

DRAINAGE MEETING
WARREN #11
OCTOBER 9, 2024

The Story County Drainage District Trustees met in the Public Meeting Room in the Story County Administration Building in Nevada, IA to receive an Annexation Report for Drainage District Warren #11 (on file at the Story County Auditor's Office). Members present were Lisa Heddens, chair, Linda Murken, and Latifah Faisal. Also attending were Story County Engineer Darren Moon, Drainage Clerk Scott Wall, and Communications Assistant Bryce Garman, Hamilton County Supervisors Rick Young and Jerry Klobberdanz, Hardin County Drainage Engineer Lee Gallentine, and Story County Drainage Engineer Tyler Conley from Bolton & Menk.

Heddens called the meeting to order at 1:00 p.m.

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

Conley reviewed the Engineer's Report for Annexation with an attached preliminary classification which was requested at a public hearing held on March 21, 2024. Warren #11 consists of an open ditch and six lateral tiles. The open ditch serves as the outlet for five Story County tile districts and takes water from a tile district in Hardin County as well as draining a significant area of land that is not currently in any drainage district. Iowa Code Section 468.119 allows for the annexation of additional lands into a drainage district. If the trustees become convinced that those lands are benefitted by the district they may adopt a resolution of necessity for the annexation of those lands. It also states that existing districts may be annexed by another district if the trustees of those districts approve and consent to the annexation.

Murken asked about annexing the tile districts. Because the Story County Supervisors act as trustees for every drainage district in Story County would they, if the annexation proceeds, hold meetings or a single meeting for the five Story County districts to be annexed to consent to that annexation?

Conley said that was his interpretation of the Code Section.

Heddens asked if the annexed tile districts would be dissolved if they were included in Warren #11.

Conley said they would continue to exist as individual districts. In addition to being levied for any work done on their district tiles they would be levied for any work done to the Warren #11 open ditch.

Conley said an investigation of the Warren #11 watershed had revealed many inconsistencies. Parts of the tile districts that outlet into the open ditch are included in Warren #11 but the bulk of those districts is not included. On aerial photos there are visible surface channels that drain into the open ditch. Some are part of Warren #11 while others are not. The district's northern boundary is a straight line along the Story/Hardin County boundary but it is apparent that water is flowing from Hardin County into Story County. That water includes an open stream that serves as the outlet for Hardin County Drainage District #34 which flows to the beginning of the Warren #11 open ditch.

Iowa Code Section 468.40 states that lands are benefitted when a district affords an outlet to drainage or brings an outlet nearer to those lands. The original straightening and subsequent extension of the Warren #11 open ditch brought an outlet to drainage closer to the lands in the proposed annexation areas. Code Section 468.621 states that upstream landowners may not increase the quantity of water on the land of another. Because a drainage district provides an outlet to all lands within that district it gives upstream landowners the opportunity to discharge their water without having to seek permission from downstream

owners. Code Section 468.132 addresses common outlets. That is, a single ditch can carry water from more than one district as is occurring with the five tile districts that empty into the Warren #11 open ditch.

Conley said the district watershed was determined using elevation data from LiDAR procured from the State of Iowa along with USDA soil survey maps. The initial Engineer's Report on Warren #11 and the Annexation Report both recommend annexing 6,804.7 acres of land in Story County, 6,535.1 acres of land in Hardin County, and 315.0 acres of land in Hamilton County into Warren #11.

Included in the Annexation Report is a Preliminary Classification of the Warren #11 watershed. It is based on a \$100,000 original assessment and is only to be used for comparison purposes between properties in the watershed and with properties in the existing Warren #11 schedule. It has not been reviewed by commissioners and Conley emphasized that it is exactly what it is titled – preliminary. It is not suitable for adoption as a new assessment schedule at this time.

Young asked if the maps in the report were based on data collected on the ground or was only LiDAR data used?

Conley said he has been on site and some spot checks of elevations have been done but no, the maps are not based on survey data. He does welcome any evidence for or against annexation of individual parcels from landowners based on the conditions on their land.

Young asked about the frequency of survey points - every forty acres, every two acres?

Conley said no, not physically, not on the ground.

Young said it has been Hamilton County's experience that a court will challenge anything that does not include ground level survey data. They've lost cases where there was ground level survey data every 10-15 acres.

Heddens asked if Conley had the information of how the assessment was done.

Conley said everything that was done to create the preliminary classification is contained in the maps at the back of the Annexation Report.

Young asked who would notify landowners of the public hearing to present the Annexation Report and who would pay for that notice.

Wall said that Story County would notify all landowners in the district watershed. The costs would be paid by Warren #11 landowners and, if an annexation is done, those costs would be assessed against the annexed lands as well.

Murken said there appears to be some overlap between the current Warren #11 and the tile districts proposed for annexation.

Conley said parts of the Story County tile districts are currently included in Warren #11 and parts are not. This is one of the inconsistencies in the current assessment schedule.

Murken said she sees two processes – one for the lands already in other tile districts and one for the lands that are not currently in a district. Will the people in the tile districts get two notices?

Conley said they would not. Everyone in the watershed will receive a single notice for the public hearing.

Wall said Conley was correct. With regards to future assessments the people in the annexed tile districts would be levied for any work done on their district tile but the people who are only in Warren #11 would not be assessed for that work. Both the current owners in Warren #11 and any annexed owners would be levied for any work on the Warren #11 open ditch.

Murken asked about the proposed annexation of Hardin District #34. Would that be contingent on the approval of the Hardin County Drainage District Trustees?

Conley said that was correct under that provision of the Code. There is still the potential for annexation based on the other provision of the same Code Section (468.119) that would already be applied to the non-district ground.

Wall said this may be an attorney question but, in Conley's opinion, that would negate the necessity for having the Hardin County Trustees acquiesce to being annexed?

Conley said that was delving more into legal questions than he was comfortable going. He did say that the Code Section offers the methods of annexing additional lands as alternative methods. That is, either one method or the other.

Gallentine said he met with the Trustees of Hardin County this morning and they are opposed to the annexation of Drainage District #34. They feel there is adequate natural outlet and natural fall for Hardin #34 well before those waters enter into Warren #11 in Story County.

Faisal moved, seconded by Murken, to acknowledge receipt of the Annexation Report on Drainage District Warren #11. MCU.

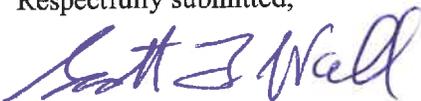
Murken asked for confirmation that Story County would notify all of the landowners in the watershed of the next meeting. Would that be one notice, or different notices depending on the location of each landowner?

Wall said there would be a single notice that makes it clear that some lands are in Warren #11 and some are not. The notice should be almost the same as it was for the March 2024 meeting as this will be a similar meeting with the addition of the annexation report and preliminary classification. He believes the recommendations in the original Engineer's Report should be included for consideration at the next meeting. The Trustees may not end up acting on all of those recommendations but the opportunity to do so should be available.

Murken moved, seconded by Faisal, to hold a public hearing to present the Annexation Report to the landowners in the Warren #11 watershed at 6:00 p.m. on Wednesday, November 20, 2024 in the Public Meeting Room of the Story County Administration Building. MCU. *(Note: Due to a previously scheduled meeting in the Public Meeting Room, the Warren #11 meeting will not start until 6:30 p.m. November 20.)*

Faisal moved, seconded by Murken, to adjourn. MCU. Meeting adjourned at 1:40 p.m.

Respectfully submitted,



Scott T. Wall