

DRAINAGE MEETING
JOINT DISTRICT MARSHALL-STORY #1
JULY 29, 2014

The Drainage District Trustees of Marshall and Story Counties met at City Hall in State Center, IA to continue a meeting that was recessed on June 24. The purpose of the meeting was to gather land owner input and consider options for repair to the 30" main tile in Joint Drainage District Marshall-Story #1, Story County controlling. Members present were Paul Toot, chair, Rick Sanders, and Wayne Clinton from Story County and Dave Thompson, Deane Adams, and Denny Grabenbauer from Marshall County. Also present were Story and Marshall County Engineers Darren Moon and Paul Geilenfeldt, Story and Marshall County Drainage Clerks Scott Wall and Whitney Hunt, I & S Group Engineers Kent Rode and Ivan Droessler, and at least 23 land owners and members of the public (see attached).

Toot called the meeting to order at 6:30 p.m. and stated that it was a reconvening of the June 24 meeting. That meeting was recessed to allow the project engineers to investigate replacing the existing main tile with an open ditch.

Rode briefly described the nature of the proposed project. At the earlier meeting two options were presented to replace the main district tile. Option 1 would be a repair with new 30" tile. Option 2 would be an improvement using 42" tile. Based on land owner input at the first meeting a third option was investigated. Option 3 would replace the tile with an open ditch. All three options include cleaning the existing open ditch from the tile outlet to the intersection of Binford Ave and 220th St.

Under Option 3 the land taken for the ditch will be purchased at full value. There will be a 100' easement for access to the ditch out to 50' from the ditch centerline on both sides. The land inside the easement will be purchased at a reduced value as it can still be farmed but its productivity will be reduced during the repair process. Several properties will be cut in half by the new ditch. The owners of those lands must be compensated for the reduced value of their land due to accessibility issues. Taking all the land acquisition costs into account the open ditch will cost about \$130,000 more than Option 2. In addition Option 3 will offer little in the way of additional gains in the district's capacity. I & S Group maintains that Option 2 is still the best solution to the issues facing the district.

A land owner asked just how much land will be taken by the ditch. Rode said the ditch will average 8' deep with an 8 foot bottom. With 2-1 side slopes an additional 16' will be required on either side of the ditch bottom for a total width at the top of 40'.

Several land owners asked what happens if the IDNR and/or NRCS become involved due to wetlands issues. Droessler said the NRCS' position over the past several years is that anyone who does not request a wetlands determination on their property and is subsequently found to be draining wetlands will be removed from farm program eligibility. Every land owner in Marshall-Story #1 needs to request a wetlands determination from the IDNR (Form 1026) to ensure they are covered if wetlands are found to be affected by this project. This would apply to options 2 and 3 which are improvements.

Clinton said that based on the long term history of this district the repair project (Option 1) may provide temporary relief but it would be a poor long-term solution. The trustees must consider what will be in the district's best interests over the long term.

Adams asked what would happen if a land owner does have wetlands on their property. Droessler said there would have to be mitigation of any wetlands affected by the improvement.

Sanders said if the 30" tile was fully functional and draining 1/8" of water in 24 hours and a 42" tile would drain 3/8" in 24 hours how much capacity does an open ditch have. Droessler said the ditch itself has freeboard capacity – it can run bank full in heavy rains. Any laterals entering the ditch will be placed with a 3/8" capacity in mind and will not be able to drain if the ditch is running above that.

Adams said going from 1/8" to 3/8" doesn't sound like very much. How big an improvement in drainage capacity does that represent? Droessler thought the improvement would be 35-40%.

Several landowners said there is a 26" tile upstream from the main that has blowouts in it. If the main is repaired won't silt enter the damaged upstream tiles and start filling in the new main? Droessler said the main should be able to clean itself but absolutely the damaged tiles will allow silt to enter and should be repaired. That said, repairs have to begin somewhere and the main tile is the logical place to start.

Papenburg said a tiler he'd spoken to told him there should be plastic tile placed at intervals along the main tile that lead to the surface and provide relief for pressure in the tile during flood events. Does I & S have plans for these 'blowout relief holes' along the new tile. Rode said there would be a couple of pipes on the new main to relieve pressure in the tile.

