

## **Drainage District #108 Outlet Cleanout Informational Meeting**

March 17, 2015 at 1:00 p.m.

The Clay County Board of Supervisors met as trustees of Drainage District #108. Members present: Anderson, Brockshus, Matthews, Skow and Swanson. Guests: County Drainage Technician Aaron Rutter, Don Etlar and Jon Rosengren from Bolten & Menk, Inc of Spencer.

Motion by Matthews, seconded by Anderson to appoint Supervisor Swanson as Chairperson and Marjorie Pitts, Clay County Auditor as Secretary for this meeting. Motion carried.

Aaron Rutter, Clay County Drainage Technician opened the meeting with introductions and a statement of purpose of the meeting. Drainage District #108 and Drainage District #26 are two districts for which Bolton & Menk, Inc of Spencer has been appointed to report recommended improvements. The existing DD #108 main tile discharges to a shallow and relatively straight man-made open ditch in Section 8, Lincoln Township. That ditch is not deep enough to provide a proper outlet for the needed DD #108 improvement. The ditch should be lowered by 3 to 4 feet to best accommodate the improvement. The ditch is now considered a water of the United States (WOTUS) and a permit to deepen and improve the ditch will be required from the Corps of Engineers under Section 404 of the Clean Water Act. Bolten & Menk, Inc have met with the Regulatory Office of the Corps of Engineer, Rock Island, IL and have established that the deepening of the ditch on its existing alignment can be accomplished under an existing system of nationwide permits that are in place for another two years. A more complicated and costly individual permit can be avoided if the work is done now. There is no assurance that the nationwide permits system will be as accommodating after March 2017.

The ditch work needed to secure an outlet for DD#108 could be accomplished as a part of the DD#108 improvements project. That ditch work would commence at the culvert on the Royal road at the north line of Lincoln Section 8 and the ditch would be gradually deepened up to where DD#108 now drains into the ditch.

However, the upper 40% of the ditch receives tile main discharge waters from DD#27 and DD#69. These two drainage districts would benefit from having the remainder of the open ditch improved and they would also benefit by the improvements constructed to bring a better outlet to DD#108.

The Corps of Engineers agreed that the work and effort to secure the Clean Water Act permit for improving 60% of the ditch would differ little from securing a permit for the whole ditch. Before DD#108 considers taking up the work on its own, we recommend that the board look into the possibility of improving the entire open ditch for the benefit of all three tributary drainage districts and adjoining lands.

There appear to be a few alternative ways to accomplish what is recommended. Bolten & Menk believes that the establishment of a new drainage district to control the entire improved open ditch would be the best approach. All of the benefited lands in the watershed of the ditch, including the lands now assessed by DD Nos. 27, 69 and 108 would be made a part of the new district. That district would construct the open ditch improvements. DD#108 would then construct its own tile improvements. The normal procedure for establishment of a new drainage district is for a petition

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to be filed by at least two landowners asking the Board of Supervisors to pursue establishing the new district. The petitioners would be required to provide bond toward payment of the establishment costs of the new district should it not be accomplished. In this particular circumstance it was suggest to ask legal counsel if it would be possible for the Board of Supervisors to have the three drainage districts share in guaranteeing payment of the establishment costs of the new district in lieu of a petitioner's bond.

The Board of Supervisors are looking for landowner interest throughout the district in the project by submission of a petition that would be decided at a later public hearing where everyone affected would be given proper notice.

The Chairperson adjourned the meeting at 2:19 p.m. to convene at the next Auditor's called meeting March 31, 2015 at 8:30 a.m.

/s/Marjorie A. Pitts, County Auditor

/s/Linda K. Swanson, Chairperson