

DRAINAGE MEETING
JOINT DISTRICTS BOONE #28-STORY #1 & BOONE #140-STORY #7
WATER QUALITY PROJECTS IN DRAINAGE DISTRICTS
FEBRUARY 6, 2019

The Drainage District Trustees of Boone and Story Counties met in the Boardroom of the Boone County Courthouse in Boone, IA to hear the status of progress on an Engineer's Report on Joint Drainage District Boone #28-Story #1, Boone County controlling, to gather information concerning water quality initiatives in drainage districts and consider approval of one such initiative in Joint District Boone #28-Story #1, and to discuss the impact of a residential subdivision in the City of Slater which would utilize the main tile of Joint Drainage District Boone #140-Story #7, Boone County controlling, for removal of storm water. Members present were Stephen Duffy, chair, Chad Behn, and Bill Zinnel of Boone County and Lauris Olson, Linda Murken, and Rick Sanders of Story County. Also present were Boone County Auditor Philippe Meier, Boone and Story County Engineers Scott Kruse and Darren Moon, Boone and Story County Drainage Clerks Kaitlynn Moran and Scott Wall, and Bolton & Menk representatives Kent Rode and Jon Rosengren.

Duffy called the meeting to order at 11:00 a.m.

Rode said work on the Engineer's Report on an open ditch cleanout in Joint Drainage District Boone #28-Story #1 is progressing but has not reached the point where there is anything to discuss. What is more pertinent in that district today is a Tile Zone Wetland Project being done in cooperation with Iowa State University.

Rosengren talked about the tile zone wetland projects (attached). With increasing regulations limiting what can be done to improve existing streams and increasing the costs of water quality projects a proposal has been developed to initiate water quality projects inside drainage districts where they are less subject to legal restrictions. The proposal for BS #28-1 is to re-route water from the main tile through a surface wetland to improve the quality of the water in the tile. The water would then be routed back to the main tile where it exits the wetland. In addition there is a second drainage district solely in Boone County that is being considered for a similar project.

Behn asked how these projects would be financed.

Rosengren said the money is coming from the Iowa Department of Agriculture and Land Stewardship (IDALS) and was set aside for just these sorts of projects. There would be no cost to the drainage districts.

Murken asked if the diversion was automatic or if it required that someone turn it on or off. Rosengren said the diversion of water would occur naturally. There are no valves to open or close. The project will take several acres of farmland out of production to create the wetlands. Landowners will be compensated either through a 30 year payment (similar to CRP payments) or they can sell a permanent lease for the wetland area. The lifespan of the diversion would be the same as for the district tile – about 100 years.

Olson asked how the wetland would affect district tile repairs.

Rosengren said the wetland would be over the main tile so any repairs to that tile would necessitate draining the wetland. Once repairs are completed the wetland would be allowed to refill. The water in the wetlands will be shallow – only a few inches deep, and not difficult to drain.

Murken asked how much this would cost the landowners in the district.

Rosengren said there is no cost to the district. The diversion structures are built with state funds at the request of the landowners who own the property where the diversion takes place. The diversion projects are between the landowners and IDALS. Because these projects will pull water from drainage district tile then return it to the tile Rosengren feels it is appropriate that the drainage districts be notified as to what is being done.

Duffy asked if the diversion would only function at times of high flows.

Rosengren said the diversion tile will be lower than the district tile so it will carry virtually all of the main tile's normal flow. When flows are high some water will likely run through the district tile, bypassing the diversion.

Olson asked if the diversion in BS #1-28 was all on one owner's land.

Rosengren said the diversion tile will be on private land but the wetland will be on land owned by Iowa State University.

Sanders asked about timing. When will these structures be built? Is there a deadline on the available funding?

Rosengren said they want to build the diversions this year. The funding is not date sensitive. IDALS shops the proposal to landowners and BS #1-28 and the Boone County district were some of the first landowners to respond. There are 4 other districts in different counties that are part of the initial group of diversion projects.

Murken asked about the land being taken out of production by the diversion projects.

Rosengren said the areas where the wetlands will be created tend to be wet already when there are heavy rains and are often too wet to farm anyway.

Sanders requested that the trustees move to the discussion on the Week's development in Slater (attached) as he had another meeting today and wanted to be involved in that part of the meeting.

There is a proposal to develop a residential subdivision in the City of Slater on land owned by Craig and Julie Weeks (attached). The land lies north of the High Trestle Trail and within Joint Drainage District Boone #140-Story #7. The main district tile runs through the property and the developer wants to drain two retention ponds that will be built for the development into the main district tile. This is the only way to provide storm water drainage without boring a separate storm sewer under the trail.