Bill Papenberg said settling of the ground around a new tile will cause it to flex. Concrete doesn't flex and will crack and collapse. Would it make more sense to use plastic for the main? Droessler and Rode replied that if the concrete is properly laid it will not flex or break. For plastic to flex it must be surrounded by aggregate and, when properly installed, will be more expensive than concrete. While plastic should not degrade it hasn't been around long enough to know how it will hold up in the long run. Concrete will last 100 years.

Sanders said the Story County Trustees only learned of the problems with the 26" tile this morning and he believed the Marshall County Trustees were in a similar situation. He agreed that those problems need to be addressed.

A land owner asked about reclassification. If that is done will only the people on a given lateral be responsible for repairs to that lateral? Rode said that was correct. Everyone benefits from the open ditch and most of the district benefits from the main. As you go farther upstream fewer people benefit and only those people should pay for work that does not benefit other parts of the district. Under reclassification separate schedules will be prepared for each lateral and for the main tile and open ditch.

Dwight Papenburg said he'd heard something about a minimum assessment of \$5.00 per acre. Rode said the minimum assessment against any parcel of land in a district is \$5.00. Droessler said the minimum assessment is most common where cities have grown into drainage districts and the home lots end up with very small benefits to drainage. Those parcels are generally subject to the minimum assessment but it is not based on area, it is per parcel.

Bill Papenberg asked if the annexation triggers a reclassification. Droessler said if the proposed lands are annexed they will be classified but the entire district does not have to be reclassified for an annexation.

Another land owner asked if reclassification could be requested regardless of what else is done. Droessler said that was correct. If the trustees feel there are inequities in the current classification they can have the district reclassified at any time.

Sours asked about the capacity of the 42" tile vs. the 30". Is it really that much greater? Droessler said one of the things limiting flow in a pipe is friction with the pipe surface. As the size of the pipe gets bigger

volume increases more rapidly than surface area. A larger tile has less friction per unit of volume than a smaller one so its carrying capacity is effectively greater than just the increased diameter would indicate.

Jim Lively asked what classification would be used to pay for this project. Droessler said the project would be paid for under the new classification which will not be done until the project is finished. This is because conditions discovered and work done during the project may affect the benefits to drainage. The project cost will be covered by bonds and repaid by a levy after the work is complete. Properties with assessments of more than \$500 will be able to spread their payments over 10-20 years. The time frame and interest rate is set by the trustees.

Toot asked how reclassification will affect the Colo Bogs wetland. Story County Conservation owns some of that land and our Conservation Director is concerned about the cost to his department. Rode and Droessler said the Bog's benefits would likely be sharply reduced since they do not drain through the tile. Because there is surface water that runs into the district facilities there is still some benefit to those lands.

Clinton asked if land owners could create their own wetlands and qualify for a reduced benefit to drainage on that land. Droessler said any wetlands must be in place prior to the reclassification to be included. You could not construct one later and ask for your benefit to be reduced.

Adams asked how long the wetlands determinations were likely to take and what effect would that have on the timeline for this project. Droessler said it should take about 6 months to get all the wetlands determinations. That pushes the date for bids into early spring. Some of the land in the district probably already has wetlands determinations done so the entire district won't need new determinations. Droessler said he does not expect NRCS to find any impacted wetlands in this district with regards to this project.

Sanders asked about the lands east of the district that are proposed to be annexed. If the district can annex land downstream when it feels there is a benefit what is to stop them from continuing to annex to the east? Where does it end? Rode said they could not find any records of an improvement to the open ditch in the district records but they did find a plat of the district from 1926 that shows the portion of the ditch in question inside the district boundary. Also in 1926 a land owner in the area to be annexed named Clarence Wengert-filed a claim for damages in connection with an open ditch.

Dwight Papenberg said the aerial photos found by I & S showed the ditch wasn't straightened until the late 1950's. Doesn't that cast some doubt on the 1926 map? Droessler said the district had its own trustees during that time and district records for trustee districts are generally not as complete as they are for supervisor districts. The 1926 claim for damages still indicates to him that something was done to the ditch outside the district by the district.

