

Drainage District #37 Meeting of Private Trustees
and Hearing on Proposed Repair
10:00 a.m. July 27, 2022
Clay County Administration Board Room

The July 27, 2022 meeting of the Drainage District #37 Trustees and Hearing on the Proposed Repair was called to order by Chairman Allen McGranahan at 10:00 a.m. in the Clay County Administration Board Room.

In attendance in person were trustees Allen McGranahan, Bill Gerdeman, and Rod Dillard; clerk Connie Swan; engineer Collin Klingbeil of Jacobson-Westergard & Associates, LLC., and 18 guests: Bob Swan, Steve Swan, John Metcalf, Adam Metcalf, LeAnn McGranahan, David Wyatt, Loretta Kendall, Leonard Langner, Dale Batchelor, Jerry Groenewold, Brent Swart, Nathan Toland, Lanny Hansen, Mary Lou Wassom, Diane Parks, Dean Parks, John Rahn, Mary Rahn.

Three guests were in attendance by phone: Vince Baack representing BWT Holding, Megan Roos representing LC Holdings, and Luke Langner.

Allen opened the meeting by stating that the primary purpose of the meeting was the hearing on the repair. He introduced Collin Klingbeil, engineer from Jacobson-Westergard & Associates, LLC.

The minutes of the June 13, 2022 meeting were approved as presented and will be posted on the pickerelrun.com website.

Allen presented a bill from Jacobson-Westergard & Associates, Inc. in the amount of \$1092 for “engineering services in June through 06-22-22 for construction specification development & discussion, preparation of meeting and application for effects determination for tree clearing on the northern long-eared bat.” Allen moved to approve the bill. Second by Bill. Motion carried.

Allen gave a brief history of the DD#37 drainage ditch. It was constructed from an existing creek over 100 years ago and has been largely ignored in regard to maintenance since then. Most other districts have 3-year maintenance schedules, but this did not happen for DD#37. Jacobson-Westergard & Associates, Inc. was selected by the current trustees to address needed repairs to maintain drainage function, being respectful of fiscal and environmental concerns.

Allen stated that all opinions matter. Economy also matters. The engineer’s report presented at this hearing can be modified. The hearing is the appropriate time to present suggestions.

Collin Klingbeil presented the engineer’s report. The design bottom has not silted in. The repair would focus on addressing trees that either currently impact flow, or threaten to impact flow in the future. In preparing the engineer’s report, trees were identified that need to be removed,

including downed trees, those on the banks that will fall in the future, and those that pose future problems, such as rotten trees. The proposal is to cut trees, and kill stumps with a non-toxic herbicide. Some additional trees will need to be removed to allow access through timber.

There are approximately 2700 trees (183609 tree units) that need removal. An important part of the process will be determining what to do with the trees once they are cut. The cost of piling and burning is higher than leaving them where they fall, but leaving them may cause future barriers. For the bid process, it would be best to follow the same procedure along the ditch. Smaller piles would be more manageable. Currently there are not a lot of thistles or other weeds. Weed control would be part of the bid.

Some possible alternatives were discussed, including allowing the contractor to propose what to do with the trees (removing or selling), or potentially completing the project over the course of more than one season.

If the engineer's report is accepted, a bid request would be prepared and contractors would be notified of the project through an online site, newspapers, and direct communication with known contractors.

Collin recommended the report be accepted.

Bill moved to approve the engineer's report, with the alternative to clear trees as required to make the project more feasible, and develop plans and specifications for the bid process. Second by Rod. Motion carried.

Questions were raised regarding:

1. **Annexation.** There is a possibility of annexing the Dan Green Slough area, which currently is not part of any drainage district, but the water of which flows through DD#37.
2. **Reclassification.** Reclassification is not part of the engineer's report, but it is the intent of the Trustees that it will be done in the near future. Reclassification will not affect the amount that was spent over the past 8 years and was part of the recent levy. If reclassification is ordered by the Trustees, they would appoint a civil engineer and two disinterested land owners to complete the reclassification. The drainage ditch is of benefit to all land owners. Reclassification could establish repair districts for the tile laterals. Land that is heavily tiled cannot be charged for more benefit than less tiled land. Reclassification could be scheduled for the drainage ditch first, and laterals separately.
3. **Assessment.** According to Iowa Code 468.127, an assessment should have been made by the previous trustees within two years of the drainage account having a negative balance. The current assessment situation is not pleasant, but the current trustees do not intend to seek recourse against the county.

4. **Outlet fee.** Trumbull Lake acts as a reservoir for water draining from upstream. All of that water flows through DD#37. There is no other drainage district that immediately adjoins DD#37. As such, annexation is likely not an option. The question was raised regarding charging an outlet fee. There is a possibility, but since the DNR controls Trumbull Lake, there would most likely be opposition from them.

David Wyatt addressed the Board and expressed a desire to resolve the legal appeal that is still in place. The Trustees are in favor of working to make that happen in the near future.

Rod moved to adjourn the meeting. Second by Bill. Meeting adjourned at 12:13 p.m.

Respectfully submitted,
Connie Swan, Clerk