

DRAINAGE MEETING
JOINT DISTRICT MARSHALL-STORY #1
NOVEMBER 19, 2014

The Marshall and Story County Drainage District Trustees met in a telephone conference call in the Board Meeting Room of the Story County Administration Building to consider Engineer's Reports (on file in the Offices of the Marshall and Story County Auditors) on Annexation of Additional Lands and Acquisition of ROW in Joint Drainage District Marshall-Story #1, Story County controlling. Members present were Paul Toot, chair, Rick Sanders, and Wayne Clinton of Story County and Denny Grabenbauer, Dave Thompson, Deanne Adams, and Bill Patton, supervisor-elect, of Marshall County. Also present were Story Engineer Darren Moon, Marshall and Story Drainage Clerks Whitney Hunt and Scott Wall, and I & S Group Engineers Kent Rode and Evan Del Val.

Toot called the meeting to order at 8:30 a.m.

Rode presented the Engineer's Annexation Report. There are some small areas in the northwest corner of the district in Story County that should be brought into the district and a large area in the east along the open ditch in Marshall County. The proposed Marshall County annexation is along a section of open ditch that was straightened in the late 1950's/early 1960's as evidenced by aerial photographs of the area during that time period. An undated map of the district in the district records shows this area as being inside the district boundaries but there are no other records of the ditch being straightened or of paying for such a project.

Sanders said the annexations in Story County are straightforward but wasn't there some question at public hearings held earlier as to who paid for the additional straightening of the ditch through the proposed annexation area in Marshall County? Rode said the land owners have been unable to produce any evidence that they paid to straighten the ditch and, while there is no evidence of such a project being paid for by the district, Rode feels the map is convincing evidence that the district was involved in the straightening of the open ditch.

Sanders asked if the lands to be annexed wouldn't benefit in the future from being made part of Marshall-Story #1. Rode said they would and their financial share of any drainage district work would be minimal relative to most lands in the district. In addition they will be paid for the acquisition of ROW along their portion of the open ditch and that ROW should be removed from the tax rolls.

Sanders and Adams both felt that there is sufficient evidence to justify annexing the additional lands in Marshall County.

Rode said with proposed changes to the Federal Clean Water Act it will be much more difficult to alter any waterways. Open waterways within drainage districts should at least have some protections from the more onerous changes being proposed.

Rode also addressed land in the southwest corner of the district that was annexed into an adjacent district in 2010 as the result of a land owner tiling into the adjacent district. Rode believes some water still surface drains into Marshall-Story #1 but feels it is best to leave this area alone and not bring it back into Marshall-Story #1.

Sanders moved, seconded by Adams, to tentatively approve the Engineer's Annexation Report for Marshall-Story #1 and to direct the Marshall and Story Drainage Clerks to set a time and place for a public hearing not less than 40 days from today. This should be in early January, 2015. Motion carried unanimously (MCU).

Rode presented the Engineer's Right-of-Way Report. There is a presumed 80' ROW along the open ditch now. The current standard is 100' and the report recommends acquiring an additional 20' on either side of the ditch. The land owners will be compensated at \$2,000/acre for the additional ROW. They will not be compensated at market value as the land is not being taken out of production plus it should be removed from the tax rolls. They will not be able to place any structures within the ROW and the district will not have to pay for crop damage for any repairs occurring within the ROW.

Sanders said that any notification sent to land owners about the ROW acquisition should emphasize that the land can still be cultivated.

Sanders moved, seconded by Grabenbauer, to tentatively approve the Engineer's Right-of-Way Report for Marshall-Story #1 and to direct the Marshall and Story Drainage Clerks to set a time and place for a public hearing coincident with and immediately following the annexation hearing. MCU.

Sanders asked Rode to elaborate on the project timeline following the January hearings. Specifically, he is not comfortable with completing the project before the district is reclassified. This puts the trustees in the position of approving a project without knowing what each individual's share will be. Rode said he understands the concern but often in the course of a large project things can come up that affect the classification. Reclassifying the district can be done concurrently with the design plans and bidding but there is a risk that additional classification work would be necessary after construction is complete. Sanders said he would prefer doing the reclassification as soon as possible. Ideally, when a bid is accepted the trustees would be able to tell the landowners what their share of the project will be. Assuming the trustees give final approval to both reports in January Sanders would like to direct I & S Group to proceed with Design Plans and Bid Specifications concurrently with reclassification of Marshall-Story #1.

Sanders moved, seconded by Grabenbauer, to adjourn. MCU. Meeting adjourned at 8:55 a.m.

Respectfully submitted,

Scott T. Wall