Sanders said he believes the trustees should consider turning management of BS #140-7 over to the City of Slater.

Wall and Moon both spoke about the percentage of drainage district land within the corporate limits of Slater. Moon had estimated it at 40% and Wall had used GIS to come up with a figure of 40.23%. Code of Iowa Section 468.322-324 allows the district trustees to transfer control of any district with 25% or more of its area within a city over to that city and the city must accept. Wall said Story County did this with 5 drainage districts 5 or 6 years ago. The County Auditor still maintains the district records but the cities now have the authority to manage the district and maintain district facilities. If the cities wish to levy the districts the Auditor will still mail the assessment notices because we have the information and software necessary for levying for drainage.

A lengthy discussion followed with Behn and Duffy concerned that giving Slater control of BS #140-7 would be detrimental to the rural landowners upstream of the city. If there is a problem with the tile inside Slater how do agricultural lands in Boone County get a Story County city to act on their behalf? Sanders said he understands those concerns but how is that any different than if the same problem occurs under supervisor control? In that case the county has to send its personnel or a contractor into the city to make the necessary repairs. Story County has done this in several districts and the question always arises as to what the county is doing inside city limits. Giving control to the cities gives them ownership of what happens within their borders and they are under the same requirements of the Iowa Code to maintain the entire district as the counties.

Behn said he wasn't prepared to come to a decision on this issue today. He is concerned that Slater is too small a city to have the resources to manage a drainage district and he has a lot of concerns about the effect on landowners on the Boone County side. He also does not think this is something the trustees should drop on the city without advance warning.

Sanders said in Story County the cities involved were notified by mail and invited to meetings about why and how the transfer of control would take place. One of those cities was Story City and virtually all the problems in the two districts in Story City occurred inside the corporate limits. Most of them had to do with roots from resident's trees in the tile and the city resident's resisted the county coming in and digging in their yards and removing offending trees. The Code states that the transfer of control takes place within 30-90 days after the trustees pass a resolution to transfer control so this isn't something that we will just give to Slater today. This meeting is just to get the conversation started.

Olson said she would support not taking any action today but we shouldn't wait too long before revisiting this topic. In the meantime she felt Slater and the developer should be informed of the possibility that the city could be given management of BS #140-7. She said she was willing to meet with the Slater City Council at one of their meetings.

Behn didn't feel that a County Supervisor should take this to the city on their own. He would prefer a meeting between the City Council and the Joint District Trustees.

Kruse said we may have to make decisions on the Week's development before there is time to turn control of BS #140-7 over to Slater and the trustees need to know what their options are regarding control of what happens.

Moon and Kruse both said the trustees cannot stop the development but they can prevent the developer from building directly over the tile or in the tile easement. While there is no formal easement the Code grants the district the area needed to access the tile to make needed repairs.

Murken asked what our authority includes with regards to an easement.

Rode said the trustees can require that an easement for the district tile be included on the final subdivision plat.

Olson said the trustees need to have a conversation with the developer, the Slater City Council and Mayor, and Bolton & Menk about the effect this development could have on the BS #140-7 drainage district.

Sanders said he doesn't want the trustees to be put in the role of gatekeepers on what happens with the Week's development when we have very little control over what actually gets built. The City of Slater has

more authority on what happens in the district within its borders than the trustees do even without control of the district.

Rode said the trustees cannot prevent the developer from tying into the district tile. They can place restrictions on how much water flows into the tile from the retention ponds. The trustees' biggest concern is to see that the district tile is not overloaded. This can shorten the lifespan of what is already an old tile plus lengthen the time it takes to drain the agricultural lands upstream from Slater. Drainage tile is simply not designed to meet the requirements of drainage from residential developments.

Behn again stated that he doesn't like the idea that if district landowners in BS #140-7 come to him with district issues, he will have to tell them to talk to Slater if the trustees transfer control of the district.

Sanders said Slater has no idea they could end up with control of a drainage district. He supports a meeting as suggested by Olson and Behn but added that district landowners should be notified of any meetings as well.

It was at this point in the meeting that Sanders had to leave for another appointment and Kruse and Moon also had to leave for other appointments shortly after Sanders had left.

Duffy said the key to how the district is affected is how the Week's development is done. If the developer can answer Rode's concerns and meet any requirements placed on the development by the trustees then there shouldn't be an issue.

