

DRAINAGE MEETING
JOINT DISTRICT BOONE #143-STORY #8
JUNE 7, 2023

The Drainage District Trustees of Boone and Story Counties met in the Boardroom of the Boone County Courthouse in Boone, IA to consider action on an Engineer's Report (on file in the Boone and Story County Auditor's Offices) on conditions in Joint Drainage District Boone #143-Story #8, Story County controlling. Members present were Latifah Faisal, chair, and Linda Murken of Story County and Bill Zinnell, Eric Kretzinger, and Shawn Bryant of Boone County. Also present were Story County Engineer Darren Moon, Conservation Director Michael Cox, and Drainage Clerk Scott Wall, Boone County Drainage Clerk Kaitlynn Moran, Drainage Engineer Tyler Conley of Bolton and Menk, Sara Smith from the Iowa Department of Agriculture and Land Stewardship (IDALS), and 12 district landowners (see attached sign-in sheet). Attending virtually were Story County Watershed Coordinator Sara Carmichael, Andrew Schippers from Ducks Unlimited, and landowner Lois Carlson.

Faisal called the meeting to order at 6:00 p.m.

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

Cox spoke briefly about the proposed wetlands project. It is a partnership between Story County, IDALS, Ducks Unlimited, and the City of Ames. IDALS is providing the funding and, just this week, they have offered to pay for the replacement of the Main District Tile south of 170th Street. That is the section of tile they would like to draw water from to create the wetland. That section of tile accounts for approximately \$50,000 of the estimated project cost.

Conley spoke about the Engineer's Report while displaying a map of Boone #143-Story #8. The district was established in December 1915 and the largest levy against it was 49% in 2013. This indicates there have never been any large repairs to the district facilities. The Main Open Ditch has a lot of siltation and is meandering and there is significant damage to the Main Tile which has been exposed to the open and collapsed in at least two locations. The report only investigated the Main Tile and Open Ditch as that is what the Trustees requested. The Code of Iowa requires that the Trustees keep drainage facilities in good repair – to their original design capacity.

The report consists of three divisions: a cleanout of the Main Open Ditch, replacement of the Main Tile under 170th Street, and the replacement of the rest of the Main Tile. The tile in the right-of-way is separated out because the Code specifies that district facilities in road rights-of-way are the responsibility of the governing body, Story County in this case. All three divisions of work are classified as repairs, not improvements.

A question arose last week about extending the open ditch north to 170th Street rather than replacing the tile. In Conley's opinion this would be viewed as an improvement. Improvements are much more difficult to implement as they are subject to wetlands laws and can be blocked by the district landowners. The trustees should not attempt to implement any improvements without a petition from the landowners.

The report recommends defining an easement along the Main Open Ditch. The modern standard is 100', 50' on either side of the ditch centerline. This leaves about 20' of level ground outside the ditch banks for access by construction equipment. There are also recommendations for improving water quality but these would have to be undertaken by individual landowners rather than the district.

Zinnell asked if the report's recommendations had to be done.

Moon said there is evidence that Stritzel is correct and the land south of 170th and west of the county line probably does not benefit any longer though it may have when the district was established.

Conley said the original district plans indicate an Open Ditch west of the county line that was abandoned before construction began. It may be that the district was classified before the ditch was moved to the east side of the county line. Reclassification would resolve these kinds of issues but he has not been directed to reclassify this district.

Wall said there are alternatives to reclassification in this instance. Story County had a similar situation in Grant #13, an internal drainage district, where I-35 had been built through the district. The Open Ditch there is east of I-35 and a landowner west of I-35 questioned why he was being assessed for drainage when he had no access to the ditch. He said his water ran south to the Skunk River along the interstate ditch. As built plans for I-35 and onsite inspection revealed no culverts under the road that would provide drainage for the properties to the west and they were severed from the district. Their benefits were assigned to the remaining parcels based on those parcels share of the original benefits. While this could be applied to the three properties south of 170th there is a housing development (Buck Hill Estates) north of 170th and people associated with that development have expressed an interest in reclassification.

Conley talked about what is involved in reclassification. Factors taken into consideration are proximity to drainage facilities, how much of the facility is used, soil types, land use, and some minor factors which are run through a mathematical process to determine each parcel's benefit to drainage. It is not an inexpensive process and there are no guarantees that any given property will see a reduction of cost.

Murken said her preference is to avoid a reclassification because of the additional time and expense involved. She asked how much a reclassification of this district would cost. She is mindful that any expenses in drainage districts are paid for by the landowners in those districts.

Conley was reluctant to give an estimate but though it would be around \$30,000 for this district.

