

DRAINAGE MEETING  
JOINT DRAINAGE DISTRICT BOONE #140-STORY #7  
MAY 12, 2021

The Drainage District Trustees of Boone and Story Counties met in a Zoom videoconference originating from the Boardroom of the Boone County Courthouse to consider a permit application form for crossing a drainage facility and the use of that form for crossing a district tile in Joint Drainage District Boone #140-Story #7, Boone County controlling, with public utilities in a residential development (Trailside Development Plat 1) in Slater, Iowa. Members present were Stephen Duffy, chair, Bill Zinnel, and Erich Kretzinger of Boone County and Lisa Heddens, Latifah Faisal, and Linda Murken of Story County. Also present were Boone County Drainage Clerk Kaitlynn Moran, Story County Engineer Darren Moon and Drainage Clerk Scott Wall, Drainage Engineer Kent Rode from Bolton & Menk, Inc., Engineer Jon Hanson from Snyder & Associates, Inc., Developers Craig and Julie Weeks, and one other identified on Zoom as Penny Vossler.

Duffy called the meeting to order at 8:05 a.m.

Moran said Gary Armstrong, Boone County's Drainage Attorney, had reviewed the permit application and had recommended that a \$200 application fee be charged to the applicant as part of the permit process.

Wall said Story County does not currently charge a fee.

Kretzinger asked if there were significant processing costs we were trying to reimburse.

Duffy said there would be costs associated with Gary Armstrong's review of the permit application and the permit meant extra work for the Auditor's Offices.

Faisal asked if the fee is for just this project or will it be applied to all future projects.

Duffy said that is an item that is up for discussion. He said he thought it made sense for any fee to go to the Auditor somehow.

Rode said the fee could help cover his fees for reviewing this project and communicating with the engineer and developers of the project.

Faisal asked if that meant the fee should go into the district fund.

Moran and Wall said if a fee was charged it should go into the district fund to help pay the costs incurred by the district.

Murken asked what the specific costs were. Drainage districts pay for what happens within their borders all the time. How is this any different?

Wall said the fee would be specific to the district and would go towards the costs associated with Rode's services and other costs to the district from this project.

Heddens asked doesn't Story County currently not charge a fee?

Wall said no but we've only used this permit once, for a utility crossing the open ditch in Grant #5 so it is a very new process for us.

Faisal said the fee was coming from the applicant to the district, not being paid by the district.

Wall said that was correct.

Kretzinger said it was reasonable to assume that the costs to the district for attorney, engineer, and administrative fees will be significantly higher than \$200.

Murken asked how often are there crossings of drainage district facilities?

Wall said there have been permits from the IDOT in the past and they provide their own permit form when they need to do road work in a drainage district. Grant #5 was the first time we used a permit application we had created. Our permit is based on one submitted by the Dakota Access pipeline when they crossed a drainage tile in Joint District Boone #28-Story #1. The Dakota Access application included a significant payment for damages so a fee was never an issue in that case.

Murken wondered if it is worth the extra effort involved if it happens so infrequently.

Kretzinger said he expects it is worth it to the people in that district.

Zinnel said he didn't see any problem with charging a fee. If this project had not come up there wouldn't be any cost to the district. The costs are only there because a developer wants the project.

Kretzinger said if this is approved it would set trustee policy going forward. This project does not enhance the district and the district should not have to pay expenses incurred by this project.

Murken asked if we would charge another governmental agency such as the IDOT.

Kretzinger said he rests on his statement that if any proposed work does not enhance the district the costs of that work should not be borne by the district.

Murken said Story County had recently adopted a policy that we would not charge other governmental agencies for planning and development issues.

Heddens said if this is adopted can't we go back and revisit it in the future?

Murken said Boone County could charge a fee while Story County would not.

Moran said that is fine but for this case the trustees need to decide.

Wall said charging a fee would set a precedent for joint drainage districts between Boone and Story Counties but would not necessarily commit either county to how it handles this situation internally.

Zinnel moved to accept the permit application and the proposed \$200 permit fee for Boone #140-Story #7 and going forward for future crossing permits in Boone-Story joint districts.

Faisal seconded the motion for the sake of moving the discussion forward. She was more concerned about the fee before it was determined that it would go to the district concerned and not to the county. She doesn't know what Story County will do going forward but doesn't have a problem with this being policy for joint districts with Boone County.

Heddens said this could be confusing if the charging of the fee is dependent on which county is controlling that district.

Kretzinger said the fee would be billed by the joint district, not by either county, so it shouldn't matter which county is controlling, only that it is a joint district between Boone and Story Counties.

Murken asked for clarification. If Boone County is the control they keep all the funds for that district and if Story County is the control they keep the funds. Is the intent of the motion to cover not just this case but all Boone-Story joint districts?

Zinnel confirmed that was the case.