Rode said the trustees can control how the developer utilizes the district facilities. The plans for this development are still very preliminary and Rode will continue to communicate with the developer as the plans are finalized and will include Kruse and Moon in his communications with the developer.

Murken said the trustees still need to meet with Slater and other stakeholders to discuss the possibility of Slater being given management of BS #140-7.

Behn agreed but said the Week's development and who controls the district should be two separate issues. We are not contemplating giving Slater control of BS #140-7 if they allow the Week's development to go forward. While that may have been the catalyst the decision over management of the district is based strictly on how much of the district land lies within Slater's corporate limits.

Duffy said the area is going to be developed sooner or later, regardless of who controls the district.

The meeting then returned to the water quality issue.

There was a lengthy discussion regarding whether the landowners in the districts targeted for the diversion projects should be notified of what was going on. The eventual consensus was that the difference between tying into the main tile for a diversion project and any landowner tying private tile into the district facilities is negligible. Because the diversion will take place on land whose owners support the project and will not hinder the flow of water in the district and will not cost the district anything there was no reason to hold a public hearing or otherwise notify district landowners.

Murken moved, seconded by Behn, to allow the proposed diversion project to proceed in Joint Drainage District Boone #28-Story #1. Motion carried unanimously (MCU).

Rode talked about the IDALS Nutrient Reduction Strategy Planning and Development Projects Funding (attached). This is very similar to the diversion project already discussed today. Bolton & Menk has been

working with Iowa State University (ISU) and IDALS to put together a proposal to take advantage of the \$150,000,000 the state has earmarked for edge of field water quality projects. While not specific to drainage districts those involved believe that the regulatory framework in place governing drainage districts will make it easier to instigate a project and, if the projects are successful, it may be easier to sell water quality initiatives to landowners who are not in drainage districts.

Rosengren said many landowners do care about water quality but they don't know what they can do about it. Improving the quality of water coming out of drainage districts and the availability of state funding should lead to other landowners getting interested in these sorts of projects. In the long run the drainage districts will probably have to pay to maintain the infrastructure associated with the water quality initiative depending on the future funding from the state.

Olson asked what the trustees are being asked to do today. Are we committing to something that our drainage districts will have to pay for?

Rosengren said the trustees are being asked to pass a resolution (attached) supporting water quality projects in the 6 or 7 counties, including Boone and Story, being considered for pilot projects using IDALS funding. The resolution does not commit the counties or drainage districts to any financial obligations.

Olson said all she sees in this proposal is Bolton & Menk working with ISU. What about other engineering firms such as I & S Group or Fox Engineering. Will they have a chance to apply for funded projects?

Rosengren said ISU partnered with Bolton & Menk to identify potential pilot sites. If a pilot site decides to construct a water quality project they can select anyone for the engineering and construction work.

The meeting adjourned at 1:05 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott T. Wall". The signature is written in a cursive, slightly slanted style.

Scott T. Wall

Resolution - _____

Resolution Approving the ____ County Board of Supervisors Joining with the Boards of Other Counties to Support an Application for State Grant Funds to be Used to Create a Data Base of Actionable Water Quality Improvement Projects in Drainage Districts in the County Consistent with the Edge-of-Field Practices of the Iowa Nutrient Reduction Strategy

WHEREAS the State of Iowa has adopted the Iowa Nutrient Reduction Strategy (the Strategy) to provide a framework of effective conservation practices to guide, support and expand voluntary efforts toward materially reducing the delivery of excess nutrients and other pollutants to waters of the state and to other waters.

WHEREAS the State of Iowa has made available long-term funding supporting the construction of edge-of-field water quality practices recommended in the Strategy.

WHEREAS the Iowa Department of Agriculture and Land Stewardship (IDALS) has solicited proposals to locate, conceptually design and provide viable projects to be entered into a database of tentatively actionable projects eligible for future funding by the IDALS, and WHEREAS joint effort proposals from entities with proven abilities to deliver the desired projects will be favored.

WHEREAS the Board of Supervisors (the Board) supports the means and goals of the Iowa Nutrient Reduction Strategy to reduce total nitrogen and total phosphorus loadings to the Gulf of Mexico from rural and urban lands in Iowa without government mandate.

WHEREAS the Board desires to support landowners in _____ County's drainage districts in the establishment, construction and maintenance of projects which create edge-of-field practices supported by the Strategy and which often involve multiple landowners.

