

**Public Hearing on Engineer's Report on Repairs to Main Tiles
Drainage District 86, Hardin County
January 22, 2020 at 11:00 AM
Hardin County Courthouse, Lower Level Conference Room**

1/22/2020 - Minutes

1. Open Meeting

Hardin County Drainage Districts Board of Trustees Chairperson, Lance Granzow opened the hearing. Also present were Trustee Renee McClellan; Landowner Greg Larson; Lee Gallentine of Clapsaddle Garber Associates; and Drainage Clerk Denise Smith.

2. Approve Agenda

McClellan moved, Granzow seconded to approve the agenda as presented. All ayes. Motion carried.

3. Introductions/Attendance

Introductions were made and attendance verified.

4. Open Public Hearing

Granzow opened the hearing.

5. Verify Publication

Smith verified the notice of publication as being published in the Times Citizen on Wednesday, January 1, 2020.

6. Explanation Of Project

Gallentine explained the project as detailed in the Engineer's Report dated December 3, 2019. Drainage has slowed and now stopped. Gallentine stated that this district's investigation showed a history of tree roots invading the tile, especially in areas that have not been actively maintained by private landowners, notably in the railroad right of way. Water is coming up out of the intake, traveling over land, going through a railroad culvert, then back over land into the tile and then it leaves through the outlet. The Engineer's Report details repair options of:

1) Partial Tree Removal, Root Cutting, and Tile Lining for an estimated cost of \$93,940.63

OR

2) Full Tree Removal and Partial Tile Replacement for an estimated cost of \$93,006.25.

7. Written Or Verbal Comments/Discussion

Granzow requested any written or verbal comments from landowners be presented.

Smith reported written communication from landowners James Heddens and Randy Jennings. Smith read the communication as written from James Heddens, dated Monday, January 20, 2020 into the minutes:

I as trustee of James D Heddens trust has approx 50 some acres in this district. (ALL SOUTH OF SOUTHERN MOST TRACKS) I do not know all of the facts but hopefully you people voting do, but consider these things;

I have no tile on my agric property, there,fore only land sloping west would drain little if any to my west flat land and sloped land drains into my flat land being all I south of southern most tracks. If I wanted to tile

would likely NOT be possible for no assess to this dist. INVOLVED tile.

This big drain tile has been A recurrent expensive problem since doing approx 1915, and likely will continual to be. All HAD big expense on 2017, about \$3K hit just for me.

This cost is mostly covered via of agric land and a real hit, for income not hat hi on agric rents.

If trees removed with a high cost, likely they will grow back for apparently the owner has not problem with in past, so why so in the future, so will not solve long term problem. If so doing tree removal Dist/county should HAVE agreement with tree land owner that they/he will keep tree less in the future. I do not know if any pipe is root resistant to trees in a dry year.

Consider return tiled area to to creek like structure, as it likely was in prior placement of drainage tile, many drainage areas in IA and USA poorly thought out in early 1900s.

With the above also consider returning lowest area to wet lands, crp, usda quite high rental return on that, higher than crop land, but can not be taken out once in.

Whatever is done, for me leave it or creek it, MAKE THE solution more permanent, its really been a bad deal FOR taxpayers and owners; reviewing its history.

There seems to be some unfairness in this for the greatest benefactors are in low farmland between tracks between lake areas etc but seems they pay same rate per acre assessment, but if always precedents at way in IA, I will accept it.

J D Heddens

Smith also read the communication as written from Randy Jennings, dated Tuesday, January 22, 2020 into the minutes:

Drainage District 86 Trustees

RE: Proposed Improvements

Friends,

I am the Trustee of the Estelene M. Jennings Revocable Trust that owns 20.34 acres located in Drainage District 86.

I am, hereby, objecting to the proposed improvements to the district tile because I do not believe that the resulting assessment will be equitably divided amongst the property owners. I am basing this on the latest assessment received in May of 2018. The total assessment for that project was \$58,750 on 715 total acres. That resulted in the Trust paying 18% of the total assessment when it owns 2.9% of the acres.

I understand this is a very difficult district to deal with. It runs in and out of the city limits. It includes a large industrial plant and it includes small in-town lots who utilize city storm drainage, along with other unique parcels. The standard classification system may not work in this district because of the unique nature of various parcels.

I believe the method of assessing the individual parcels in this district needs to be examined and needs to be restructured to be more equitable. The standard classification system may not work in the district because of the unique nature of various parcels.

