

DRAINAGE MINUTES  
DISTRICT HOWARD #46  
JANUARY 19, 2021

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building to present an Engineer's Report (on file in the Auditor's Office) on Drainage District Howard #46 to district landowners and to consider action on the recommendations contained in that report. Members present were Lisa Heddens, chair, Latifah Faisal, and Linda Murken. Also present were Outreach and Special Projects Manager Leanne Harter, Drainage Clerk Scott Wall, drainage engineers Kent Rode and Tyler Conley from Bolton & Menk, Inc., and landowner Harold Hovick. Attending virtually via Zoom were Hamilton County Supervisors Rick Young, Dan Campidilli, and Jerry Kloberdanz and A.J. Christian, Tim Fevold, Brad Friest, Jacob Hagan, Steven Hanson, keharms, DRM, Jon Risdal, and Virginia Swenson.

Heddens called the meeting to order at 6:00 p.m. and stated it was being held virtually on the Zoom videoconferencing platform per Code Section 21.88.1 due to the ongoing COVID-19 pandemic and the attendant risks of meeting in person.

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

Rode summarized the Engineer's Report on Howard #46. The impetus for the report began with a request from landowner A.J. Christian to investigate damage to Main Tile A which serves the southwestern part of the district. The northeastern part of the district is served by a separate tile – Main Tile B. There is significant damage to the bottom part of Main Tile A along with numerous trees that are too close to the tile and beaver dams in Bear Creek, into which the tile empties.

An analysis of both tiles indicated that both have a drainage coefficient of 0.2" or less. This is the amount of water the tiles can remove in a 24 hour period. Iowa State University recommends modern drainage systems have at least a 0.5" coefficient. Many of the existing tiles are sizes that are no longer available. Drainage district repairs can use the next largest commonly available tile size without being classified as improvements. The broken tile, for instance is 20" in diameter which is no longer manufactured. The next size up is 21" but that is not commonly available so Rode believes that a 24" tile could be used to replace the 20" and still be considered a repair.

Murken asked if that meant the 20" tile can be replaced with a 24" tile without having to worry about wetlands issues.

Rode said that was correct. The 18" and 12" inch portions of the main tile are commonly available and could not be replaced with larger tiles without being an improvement.

To bring Tile A up to a 0.5" coefficient it would have to be replaced in its entirety with larger tile. If the entire tile were replaced as it exists today the estimated cost would be \$398,000. The improvement to a larger tile size would cost \$466,000, a relatively small cost increase for a substantial improvement in tile capacity.

There are issues with doing an improvement. An improvement necessitates a reclassification. Rode said for Howard #46 he recommends reclassification even if only a repair is approved. Because the district consists of two completely separate main tiles and outlets it is, in effect, two districts. Under the current classification schedule everyone in Howard #46 shares in the cost of any work done in the district. This means that landowners served by Tile B must share the cost of any work done to Tile A and vice versa even though the lands served by either tile receive no benefit whatsoever from the other tile.

Improvements are also subject to remonstrance which allows a majority of landowners controlling 70% of the land to stop any improvement. They cannot block repairs.

Landowners need to request wetlands assessments be performed on lands within a district if an improvement is contemplated. If an improvement drains existing wetlands those landowners could lose farm program eligibility and be subject to financial penalties unless they stop farming the wetland areas or mitigate the loss of those areas. Bolton & Menk has already requested wetland determinations from the landowners in Howard #46 but have not received any. It can take up to six months for the NRCS to complete a wetlands assessment.

Faisal asked for clarification. If Howard #46 is reclassified will it become two districts?

Rode said it would still be Howard #46 but it would have separate classification schedules so that it would effectively function as two districts.

While the report addresses water quality, most steps that can be taken to improve water quality must be undertaken by private individuals. There are water quality improvements drainage districts can undertake or at least assist with such as creating wetlands.

The report indicates that there is a large area of land in Hamilton County that falls within the Howard #46 watershed but is not part of the assessment schedule. This was determined by LIDAR data which has a claimed accuracy of plus or minus 3" per square meter of land. Land elevations only indicate surface drainage. Depending on how much private tile exists in the proposed annexation areas they may or may not benefit from the Howard #46 facilities.

The Report recommends that Main Tile A be improved, that the areas proposed for annexation be annexed, and that the district be reclassified.

Faisal requested clarification on replacing existing tile with a commonly available larger size.

If the entire tile or to any part of the tile is improved, reclassification and wetlands assessments are required. If, as a landowner has suggested, only the 1,200' of broken tile were improved there may be a minimal effect on any wetlands, especially if they are in the upper reaches of Main Tile A, and NRCS may determine the impact of the improvement is minimal.

