

DRAINAGE MEETING  
JOINT DISTRICT MARSHALL-STORY #1  
JANUARY 7, 2015

The Drainage District Trustees of Marshall and Story Counties met in the City Council Chambers in State Center, Iowa to consider annexation of additional lands, acquisition of additional open ditch right-of-way, and authorization to prepare design plans and specifications, bid documents, and reclassification of Joint Drainage District Marshall-Story #1, Story County controlling. Members present were Rick Sanders, chair, Paul Toot, and Wayne Clinton of Story County and Dave Thompson and Bill Patton of Marshall County. Also present were Marshall and Story County Engineers Paul Geilenfeldt and Darren Moon, Marshall and Story County Drainage Clerks Whitney Hunt and Scott Wall, I & S Group Project Engineer Kent Rode, and 7 land owners in the district (see attached).

Sanders called the meeting to order at 6:30 p.m. and asked Rode to talk about the annexation of additional lands into Marshall-Story #1.

Rode said I & S Group had used LIDAR and computer modelling to check elevations and, based on that data, was recommending that an additional 22.36 acres in Story County be annexed into the district (see 'Engineer's Report: Annexation' on file in the Marshall and Story County Auditors' Offices). I & S also recommends that 201.14 acres in Marshall County be annexed into the district. The Marshall County lands lie along a portion of the open drainage ditch which was straightened in the late 1950's/early 1960's as evidenced by aerial photography during that time period. While the district minutes contain no evidence of the district's involvement in straightening this portion of the open ditch there is a map of the district that shows the area being inside the district boundaries.

Rode spoke briefly about assignment of benefits to land in drainage districts (classification). Benefits are assigned based on each parcel's wetness, soil types, elevation, proximity to district facilities, and proximity to the district outlet. Land near the bottom of the district uses few district facilities and so has a relatively small benefit. Land farther upstream along a district ditch or tile has a higher benefit as it uses more of the district facilities. Land farther upstream but not along a district facility has a lesser benefit since private tile must be run to connect to a district facility.

The Papenbergs believe the ditch in question was straightened by the landowners without drainage district involvement. Bill had been through the records several times and found no mention of straightening the open ditch. Rode concurred but argued that there is no evidence the district was not involved and the map showing the proposed annexation already within the district is evidence of district involvement.

Rode said he believes there are advantages to annexing the area in question now. First, any work done to the ditch in that area would be performed by the district which means a cost savings to the land owners. Second, it is easier to maintain open waterways that are part of a drainage district under state and federal law. If pending Clear Water Act legislation is passed at the federal level it will be extremely difficult to alter existing waterways. Waterways inside drainage districts should be easier to clean and maintain as they are pre-existing facilities.

All the land owners present asked how Rode determined where the district boundary should end. The ditch extends beyond the district to Marshalltown and the Iowa River. Don't all those lands benefit as well? Rode said he recommends extending the district boundary only enough to encompass the straightened part of the ditch. Again, this is in line with what appears on the map of the district showing the area included. The Papenbergs asked why the area wasn't included in the district when the ditch was straightened and the map was made.

Sanders said there is a reason the Marshall and Story County Supervisors are sitting here today as drainage district trustees. With all due respect to anyone who served as a trustee for Marshall-Story #1 when it was not under supervisor control there were things that simply did not get done, leading to some of the issues the district is facing now. It may well be that the straightening of the ditch and inclusion of that area in the district does not appear in the records because things were handled less formally under private trustees. The existence of the map showing the district covering a larger area satisfies Sanders that it is proper to include those areas in the district now.

Dwight said the current project to replace the main tile will not benefit him at all since his land is on the open ditch. Rode said he will realize some benefit as part of the project involves cleaning the ditch.

Sanders said it was his understanding that the reclassification would separate the district into sub-districts so that land owners would only pay for work that benefitted them. For instance, everyone will share in the cost of repairs to the main open ditch but lands along that ditch will not have to share in the cost of repairs to any of the district tile as they do not use that tile. Rode confirmed that this was correct.

Bill asked what this project was going to cost him if his land was annexed into the district. Wall and Hunt said that Dwight's land at the bottom of the current district boundary would be assessed \$653.00 under the current classification. The actual cost will likely be reduced since the cost of the project will be levied under the new classification. There followed much discussion of how the new classification would work and who would pay for work done in various areas of the district.

Toot moved, seconded by Thompson, to approve the 'Engineer's Report: Annexation' and annex the additional areas into Marshall-Story #1 as recommended by I & S Group.

Clinton said the district has come a long way since the beginning of this project and we are moving towards assessments being much more fair and equitable. Toot said when the district was laid out the boundaries were determined by eye. Now we are using technology unavailable when the district was established and it is evident the original boundaries were very good. The district hired the engineer to advise us on what is best for the district and Toot accepts that the proposed annexation is in the best interests of the district.

There being no further discussion the motion was put to a voice vote. Motion carried unanimously (MCU). The lands proposed for annexation are now a part of Joint Drainage District Marshall-Story #1.

Rode spoke about the annexation of additional right-of-way to provide access for repairs along the open drainage ditches in the district (report on file in the Marshall and Story County Auditors' Offices). He met with two other appraisers (landowners in Marshall and Story Counties but not within the district) and they visited the area along the Main and Branch D ditches. The original easement is assumed to be 80' and 100' (50' on either side of the ditch centerline) is the standard today. Land owners may not place structures within the easement but they can continue to crop the land as they are doing now. If the district had to destroy crops in the easement to make repairs it would not have to reimburse the landowner for their losses. The appraisers recommend that land owners receive \$2,000 per acre for the additional right-of-way. This includes the lands just annexed into the district.

Sanders asked when the land owners will be paid for the right-of-way. Rode said warrants will be issued right away but will not be paid until the project is completed and the district is levied. Until that time the warrants will accrue simple interest at the rate of 6%.

Clinton moved, seconded by Thompson, to approve the 'Commissioner's Report: Right-of-Way' and pay the land owners along the Main and Branch D open ditches at the rate of \$2,000 per acre as recommended by the report. MCU.

Toot moved, seconded by Thompson, to direct I & S Group to proceed with design plans, bid specifications, and reclassification of the lands in Marshall-Story #1.

Rode said they would aim for completion of the design plans by mid-March of 2015 with a bid letting in mid-April. That would be when the next public hearing would be held. While reclassification cannot be finalized until the project is completed Rode will have preliminary reclassification numbers available at the letting so land owners have some idea of their individual cost.

There being no further discussion on the motion it was put to a voice vote. MCU.

Sanders said Story County has dealt with similar drainage projects with another entity in the last several years and he wanted to say how happy the Story County trustees have been with the services provided by I & S Group.

Thompson moved, seconded by Toot, to adjourn. MCU. Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Scott T. Wall