Duffy asked for a vote on Zinnel's motion. Heddens, Faisal, and Murken voted yes with reservations and Duffy, Zinnel, and Kretzinger voted yes. Motion approved unanimously (MCU).

Murken moved, seconded by Kretzinger to approve the permit application for the proposed crossing of drainage district tile in Joint Drainage District Boone #140-Story #7 with the understanding that the plans for the proposed crossing must be approved by the engineer (Rode) before the Chair of the Joint Trustees signs the application.

Kretzinger asked if there wasn't going to be something attached to the application.

Moran said the application would include the design plans for the crossing and those had already been submitted and sent to Rode for his review.

Rode said he had reviewed the plans submitted by Hanson yesterday and everything appears to be in order. The borings for a water main and a sanitary force main will both be 2' under the district tile starting 15' before the tile and ending 15' beyond it. Any inadvertent damage to the tile will be taken care of if and when it occurs.

Murken asked that Moran and Wall review the completed application to confirm that it is what was approved at the last meeting on May 5, 2021.

Murken's motion was approved unanimously on a roll call vote.

Moran asked if the trustees were in favor of allowing Duffy, as Chair of the joint district, to sign the permit application once it is approved as discussed without holding another meeting to approve that action.

Zinnel moved, seconded by Murken, that Steve Duffy, as chair of the joint trustees of Boone and Story Counties be directed to sign the Boone #140-Story #7 crossing permit once it has been submitted and approved by the drainage engineer and drainage clerks. MCU.

Hanson asked if he could now get the approved form from Moran so they can fill it out and return it with the \$200 fee and the attached design plans.

Moran said she would send Hanson the form following the meeting.

Kretzinger moved, seconded by Heddens, to adjourn. MCU. Meeting adjourned at 8:27 a.m.

Respectfully submitted,



Scott T. Wall

FILED

2021 MAY 17 AM 10:12

**BOONE AND STORY COUNTY JOINT DRAINAGE DISTRICT  
CROSSING PERMIT**

To the District Trustees, Boone and Story County, Iowa:

I, CRAIG AND JULIE WEEKS (TRAILSIDE DEVELOPMENT, LLC), on behalf of

<u>MALLON EXCAVATING</u>	<u>CASEY MALLON</u>	<u>PO BOX 276, SCATER IA</u>
<u>Installer/Contractor</u>	<u>Owner</u>	<u>Address</u> <u>50244</u>

do hereby make application requesting permission pursuant to Iowa Code Section 468.186 to cross drainage district tile(s) in Drainage District(s)

JOINT DRAINAGE DISTRICT NO. 140 AND 7 - BRANCH J TILE located at

EAST ROW OF SOUTH AVE. - 675' NORTH OF HIGH TRETTLE TRAIL

We mutually, as installer/contractor and/or owner, (Both hereinafter referred to as the permittee), agree that the following stipulations shall govern under this permit.

1. The Permittee will file plans setting out the location of the proposed work and that the description of the proposed installation will be included with this agreement showing type, height, and spacing of the same: 3" SANITARY SEWER FORCE MAIN & 8" WATER MAIN CROSSING EXISTING TILE  
(ENGINEERED CONSTRUCTION PLANS SUBMITTED)

2. The installation shall meet the requirements of county, state, and federal laws, the Iowa State Department of Health, and any other laws or regulations applicable.

3. The Permittee shall be fully responsible for any future adjustments of its installations within the established drainage district right-of-way caused by district construction or maintenance operations.

4. The drainage district assumes no responsibility for damages to the Permittee's property occasioned by any construction or maintenance operations on said district.

5. The Permittee shall be responsible for any damage resulting to said district because of the construction operation, or maintenance of said installation, and shall reimburse the district for any expenditure the district may have to make on said district because of said permittee's installation having been constructed, operated, and maintained thereon.

6. The Permittee shall indemnify and hold harmless Boone and Story County and the drainage district from any and all causes of action, suits at law or in equity, or losses, damages, claims, or

demands, and from any and all liability and expense of whatsoever nature for, on account of or due to the acts or omissions of said Permittee's officers, members, agents, representatives, contractors, employees or assigns arising out of or in connection with its (or their) use or occupancy of the district under this permit.

7. Noncompliance with any of the terms of the permit, or agreement, may be considered cause for revocation of the permit.

5/12/2021  
Date

TRAILSIDE DEVELOPMENT, LLC  
Name of Owner (Applicant - Permittee)

311 NORTH CARROLL ST.  
SLATER, IA 50244  
Address

Craig W Luke 515-231-2111  
by Phone no.

5/12/2021  
Date

MALLON EXCAVATING  
Name of Installer/Contractor (Applicant - Permittee)

PO BOX 276  
SLATER, IA 50244  
Address

[Signature] 515-685-4438  
by Phone no.

Approved by:

Date 5-12-21

[Signature] 515 433 4935  
Chair - Drainage District Trustees Phone no.