Ross Weuve asked if land served by Branch D would share in the cost of this project since the lateral drains into the open ditch below the main tile. For the same reason should land owners along Branch D have to get wetlands determinations? Rode said all land owners should request wetlands determinations to cover their liability. Branch D will benefit from the cleaning of the open ditch but not from the tile replacement so their share of this project will probably be minimal under a reclassification.

Bill Papenberg said if his land outside the district was in the watershed and should be annexed what about the land on the west side of the district that the map shows to be inside the district but outside the watershed. Shouldn't those lands be removed from the district? Droessler said there was no provision for land to be removed from the district but their benefits could be reduced to a minimal amount under the reclassification.

Sours said he doesn't have any tile on his land and what does drain into the district flows over the surface into the Colo Bogs then water backs up onto him so how is he benefitting? Droessler said this would be another case where the reclassification could reduce certain lands benefits to near zero. Benefits are based on proximity to the outlet, soil types, and usage of the district facilities. For land that is distant from the outlet and blocked from the district facilities like Sours' land the benefits should be minimal.

Sours wanted to know what this project will cost him personally. How can a project be done without telling the people affected what it will cost them? Rode said the only way to know the cost for any given parcel is to reclassify and even then you only know the percentage that parcel will pay. The final cost won't be known for sure until the project is completed though the costs will be known with some accuracy once the project has been bid. For reasons already noted reclassification does not take place until the work has been completed.

Katie Lively said the people currently in the district have been paying for work done all along and the people in the proposed annexation areas have been getting a free benefit. Shouldn't her assessment be reduced because she's been helping areas outside the district all these years? Droessler said the areas to be annexed are relatively small and their contributions over the years to any assessment would have been minimal.

Clinton said he has been on the Story County Board for 14 years. In that time the number of people who have come in to ask for repairs that would cost them money has been less than 4. The trustees rely on the people in the district to alert them to district problems. They do not go out looking for projects. Whatever was done or not done in the past is in the past. The trustees need to select the most cost effective, long-term solution for today.

Weuve said part of the problem in the past was the limitations placed on how much work the trustees could do without hiring an engineer. If a project would cost more than \$25,000 an engineer must be brought in as was happening now. When the district had its own trustees no one would come to the meetings asking for repairs to be made so very little was done.

Sanders moved, seconded by Thompson, to proceed with Option 2, the 42" main tile, and to direct I & S Group to begin the process of creating design plans and bid documents. Grabenbauer said before he could vote on the motion he would like to see a show of hands from the audience to know what they favored. Toot said the decision to proceed ultimately lies with the trustees but he would also like to see which options have the support of the land owners.

Thompson said he would also like a show of hands but it should be per property. If there are several people present who jointly hold one property he would ask that only one of them vote. He also said he'd spoken with Eric Edler who owns land along the 26" tile and Edler supports Option 2 if it is extended another ½ mile west to include repairs to the tile on his land.

Toot asked for a show of hands from those supporting Option 2 – 8 hands, Option 1 – 1 hand, Option 3 – no hands. Toot asked the trustees for a vote on Sanders' motion. Motion carried unanimously (MCU).

Last spring Jim Lively paid a private contractor to unclog the broken main on his property so the water would drain off his land. He is requesting reimbursement of the \$300 cost from the district.

Adams moved, seconded by Sanders, to reimburse Lively for clearing the blockage from the 30" tile. MCU.

Sanders moved, seconded by Grabenbauer, to appoint one appraiser from Marshall County and one from Story County for the acquisition of a ROW easement along the existing open ditch. MCU.

Sanders moved, seconded by Adams, to initiate the annexation of benefitted lands not on the assessment schedule. MCU.

Sanders moved, seconded by Thompson, to initiate the reclassification of benefits for all district open ditch and tile facilities. MCU.

Toot asked if there should be some discussion of the condition of the 26" tile upstream from the main tile. Droessler said they would recommend that any damages to the 26" tile should be made as part of this project. Droessler also said I & S Group will prepare a letter to land owners concerning wetlands determinations.

Adams moved, seconded by Sanders, to include any needed repairs to the 26" tile in Option 2. MCU.

Sanders moved, seconded by Thompson, to adjourn. MCU. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Scott T. Wall