Thank you for your consideration.

Sincerely,

Randy Jennings

Trustee, Estelene M. Jennings Revocable Trust

Smith stated she had received no other landowner feedback. Granzow stated that it sounds like the landowners are requesting a reclassification by different standards. Granzow asked when it was last reclassified, Smith will look that up and let the Trustees know when it was last reclassified. Smith stated that when looking at the estimated assessments, Jennings would pay the largest share of the cost for this project, whether this project would proceed at the partial tree removal, root cutting and tile lining or the full tree removal and partial tile replacement. Jennings would still be paying right around \$15,000 based on percent of benefit for either option. Gallentine stated that the parcels have been slowly developed over years. Granzow stated that the classification could be correct if this were very swampy land.

Gallentine spoke with landowner George Ioger, Gallentine explained the project and Ioger indicated he had a small piece of land on the south end of the district. Ioger stated he is far enough away from the issue it won't impact him, but to do whatever needs to be done. Granzow asked if the owner of the trees had contacted Smith, Smith stated that they had not contacted the Drainage Clerk. Granzow stated it is the Trustee's responsibility under Iowa Code to keep the trees out of a drainage tile, but it is also the responsibility of any person in the district to contact the Trustees if there are any issues. It is not just the landowners responsibility, it is the District's responsibility to look at the regrowth of trees as it happens, that trees should be taken out before they become a large problem. It is frustrating when the District has to come in and clean up the trees when the drainage has stopped.

Granzow stated a letter should be sent to landowners outlining those responsibilities that tree growth and regrowth should be addressed before it becomes a larger problem. Granzow asked if we should entertain the option of returning this area to an open ditch. Gallentine stated that would be a possibility but cautioned that any time there is an open ditch with nearby surrounding trees and a lack of maintenance it may invite beaver issues, and wondered if creating an open ditch constitutes taking a right of way. It was discussed that where the tile is plugged that this would be the railroads land. McClellan stated we would have to work with the railroad to get trees removed, regardless of if we change things.

Gallentine also stated there are trees all the way from Dago Lake all the way to the outlet that appear to be within 50' of the District tile, and those need to be removed also. Those would be multiple landowners trees that would need to be removed. Granzow asked who was being impeded by drainage. Gallentine stated this was generated because there was a tree removal requested for one tree along Monarch Pond, and it was stated then that all trees should be removed.

Gallentine stated that there could be access structures added to jet clean out the tile, line the existing tile, and that assumes that the tile is in good enough shape to line it. The other option is to go in and take out all the trees within 50' of the tile and replace that section of tile. It was noted that both options are similar in cost. Gallentine noted that if you line the tile with gasketed joints, you have to be careful as roots can go through the gasketed joints. Gallentine stated that there still needs to be some watching for tree regrowth.

Granzow noted we had no complaints about drainage in the area, despite the fact that it is not flowing, the only complaints were that the trees needed to be addressed, and has a hard time spending the money if there are no landowner complaints. Gallentine stated that he is aware that this is a large cost for either option.

McClellan asked if this was the only area with tree problems, or if this was just the beginning of a larger issue within the district. The trees range from the area near town all the way to Dago Lake. Gallentine noted that the reason Jennings portion was high was because the main goes right through his property along with a couple laterals. It was discussed that this was all brought about when the Monarch pond level was high, and washed a gully through the area, initially a couple trees were removed, and there was still problems with the tile flow, a couple more trees were removed and the issues remained.

Granzow stated it would make sense to look at a reclassification unless it has been done recently, and it

would also make sense to look at making it an open ditch as requested by Heddens, as it may be easier to observe any issue with drainage in an open ditch. Gallentine stated he could draw up an option for an open ditch if the Trustees would like to entertain that as an option.

8. Close Public Hearing

McClellan moved to close the public hearing. Granzow seconded. All ayes. Motion carried.

9. Possible Action

Possible action - Granzow motioned CGA to come back with an open ditch option as suggested by landowner James Heddens, and for Drainage Clerk Smith to come back with what classification they currently have and how old it is. All ayes. Motion carried.

10. Other Business

11. Adjourn Meeting

Motion by McClellan to recess Public Hearing to February 5, 2020 at the Regular Drainage Meeting scheduled for 9:30 AM. Second by Granzow. All ayes. Motion carried.