Heddens asked if there was a legal opinion on upsizing district tile.

Rode said the NRCS has stood behind using larger tile for repairs when the old tile sizes are no longer available for a long time.

Murken asked if the 20" tile were replaced with 24" tile how much improvement to drainage would that give.

Rode said he would have to calculate that. A 30" tile would triple the capacity of the existing 20" tile.

Conley said the difference between tile sizes, in square inches was: 20" tile – 314 square inches, 24" tile – 452 square inches, and 30" tile – 706 square inches.

Rode said that meant the 30" tile has about double the capacity of the 24" tile.

Murken said there was mention of beaver dams in Bear Creek impacting the tile outlets.

Rode said drainage districts have the right to remove obstructions outside their boundaries if those obstructions are negatively impacting drainage.

Murken asked the length of the damaged tile.

Rode said it was about 1,200'. Most of that is on Harold Hovick's land but it extends north just into land owned by Carpenter Brothers, Inc. Hovick's land is currently not in the district.

Murken asked how many landowners were served by Main Tile A? By Main Tile B?

From the December 1, 2020 minutes there are 21 landowners in Howard #46 and 8 of them are served by Main Tile A.

Faisal said the last item on the estimated costs sheet was \$147,500 for an improvement of the damaged part of Main Tile A and reclassification and annexation. Does that amount include the reclassification and annexation costs?

Rode replied that it did.

Heddens opened the meeting to public comments.

Hamilton County Supervisor Rick Young said he has received nothing but negative comments from Hamilton County residents concerning the potential annexation and is opposed to it. This began as a landowner's request for a tile repair and has morphed into a \$600,000 proposal. His experience with annexations in Hamilton County is that landowners will fight them in court and, quite often, win. They incur large costs to the district with little or no benefit.

Brad Friest, Roland, IA asked how many acres are involved in each of the tiles in Howard #46, if land is reclassified as wetland acres is that considered damage, and do the properties in Hamilton County drain into this watershed or are they tiled into other watersheds?

Conley said there are 515 acres served by Tile A and 616 acres served by Tile B.

Rode said how wetlands are handled is up to the trustees. He has seen drainage districts where dealing with wetlands is left completely up to the landowners and others where the trustees assist landowners with mitigation. Outside of surface drainage Rode said he doesn't know where the water in Hamilton County goes. He suspects that some of the subsurface water goes to a district in Hamilton County and much of it is probably tiled to Bear Creek. This is information that an Annexation Report would seek out.

Steven Hanson from Story City owns land on both sides of the Story/Hamilton County line and has farmed it for 56 years. Most of his ground is tiled into Bear Creek which is less than a quarter of a mile away. With the derecho and hail in his area he didn't get a crop in 2020. He believes the improvement of just the damaged section of Main Tile A to a 30" tile is the way to go. He asked how the \$117,000 in engineering costs will be divided across the district.

Rode said the cost of the Engineering Report and the reclassification and annexation are paid by the entire district. If the district is reclassified then only the landowners served by Tile A will pay for the repair/improvement of that tile and the engineering costs directly associated with the repair/improvement.

Conley pointed out that the estimated engineering costs in the report were for an improvement of the entire Main Tile A. If only the bottom 1,200' of that tile are repaired the engineering costs will be considerably reduced.

Jon Risdal farms land just over a mile north of Roland. How will this project affect him?

Rode said Risdal is served by Main Tile B so he will not benefit from any work on Main Tile A. If the district is reclassified he will have to pay a share of the engineering and reclassification costs but none of the construction costs.

Risdal asked how his assessment is determined.

Rode said there are 5 factors in determining benefits to drainage. They are number of acres in the watershed, wetness of those acres (soil types), facility use (how much of the district tile you use), proximity to facility (how easily can you access the district tile), and runoff (ag lands versus roads, railroads, developed lands).

Risdal asked if reclassification can take wetlands out of production.

Rode said a wetland determination from the NRCS identifies any wetlands on a property. Reclassification determines benefits to drainage for a particular parcel and is separate from wetlands determinations.

Risdal said he has land that he farms on Bear Creek three miles into Hamilton County and some of that land is in a drainage district. Is that part of the annexation?

Rode replied that it was not.

Virginia Swenson owns land at the north end of the proposed annexation in Hamilton County. Are the two Howard #46 tiles only in Story County?

Rode said that both Tiles A and B are entirely within Story County.

