Members present were Rick Sanders, chair, Wayne Clinton, and Martin Chitty. Also present were County Supervisor elect Lauris Olson, County Engineer Darren Moon and Drainage Clerk Scott Wall, ISG Engineer Kent Rode, National Resources Conservation Service (NRCS) Resource Conservationist Nichole Williams, and district landowner Andrew Swanson.

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

Rode said the district had received 5 bids on the proposed project and the amounts for the Division I, II, and III work on private land in the district had been close to the estimated cost but the bids for Division IV work in the Union Pacific (UP) railroad right-of-way (ROW) were double or more what the estimate had been.

Sanders said the trustees, with a lot of assistance from County Attorney Jessica Reynolds, now had an agreement with the UP in which the railroad will pay the cost of the work in their ROW up to \$330,700, the amount from the low bidder, Lodge Construction, Inc.

Rode said they had tried to get the UP to agree to cover any additional costs (change orders, etc.) but he felt the agreement was the best we were going to have and it is a good agreement. Lodge Construction has agreed to honor their bid as long as the district awards the contract before the end of this year so they can purchase the steel culvert before an anticipated increase in steel prices takes effect.

Chitty said he had spoken with the landowners who will shoulder most of the financial burden from this project and they are resigned to it going forward. They accept that it is necessary and that it will be a benefit to the district.

Moon asked if the UP had given a final approval of the contractor.

Rode said the district did not have final written approval from the UP. He knew Reynolds had requested that the UP provide a signed copy of the final agreement prior to today's meeting and they had responded with questions about how many days the project would need flaggers. No one present was aware of a signed document being received from the UP.

Clinton asked if the trustees award the bid today should the motion include the lack of a signed agreement with the UP?

Rode said the contract should be contingent on getting a signed agreement with the railroad.

Sanders requested that Rode contact the UP today to expedite getting the agreement signed.

Clinton moved, seconded by Chitty, to award the bid for the Richland #20 improvement project to Lodge Construction, Inc. contingent on receiving an executed agreement with the UP for the culvert to be placed in their ROW. Motion carried unanimously (MCU).

Williams introduced herself. She wanted to talk about wetlands issues and how they impact drainage districts. She performed the wetlands determinations for Richland #20 and the recently completed Marshall-Story #1 improvement.

When a drainage district is improved landowners must request wetlands determinations for their property or be subject to loss of farm program eligibility. The district trustees cannot request the determinations. Requests can only come from the owner of each property. This does not apply to drainage district repairs, only to improvements, and applies to farmed wetlands only. If a farmed wetland has been tiled a "Scope and Effect" determination must be made to see if the improvement will further drain that wetland.

Williams said very few landowners in Richland #20 had requested wetlands determinations. She thinks that landowners believe they can avoid the determination by not filing a request but she will perform one on any properties that do not comply. It is much better for the landowner to request the determination.

Sanders said the trustees could direct Wall to emphasize to the landowners in future projects the importance of requesting wetlands determinations.

Wall said ISG had mailed letters to all the landowners in Marshall-Story #1 and Richland #20 telling them they needed to request those determinations to maintain their farm program eligibility. Rode had also emphasized this at public hearings with the landowners in both districts.

Williams said she had a copy of the letter from ISG to the landowners.

Sanders said the trustees will have to emphasize the importance of requesting those determinations in future meetings with district landowners.

There is one farmed wetland in Richland #20 that may be affected by this project and the landowner did not request a wetlands determination. The wetland is on a private tile that drains into the district tile. No scope and effect study has been performed. The trustees could offer to pay for that study or they could agree to mitigate any effects on the wetland from this project or they could treat it as a private matter and do nothing. The scope and effect takes 6 months.

Rode said the district does not want to impact landowners' farm program eligibility. He said this project is classified as an improvement because the open ditch is being extended and the district facility under the railroad is being enlarged. However, the drainage above the project area is still restricted by the existing main tile which is not being repaired or improved. Rode said this project will only bring the drainage above the outlet back to its original capacity but will not increase that capacity.

Williams said this project is still described as an improvement and, as such, the wetlands issues must be considered.

Sanders asked if Rode could provide a flow analysis to show that the capacity of the district is not being improved.

Rode said he could provide that.

Sanders said to this point the trustees have approved a contract, are awaiting a signed agreement with the UP, and have been informed of a wetlands issue within Richland #20.

Chitty moved, seconded by Clinton, to adjourn. MCU. Meeting adjourned at 8:52 a.m.

Respectfully submitted,

Scott T. Wall