

DRAINAGE MINUTES  
DISTRICT WARREN #11  
FEBRUARY 6, 2024

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building in Nevada, IA to acknowledge receipt of an Engineer's Report on the condition of the Drainage District Warren #11 open ditch (on file in the Story County Auditor's Office). Members present were Lisa Heddens, chair, Linda Murken, and Latifah Faisal. Also present were Story County Engineer Darren Moon, Communications Assistant Bryce Garman, Drainage Clerk Scott Wall, and Tyler Conley, Drainage Engineer with Bolton and Menk, Inc.

Heddens called the meeting to order at 8:30 a.m.

Murken moved, seconded by Faisal, to approve the agenda. Motion carried unanimously (MCU).

Conley reviewed the Engineer's Report on Warren #11. The district facilities consist of the main open ditch and 6 lateral tiles. Warren #11 also serves as the outlet for five Warren Township tile districts and Hardin County District #34 drains into an open ditch that flows south into Story County and into the Warren #11 open ditch. Some of the interior tile districts' parcels are already in Warren #11 and some are not.

The main open ditch was cleaned and extended farther south in 1951 and the district was reclassified as part of that project. It also appears that the ditch was re-routed through Section 19 of Warren Township in 1951. Since then there have been a number of isolated repairs and Fox Engineering prepared a report in August 2010 recommending that the ditch be cleaned and repaired. No action was taken on the Fox Engineering recommendations due to landowner concerns about how project costs (benefits to drainage) were allocated. Warren #11 currently encompasses 296 parcels and 8,450 acres.

The main open ditch is just over 8.5 miles in length. It is in poor condition with trees growing along and inside the ditch and downed trees in the ditch, siltation that is blocking tile outlets, significant meandering, bank sloughing and bank failures, and the stability of an adjacent county road is threatened by erosion. The report recommends a complete cleanout and repair of the main open ditch to restore it to its original capacity and as close to its original condition as possible.

An easement along the main open ditch for access has never been clearly defined. The report recommends that a 100' easement, 50' on each side of the ditch centerline, be established. Landowners would retain full rights of use of the land within the easement but the district would not be liable for damages within the easement caused by maintenance and repair activities.

The total estimated costs of the project are \$1,310,000 with \$950,000 of that being the construction costs.

The report also recommends annexing lands in the watershed (as shown in the report) into Warren #11. This includes an additional 6,734 acres in Story County, 3,537 acres in Hardin County, and 315 acres in Hamilton County. At a minimum, if the additional lands are annexed, they would be classified in accordance with the existing schedule however, a reclassification may be in the best interests of the district. The report recommends reclassification. Conley noted that the Story County Auditor's Office has received a letter from Hardin County (on file) objecting to any annexation into Hardin County.

Murken asked if the Hardin #34 district had an open ditch.

Conley said it is a tile district that outlets into a natural waterway. That waterway runs south and eventually empties into the Warren #11 open ditch. At one time it would all have been a natural stream but the Warren #11 open ditch was created by straightening and deepening the existing stream.

Murken asked if there was evidence of the water from Hardin #34 draining to Warren #11 in addition to the visible stream on the aerial photographs.

Conley referred to the flow path model of the district watershed which is based on state LiDAR data. It was generated independently of the aeriels but matches them very closely. The water really has nowhere else to go. It does not simply stop at the county line.

Faisal asked why the land in Hardin County was not already part of Warren #11.

Conley said we can't know what people were thinking when the district was established but, based on the location of the open ditch, he believes it was developed specifically to serve the adjacent interior districts and the lands currently in Warren #11 with little thought to any other lands that might drain into it. It is also administratively easier to create a district that does not cross county lines.

Moon and Wall both believed that Conley's interpretation of why Warren #11 is what it is today is accurate. They confirmed that they felt the report's recommendations were reasonable. Wall stated that in every meeting with Warren #11 landowners, they have said that water is coming in from Hardin County and asked why the people in Hardin County weren't part of this district.