Jake Krayenbrink is being assessed for 10 acres in drainage. He has 50 acres and wanted to know where the 10 acres were. Also, he is one of the properties south of 170th and west of the county line and the road blocks his access to the drainage district.

Conley used the map on the Engineer's Report to show where the district watershed crosses Krayenbrink's land.

Sandy Christianson lives on an acreage surrounded by ag land. She said a lot of water comes across the land north of 170th Street in the spring during heavy rains and has to go under the 170th Street bridge. That is probably what is eroding the open ditch and uncovering the main tile.

Jake Krayenbrink Jr. asked how the original benefits schedules were determined.

Conley said we can't know the exact process used in 1915 but it likely involved a lot of simply looking over the land and making some judgement calls about what properties got more or less benefit. Today's process is much more quantifiable.

Mark Hanson representing Buck Hill Estates said that development changed the topography significantly and a reclassification would probably reduce the benefits to those homeowners. He is hearing here that a reclassification would be an additional cost to the district?

Wall said any work done in a drainage district is paid for by the district. If a reclassification is done the costs will be assessed to district landowners under the new classification.

A landowner who had to leave said he wanted the trustees to walk the open ditch before they make any decisions. It works just fine now and repairing it won't do him a damn bit of good. The problem is surface water through the district, not flow through the tile.

Steve Forth asked what it would cost just to fix the broken tile and leave everything else alone. He believes the trustees should do the bare minimum in repairs and just fix what's broken.

Conley said that everything south of 170th Street is failing and must be replaced up to the road. The road is a county expense so that can be replaced at no cost to the district and should be replaced because if the tile fails under the road there will be much more expensive repairs required. Because the proposal is to minimize the length of tile under the road it will cross the road at a right angle. It must then be realigned with the existing tile north of the road and the plans include a structure with a manhole that will minimize the reduction in flow from the tile having to make a sharper bend.

Forth said no one was told about the offer from IDALS until now. It wasn't in the letter. He didn't think the trustees should make any decisions when the people who couldn't attend tonight don't have all the information.

Murken said no one knew about the offer from IDALS until today. Mike Cox has been working with IDALS and they only made the offer to contribute financially earlier today.

There was some landowner discussion saying that this wasn't a problem until the wetland was proposed. Now IDALS wants the district to pay so they have place to get water.

Moon said there was a large blowout in the main tile north of 170th 20 years ago so the county has been aware that the tile is in poor condition for quite some time. When utilities were being run for the new housing development to the east the contractor cut the main tile which also gave us a look at its condition. That break also led to the discovery of the areas where the tile has washed out south of 170th as those are not visible from the road. Because that area of land is unused no one had noticed the tile issues sooner.

Fred Jensen said none of the supervisors had spoken to the landowners most impacted financially. How can they decide to spend other people's money without even talking to those people?

Murken said while she had not spoken with Jensen she had spoken to several landowners who had contacted her. Regardless of that the trustees are obligated, by state law, to maintain the district.

Zinnell said all of the tile here are past their 100-year design life. The district has benefitted from decisions made in 1915 but now the tile is failing and will continue to fail. The trustees need to repair what is broken or damaged and we might get another 100 years out of it.

Faisal asked if repairing the open ditch was optional since the landowners don't think its capacity is insufficient.

Conley said he stands by the recommendations in the Engineer's Report. The trustees can modify the recommendations in that report as they see fit but if they don't fix the ditch that decision could be challenged since there is a report that advises that the ditch be repaired.

Gene Upstill said repair the tile and leave the ditch alone. He wanted to know how much this project will cost him if the price is reduced by \$30,000.

Murken said if the ditch is removed from consideration and IDALS contributes to the tile repair that leaves \$35,000 in construction costs for the district to cover. Including engineering fees, the assessable cost to the district will be under \$100,000. Her sense from what is being said this evening is that the open ditch repair is not a critical need. The tile needs to be replaced and there is an offer from the state to help cover that cost so now is the time to do it.

A landowner asked how much water the wetland would pull from the district. If the flow in the ditch is reduced too much the ditch won't be able to self-clean.

Sara Smith said the pump they are proposing to use has a maximum capacity of 1.5 cubic feet per second which is not a lot relative to the normal flow. It will not significantly affect the flow of water in the ditch. The water pulled from the tile will not re-enter the open ditch. It will exit the wetland into Ioway Creek.

Krayenbrink asked what the landowners will pay.

Bryant said \$85,000 for the tile repair less \$50,000 from the state is \$35,000. The open ditch would be another \$70,000.

A landowner wanted to know if the engineer had to bid on being the engineer.