WHEREAS drainage districts are authorized to construct improvements that trap sediment and other pollutants and which protect lands in the district and may protect the interests of the landowners to continue to farm said lands in a practicable and cost-effective manner; and WHEREAS the Board may appoint engineers to conduct studies and prepare plans for the construction of such improvements for consideration by the drainage district's landowners.

IT IS HEREBY RESOLVED

- that the Board joins with the boards of other counties to support the Proposal of the Iowa Nutrient Research and Education Council, Iowa State University and Bolton & Menk, Inc. (the Project Team) in response to an IDALS Request for Proposals for offered funding to locate, design and submit to the IDALS for future funding consideration, many eligible actionable water quality projects in and/or for drainage districts in the county.

- that if the Proposal is accepted and funded the Board will authorize the Project Team to review the records of the drainage districts, to conduct surveys in the districts and to complete the conceptual design of projects to be submitted for future funding to the IDALS.
- that if the Proposal is accepted and funded the Board will join with the other participating counties to establish a leadership committee to advise and assist the Project Team, to educate and inform landowners in participating counties about the Strategy and this local effort in support thereof, and to actively support the Project Team in participating in meetings with landowners in drainage districts toward securing tentative commitments for eligible water quality projects which will be presented to the IDALS as tentatively actionable projects for future consideration of funding assistance.
- That the water quality projects contemplated to be developed in the many drainage districts in the participating counties under the Proposal will, if constructed, improve water quality locally, achieve material reductions in nutrient loads to surface waters and complement and enhance existing efforts of the Iowa Nutrient Reduction Strategy.

Adopted and approved this ____ day of February, 2019.

_____, Board Chair
_____, Co. Board of Supervisors

ATTEST:

_____, County Auditor

Joint Drainage Meeting

**Boone County Board of Supervisors and Story County Supervisors meeting as trustees of joint drainage districts Boone 28/ Story 1 and Boone 140/ Story 7
February 6th, 2019**

Present: Steve Duffy, Chad Behn, Bill Zinnel; Boone County Board of Supervisors, Lauris Olson, Linda Murken, Rick Sanders; Story County Supervisors, Katie Moran; Boone County Drainage Clerk, Scott Wall; Story County Drainage Clerk, Scott Kruse; Boone County Engineer, Darren Moon; Story County Engineer, Kent Rode, Jon Rosengren; Bolton and Menk.

Duffy called the meeting to order at 11:00 a.m.

Rode began with an update on the Joint Drainage district Boone 28/ Story 1 Report. He stated the initial survey has been done and continued engineering is progressing. The report is not yet complete.

Rode updated Board on Boone County Drainage District 93, the repair is complete and completion hearing should be scheduled.

Rode explains that Rosengren has been working with ISU and Soil and Water Conservation Service on Water Quality Projects in doing some alternative drain tile wetlands. There are a couple sites sited in Boone and Story Counties. (See "Tile Zone Wetlands") Rosengren explains that ISU has been studying alternative siting methods for wetlands as obtaining permits have become difficult if not impossible. Goal is to get the wetlands within Drainage District boundaries. ISU property within DD 28-1 is a site, need Board approval to connect to any district main. (See "Soil & Water Conservation Society") Would like to connect to district main, run parallel tile, dump water on surface for de-nitrification, then connect back to district main. There is also a location in Boone County DD 57. Goal of project is water quality, and looking out for landowners' rights by monitoring drainage and limit impacts. Projects will include damages where any work is done. This will be funding by WQIF (Water Quality Infrastructure Funds from IA Dept of Ag) there is some early money that can be used for sites with interested land owners. These are the first with landowner interest.

Rosengren explains that Boone County DD 57 will need a buffer area, several acres will need to be taken out of crop production but could qualify for CRP over 30 years, meaning maintenance is required for 30 years could also be paid out as a permanent easement. There is no expected issue of maintenance of district facility, there is also NO cost to the drainage district landowner would have to repair diversion tile. Diversion tile would be lower than district facility and take most of the water on from that portion of the district tile. The only reason this is being brought in front on the board/ trustees is to clarify and seek approval from "owner" to connect to district facility. Sanders asks about timing, Rosengren explains that the goal is for this to be built this spring. Sanders asks about funding from IDALS, since funding has changed Rosengren states that as it stands IDALS will be paying for everything on the proposed maps. Sanders clarifies that this is not based on timing and Rosengren states that it is in their budget to move forward with this. Blue area on maps is where water would be held at all times, could bounce out to the pink line in heavy rains.