Conley stated that this is not an attempt to get more money for Warren #11. That question will inevitably arise. The watershed is based on engineering best practices and not on the needs or desires of anyone connected to the district.

Faisal asked if we needed to be talking about annexation and reclassification before any work takes place. Wasn't there another district where this became an issue?

Wall said this looks very similar to Grant #5. It also has interior tile districts though they were already a part of Grant #5.

Conley said another similarity to Grant #5 was the large size of the area proposed for annexation and the question that arose then was; "How far do you have to be from a facility before you no longer benefit from it?" The difference here is there is a tile district, Hardin #34, which is very clearly moving water into Warren #11.

Murken said if there was an annexation that would create a three-county district.

Wall asked Conley to confirm that the flow path map in the report was generated independently of the aerial photography.

Conley confirmed that was the case. The flow paths were derived from LiDAR elevation data but when you put them together it is apparent that the flow paths mirror what is visible in the aeriels.

Heddens asked if reclassification and annexation should be discussed prior to making the repairs.

Conley said there is not a clear direction as to what is the best order of how to approach this. He would not recommend only notifying the existing landowners to decide on the repair work and then proceed with annexation. What that looks like is you are trying to hide the repair from lands that you intend to annex. If

the trustees want to consider both the repair and the annexation together, everyone in the watershed should be notified so they all have an opportunity to comment. If this were an improvement everyone would have to be notified as they would all have the right of remonstrance but that does not apply to repairs. In an improvement any annexation and reclassification should take place before any work is considered.

Because this project is a repair and the trustees "shall" maintain the district in its original capacity there is no right of remonstrance. If we notify every one of the potential for annexation and reclassification and let them know what repairs are necessary regardless of any annexation we are increasing transparency and everything can move forward concurrently and not have to wait on the annexation before getting to work on a facility that rather desperately needs repairs.

The worst-case scenario here is that the proposed lands to be annexed make a compelling enough argument to not be annexed and the existing landowners in Warren #11 must pay for the repair.

Faisal asked if we notify everyone we can then do the repairs and pursue annexation after those repairs are complete?

Heddens asked isn't that what Hamilton County warned us about with Howard #46? They were/are being sued because of the order in which they did a project that involved an annexation.

Murken asked what is involved in annexing an existing drainage district? Does that complicate things?

Conley said no, he's seen it done several times. Hardin #34 does not become a joint district with Story County. Any work done in Hardin #34, or the tile districts in Story County that use the Warren #11 ditch, is assessed as it has always been. It is only when work is done on the Warren #11 ditch that the Hardin #34 landowners would have to share the costs.

Murken asked how that affected the annexed lands that are not a part of any district.

Conley replied that they would become part of the expanded Warren #11 only and would not be made a part of any of the other existing tile districts.

Murken asked would those lands then want something done to the natural waterway that connects Hardin #34 to Warren #11?

Conley said once those lands are annexed the owners could petition for an improvement to the existing natural drainage. That applies to the people in Story County north of the Warren #11 open ditch who are already in Warren #11 and are on the natural waterway.

Wall said any public meeting must be held not less than 40 days from today. That makes the earliest date to present the report to the landowners Monday, March 18. He would prefer a later date but we should keep it in March to avoid any conflicts with the start of spring planting. Because the report recommends defining a right-of-way along the open ditch the people on the open ditch will have to be served notice personally which can be a lengthy process with out-of-state landowners.

Some discussion ensued and the evening of March 21 was available for everyone.

Murken moved, seconded by Faisal, to acknowledge receipt of the Warren #11 Engineer's Report. MCU.

Faisal moved, seconded by Murken, to hold a public meeting to present the Engineer's Report on Drainage District Warren #11 on Thursday, March 21, 2024 at 6:00 p.m. in the Public Meeting Room of the Story County Administration Building in Nevada, IA and to notify all landowners in the watershed as defined in said Engineer's Report of said meeting. MCU.

Murken moved, seconded by Faisal, to adjourn. MCU. Meeting adjourned at 9:20 a.m.

Respectfully submitted,



Scott T. Wall