Wall said the engineer is appointed by the trustees and they can switch to a different engineer at any time but the engineer was not selected through a bidding process. Construction work is put out for bids.

Kretzinger asked if the trustees do not fix the ditch who can object?

Conley said any landowner in the district who felt the ditch should be repaired could file a complaint.

Forth questioned the right angle in the proposed main tile north of 170th.

Conley said that was done to minimize the length of tile needed to transition from the tile under the road to the existing tile north of the road. The proposed manhole structure at that bend was designed to ease the flow of water at that point.

Murken asked Conley if he could say a few words about remonstrance.

Conley said landowners cannot block a repair but anything that increases the capacity of the district is an improvement and that can be stopped. Remonstrance describes a process in which a petition signed by over half the landowners in a district controlling at least 70% of the land is sufficient to block an improvement. He does not believe the trustees should consider an improvement without a petition from the landowners requesting such. The trustees can undertake repairs without landowner involvement.

Murken said the problems with the tile were not apparent prior to the wetland proposal because the blowouts are on unused land and are not visible from the roads.

Conley said it is important to note that his estimates are just that – estimates. They are based on costs incurred by similar projects but the actual costs could come in lower or higher.

John Johnson said the Friedrich development to the east along 170th gave the area proposed for the wetland to Story County to develop as a park. Kurt Friedrich has been marketing the development to buyers as being next to a park. What they are really getting is a mosquito infested swamp.

Cox said, as Conservation Director, he is in charge of managing parkland in Story County. A County Park is not just picnic tables and playground equipment. We have parks that include those things along with lakes, streams, wetlands, undeveloped areas (woods, prairies), campgrounds, and trails. All of those are County Parks.

Kretzinger moved, seconded by Murken, to acknowledge receipt of the Engineer's Report on Drainage District Boone #143-Story #8. MCU.

Murken moved, seconded by Zinnell, to define the easement along the open ditch as being 100' in width, 50' on either side of the centerline of that ditch.

Conley said because Y Avenue/500th Street was within 50' of the centerline of the ditch it was not appropriate to define an easement that would include the road surface.

Murken withdrew the 50' from the ditch centerline language. MCU.

Zinnell asked if the trustees should defer a decision on the repairs until more information can be gathered?

Murken asked what more information is there to be collected?

Zinnell said there were landowners who could not attend this meeting and are not aware of the offer from IDALS.

Wall said the letter to landowners was mailed on May 15. He received only four written requests for information – three emails and one letter. Now it appears the cost to landowners will be reduced. Anyone who didn't bother to contact the trustees or drainage clerks prior to this meeting is unlikely to contact us in the future.

Murken moved, seconded by Kretzinger, to direct the county and drainage engineers to investigate the possibility of severing the three Boone County properties south of 170th Street and east of Y Avenue from the drainage district.

Moran asked what any penalties/repercussions the trustees could expect if they do not repair the open ditch?

Conley said a landowner could file suit against the trustees to force the repair.

Murken moved, seconded by Bryant, to approve Divisions 2 and 3 in the Engineer's Report, the Main Tile Repairs, to Joint Drainage District Boone #143-Story #8 and to direct Bolton and Menk to proceed with design plans and bid specifications for only the Main Tile Repairs. Zinnell voted against the motion. Faisal, Murken, Kretzinger, and Bryant voted in favor. Motion carried.

Zinnell stated that he felt the open ditch should be repaired but he was willing to let that go as Story County is the control.

Bryant disagreed.

Murken moved, seconded by Kretzinger, to approve the request from the Iowa Department of Agriculture and Land Stewardship to pump water from the Boone #143-Story #8 Main Tile to create a wetland. MCU.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Scott T. Wall". The signature is written in a cursive style with a large, stylized "S" and "W".

Scott T. Wall

DRAINAGE ATTENDANCE SHEET
Drainage District Boone #143-Story #8
June 7, 2023

Name	Address	Owner/Tenant
Steve Fauth	17137 510th Ave	owner
Gene Upstilt	3300 G.W. Carver #110 Ames 50010	owner
Fred Jensen	50968 150th Ave 50014	owner
Beth Johnson	50355 50355 170th St	owner
John Johnson	50355 170th St	owner
Kent Schwartz	14062 500th Ave, Story IA	landowner
Danda Christensen	2371 160th St	landowner
John Christensen	2371 160th St	landowner
Sara Smith	502 E 9th St. DSM IA 50319	IDALS
Mark Hanson	2322 167th PL AMES	
Paul Stritze	2538 N. Dakota Ave Ames	
Jake Kraayenbrink	2388 170th st Ames	owner.