A.J. Christian is the original petitioner. He is looking for a repair of Tile A. It should at least be replaced with a 24" but the 30" improvement would be better as it would open the option of improving the rest of the tile if that became necessary in the future. He's spoken with several other district landowners who feel the same way. He wondered why the proposed annexation was not included when the district was established.

Rode said there is no way to know why things were done the way they were a century ago. If he had to guess it would be that it was easier to create a district that only existed in one county.

Harold Hovick owns the land that includes the outlet and the damaged tile. His property is not in the district despite having the tile running through it. He agrees that the tile must be repaired but wondered if it could be rerouted to enter Bear Creek just north of his property. That would only require 123' of new tile instead of replacing 1,200' of existing tile. His land is pasture and he doesn't need access to drainage tile as his land all surface drains into Bear Creek.

Rode said they'd looked at cutting off the damaged section of tile and moving the outlet to the north but there was not enough fall for this to be feasible.

Conley said the bottom of Bear Creek at the spot proposed for the new outlet is higher than the bottom of the tile at that location. Between there and the existing outlet Bear Creek drops enough for the tile outlet to be a little higher than the creek bed.

Hanson asked who decides on the annexation. Is it Hamilton and Story Counties?

Rode said it was solely the Story County Trustees' decision.

Conley noted that if the trustees decide to request an Annexation Report, that report more clearly determines what lands should be annexed. The actual annexation of any land will not occur until the trustees and landowners have a chance to review the report.

Rode said that during the preparation of the report the engineers would try to gather information from the landowners about the location of private tile and where it goes. That information helps determine if the land should be annexed. He suspects much of that area is privately tiled into Bear Creek.

Swenson asked if Hamilton County had to release the land for Story County to annex it.

Rode said Story County is not taking land from Hamilton County. If Howard #46 annexes the land it becomes part of the district but it is still in Hamilton County.

Tim Fevold, Hertz Farm Management, manages the land owned by Larson Family Farms in Hamilton County. Most of the tile they know about on their lands drain to Bear Creek. The proposed repair project will not benefit lands served by Main Tile B or any land in Hamilton County and he is opposed to the annexation.

Dan Campidilli, Hamilton County Supervisor, agreed with Fevold.

Christian said this all started when they were making a repair on their land. When they accessed the 18" district tile it had 15" of water. This was 0.5 miles away from the outlet and the tile would not be that full if it were functioning properly.

Jacob Hagan works for Bolton & Menk and represents Hamilton County districts. He agrees with Fevold and Campidilli. Repair Tile A now and look at potential annexations in the future.

As there were no further comments from the public Murken said she, personally, is not in favor of annexing into Hamilton County.

Rode said that he believes the wetlands issue will be small if only the 1,200 feet of damaged tile is improved to 30" and the rest is left as is. If the trustees request an Annexation Report we might get some private tile maps for those areas that can help determine if annexation is warranted.

Faisal asked how the Hamilton County land got involved in this project.

Rode said from the LIDAR data.

Faisal asked for clarification on annexation. If the trustees request a report that does not mean they will annex additional land.

Rode said that was correct. The trustees are not obligated to annex land simply because they requested a report.

Murken said she had not heard anyone speak in favor of annexation during the public comments but there was opposition to it. If the landowners both inside and outside the district are not asking for annexation she doesn't see a reason to pursue it.

Heddens asked if there was a motion for the preparation of an annexation report. There was none.

Faisal said she had heard several people speak in favor of replacing the broken 20" tile with a 30" tile.

Murken said she understood that many of the people served by Main Tile B are concerned about having to pay for the repair/improvement to Main Tile A.

Murken moved, seconded by Faisal, to direct Rode to prepare design plans and specifications for an improvement replacing approximately 1,200' of damaged 20" tile above the outlet of Main Tile A in Drainage District Howard #46 with 30" tile. MCU.

Faisal moved, seconded by Murken, to direct Rode to prepare a Reclassification Report for Drainage District Howard #46. MCU.

Wall asked about the proposed annexations within Story County, particularly the land owned by Hovick which contains the damaged Main Tile A and its outlet.

Rode said of the three Story County parcels proposed for annexation the Hovick property was the most likely to benefit from the district.

Murken moved, seconded by Faisal, to direct Rode to prepare an Annexation Report for just the three properties in Story County as identified in the Engineer's Report. MCU.

Heddens asked if the Trustees needed to set a date for another meeting.

Rode said not until he has prepared the reports the Trustees have requested. Once they are ready and have been filed a meeting date or dates will be set.

Faisal moved, seconded by Murken, to adjourn. MCU. Meeting adjourned at 7:55 p.m.

Respectfully submitted,



Scott T. Wall