The discussion is moved to Slater and the Week's Subdivision. Sanders asks that the discussion is turned to turning Joint DD Boone 140/ Story 7 over to the City of Slater. He states that they are starting to use this tile as a city drainage system. Story County has done this on 5-6 other instances. This would completely give control to the City of Slater. Scott Wall states that if the City has more than 25% or more of the district and is using it for storm water it can be turned over to the city council. The city could then decide to levy, but the county would still hold the records and assist in the levy process. Sanders states that he is in favor of turning the district over to Slater but wants the Boone County Board to really think about it because it will affect the rural landowners of the district in Boone County.

Olson asks Moon about Week's Subdivision and installation of storm system.

Moon answers with no, the developers say the only way this subdivision drainage would work is to use the district facility of Boone 140/ Story 7. Kruse adds that the storm water would go to the retention pond and the pond is metered out into the district tile. Rode states that there are 2 proposed ponds and they are intended to detain the water in a pre-developed condition and shouldn't increase flows.

Sanders is concerned with high rainfall events. Behn is concerned about the expansion of cities and how this could affect rural drainage. Olson supports time to think about a decision, but not a great deal of time. She thinks all entities should have a heads up. Week's subdivision is allowed by Iowa Code to attach to the district facility but it can be monitored and controlled by the County.

Olson believes a conversation needs to be had with the developer. She is willing to have initial conversation with them, to make them aware of what joint boards can legally do. Murken clarifies that an easement can be required over tile line, and also can dictate size of tile connected to district facility. Olson explains that she's personally acquainted with the Week's developers; she believes the conversation should be had with the developers and the mayor of Slater.

Behn states that there are two separate issues at hand; the conversation about the development and also the conversation about turning the drainage district over to the city. Sanders is concerned about portraying the trustees to have a role of gatekeepers as they have little control over the development. He states that Slater has much more control of the development of Week's subdivision.

Murken lists the steps that could be taken: Bolton & Menk/ Rode to speak with developer to resolve satisfaction with concerns, 2nd Rode would report to Joint boards, potential 3rd Joint boards to contact City of Slater for discussion.

The conversation was diverted back to Water Quality.

A discussion is had about notification of landowners in the districts targeted for the diversion projects, it is decided that there is no difference in a private landowner connecting or a diversion project connecting to a district tile. Work would only take place on land of those aware of and for the projects at hand and will not cost the drainage districts; therefore there is no reason to hold hearings and/ or informational meetings.

Murken moved, Behn seconded motion to allow proposed diversion project to proceed in Joint Drainage District Boone #28/ Story #1. Motion carried unanimously.

Behn moved, Zinnel seconded motion to allow proposed diversion project to proceed in Boone County Drainage District #57. Motion carried unanimously.

Rode explains the IDALS-Nutrient Reduction Strategy Planning and Development Projects Funding (attached). This is similar to the diversion project previously discussed in the meeting. Rode explained that the legislature last year passed Senate file 5.12 which provides funding for water quality initiative practices in the amount of \$150 Million over 10 years. IDALS is administering this funding and looking for proposals on the development of projects they can fund and present to landowners. Bolton & Menk has been working with ISU to propose stakeholder partners through drainage districts and drainage district proceedings.

Rosengren states that farmers want to be part of the solution but aren't sure how to do so. These projects could start in drainage districts and expand to outside of them to potentially be annexed into current districts.

Murken asks about Squaw Creek Watershed Management Authority, she states that it has been very effective so far and also South Skunk, Prairie Rivers of Iowa, NRCS and so on. She likes the idea of using drainage districts but is curious how to get everyone on the same page and working together for water quality. Rosengren responds, stating the NRCS for example in Clay County has offered to assist. Rosengren explains that the goal is for IDALS to more easily be able to spend the funds allocated for water quality. To

date there has not been enough engagement at the local level and from landowners, this proposal should help with that.

Olson wants to know specifically what the trustees are being asked to do. Rosengren explains that the trustees are being asked to pass a Resolution, separately within each county, supporting water quality projects with proposed stakeholders (6 counties) being considered for potential projects using IDALS funding. Said Resolution would have no monetary consideration from Counties. Olson is concerned that this specific proposal is presented by Bolton & Menk, what about other engineering firms such as FOX Engineering and ISG.

Rosengren responds that Bolton & Menk has partnered with ISU to identify potential pilot sites. If said pilot sites choose to construct water quality project, they could select other engineering firms for final design and construction. Further questions should be directed to Jon Rosengren.

The meeting was adjourned at 1:05 p.m.