



Real People. Real Solutions.

218 11th Street SW Plaza
Spencer, IA 51301

Ph: (712) 580-5075
Bolton-Menk.com

January 14, 2019

Board of Supervisors
Clay County Administration Building
300 W 4th St, Suite 4
Spencer, Iowa 51301

RE: Amendment No. 2
Drainage District No. 37
Proposed Repairs and Improvements
Project No.: P12.109002

Dear Board Members

At the hearing on December 4, 2018, the board determined to delay a decision on the project pending additional permit information regarding the possibility of a two-stage ditch requirement from the IDNR which would drastically increase the cost of the proposed improvement. The hearing was continued to January 14, 2019. Following the December 4 hearing, a strong effort has been made to solicit enough objections to stop the project. We would like to discuss the consequences of a remonstrance

Iowa DNR Floodplain Permit

We have received confirmation from the Iowa DNR Floodplain Section that they will not require a two-stage ditch as a condition of the permit. This removes the risk of expensive channel enhancements being added to the project. The only remaining issue for the floodplain permit is ensuring that the newly leveled spoil do not function as a levee system. The modifications required for this permit condition is minor already a part of the estimated cost and consists of managing the shaping of the leveled spoil bank.

Last week we were notified that if the project becomes a repair rather than an improvement, the IDNR Floodplain staff would have to start the review process over from the beginning. However, we do not anticipate that securing this permit will be difficult or that the cost will be materially changed by it.

Postcard Objection

Following the hearing, objection post cards were sent to all landowners in the district. That objection raises several issues which have been addressed previously. However, we wish to summarize the answers to the questions raised.

The scope is not desirable; a less destructive plan should be undertaken: See Amendment 1. The only way drainage can be improved in the district without removal of the trees in the ditch is through pumping. It has been shown that a system of pumps sufficient to provide adequate drainage will cost more to build and operate than the proposed improvement in only 20 years. A system of this type will only benefit the lands served by the pumps and would not be eligible for funding via common outlet. The cost to lands benefited by pump would be greatly increased.

As proposed, the plan is not feasible based upon the projected returns: See Amendment 1. The current condition of the ditch costs the district approximately \$425,000 per year in lost yield assuming \$3 corn.

Name: Amendment No. 2
Date: 2
Page: January 14, 2019

The proposed improvement is currently paid for by restored yield roughly every decade by the lands currently in the district.

Mandate of the Board of Supervisors

Iowa Code 468.126.1 states: ...*the board shall keep the improvement in repair as provided in this section*, meaning the board is obligated to make repairs. The spot repairs and replacement of tree impinged tile outlets does not restore the efficiency and capacity of the channel as required by the code. At best, this type of work can only produce a small relief in flow and for only a few years at best.

As described in the Engineer's Report and supplemented in the first amendment, the ditch as it was originally designed and in a repaired state as it currently exists is undersized. To handle the long duration flows from Trumbull Lake at the same time as it handles storm flows from the district itself, the channel should be improved.

The district, as it exists today, is small enough in land area that improvements have a reasonable chance to be approved and constructed. If the annexation is completed, but the ditch is only repaired, it highly likely that the ditch will never be improved and all future generations will be forced to accept a ditch with a restricted outlet capacity. By opting to repair rather than improve, the future costs of district tile improvements for lands served by district tile will increase by more than what would be now saved by not constructing the improvement.

If the landowners decide to do the repair rather than improve the ditch, but keep their options open for future improvements, we would recommend against annexation of the Dan Greene Slough watershed and the lands outside of DD 61, tributary to Trumbull Lake. Because the ditch is undersized, we believe it is best to leave the door open for future generations to make appropriate improvements to the ditch for better capacity and to save money on tile improvements.

If a repair is chosen, we recommend only that annexation which would allow a common outlet assessment against DD 61.

Estimated costs of this change were included in the pre-classification provided to the district at the first hearing.

Common Outlet

If the landowners decide to pursue repair rather than improvement, the board should make no decision in that regard at this hearing. Because of the procedural requirements associated with notifying the common outlet districts, the current hearing should be adjourned so that proper notice can again be sent to all landowners in DD 37 and to the common outlet lands in DD 61. After proper notice is made, a new hearing can be opened for repairs described in our Engineer's Report.

Sincerely,

Bolton & Menk, Inc.



Jonathan P. Rosengren, P.E.

Senior Project Engineer

Cc: James C Hudson, Attorney