

**WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM**

Date: 02/02/2023

Weekly Agenda Date: 02/07/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

**WORDING FOR AGENDA ITEM:**

Consider proposal letter from ISG for engineering services in establishment of a new drainage district for the city of Salix.

**ACTION REQUIRED:**

Approve Ordinance ☐

Approve Resolution ☐

Approve Motion ☐

Public Hearing ☐

Other: Informational ☐

Attachments ☐

**EXECUTIVE SUMMARY:**

The city of Salix has requested establishment of a drainage district. Our drainage engineer has provided guidance for the Board for this process.

**BACKGROUND:**

ISG is preparing a letter to the Board outlining the steps under Chapter 468 of the Iowa Code that would need to be followed in addressing this petition. In this letter ISG is recommending additional project discovery by means of a meeting with the City of Salix and their City Engineer V&K . This discovery work would be completed prior to appointment of ISG as Engineer under Section 468.8 for addressing this specific (city of Salix) petition/project. ISG will bill for the services for discovery and meetings under the District Watchman Service agreement with Woodbury County.

Based on the discovery data ISG would then be able to estimate the cost of engineering to complete an Engineering Study with Report and hold hearing with the landowners of the proposed District. This work is necessary for the petitioners must file a bond conditioned for the payment of all costs and expenses incurred in the proceedings described above if establishment fails.

The letter will be emailed to board members as soon as it is available. Due to the city's request noting that time is of the essence in moving forward on this project, I am submitting this agenda request without backup at this time.

**FINANCIAL IMPACT:**

The Board of Supervisors will have to pay up front costs for the engineering work to establish the new drainage district. The fees paid by the Board can be assessed to the drainage district upon formation. The drainage district will be filing a bond for establishment expenses as one of the next steps in the process. A fund source for the fees will have to be identified until reimbursement can be arranged.

**IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?**

Yes ☐ No ☒

**RECOMMENDATION:**

I recommend that the Board of Supervisors engage ISG to complete preliminary work necessary for the establishment of a drainage district for the City of Salix.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to direct ISG to complete preliminary work necessary for the establishment of a drainage district for the city of Salix under the District Watchman agreement with ISG.

FEBURARY 2, 2023

Woodbury County Board of Supervisors  
Attn: Mark Nahar, Woodbury County Engineer  
Woodbury County Courthouse  
620 Douglas St.  
Sioux City, Iowa 51101



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RE: CITY OF SALIX PETITION TO ESTABLISH A DRAINAGE DISTRICT

Woodbury County Board of Supervisors:

We have reviewed the drainage petition filed with the Board of Supervisors by the City of Salix and two (2) additional landowners. This petition is requesting a new Drainage District be established to afford the City of Salix and the landowners of Salix an improved outlet, for there is no natural surface outlet available to the City and their current outlet agreement with the Farmers Drainage Ditch is being terminated. The City submitted with their petition a conceptual map that provides the approximate location of the proposed drainage ditch they wish constructed and potential area to be improved by the establishment of said open ditch. The formation of a new drainage district will be required to follow the procedures within Chapter 468 of the Iowa Code .

While researching background information for this area, we reviewed the City of Salix 2015 Comprehensive Plan, which contains information regarding the petitioned improvements. It is stated in this Plan that V&K Engineering had completed a preliminary engineering study of the proposed outlet. Therefore, to fully scope the improvements the City is requesting, we feel a due diligence meeting with the City of Salix and their City Engineer, V&K needs to be held to discuss the preliminary engineering work and it's alignment with Chapter 468. From this discovery, ISG can better estimate the cost of engineering necessary to complete the Engineering Study and Report for the improvements as required by the code. This engineering cost estimate is necessary to establish the amount of Bond the petitioners will need to post under Section 468.9 of the Iowa Code.

Therefore, as the appointed Drainage District Watchman for Woodbury County, we are providing you this guidance letter with our recommendations of steps to be followed in accepting the petition and appointing ISG as Drainage Engineer to make the necessary study and report. The original petition and associated conceptual map are included for reference along with a copy of the Stormwater page from the City of Salix Comprehensive Plan.

## DRAINAGE DISTRICT ESTABLISHMENT (IAC CHAPTER 468)

Iowa Code Chapter 468 "Levee and Drainage Districts and Improvements" provides the requirements for the establishment of a drainage district. If Woodbury County does not have an appointed drainage legal counsel, ISG recommends that legal counsel with drainage district proceeding experience be appointed and engaged throughout the establishment process to ensure that requirements of the code are being met. Below are summaries of the specified code sections for the establishment of a drainage district, meant to provide the Board with an overview of the necessary steps.

- **468.6 Number of Petitioners** – Two (2) or more landowners may file a petition for establishment of a drainage district
- **468.8 Petition** – Requirements of Petition
- **468.9 Bond** – A bond shall be filed with the petition, conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not established
- **468.10 Engineer** – Board to appoint a competent civil engineer
- **468.11 Survey** – Engineer to examine lands and facilities described in petition
- **468.12 Report** – Engineer to prepare full written report of proposed improvements for establishment
- **468.13 Classification** – If requested by the petitioners prior to hearing on the Engineer's Report, the Board shall order a classification of lands in proposed district to determine the distribution of benefits

- **468.14-.20** – Outlines requirements for notice of hearing on engineer's report for establishment
- **468.21 Hearing** – Board may dismiss petition at hearing if proposed improvement will not materially benefit the petitioned lands or would not be for public benefit
- **468.22 Establishment** – Board may establish district or direct engineer to complete further investigation. Also, Board shall direct the Auditor to appoint appraisers to assess value of right-of-way required for the proposed open ditch improvements
- **468.24-.25 Appraisers** – Appraisers shall be appointed to assess claims for damages, other than right-of-way, and shall prepare and file a report outlining recommended damages for proposed improvements
- **468.26 Award by Board** – At hearing, Board to consider Appraiser's report and make final determinations of damage amounts for proposed improvements
- **468.27 Dismissal or establishment** – Board at hearing shall evaluate costs of improvement and damages, and either dismiss the petition for establishment or permanently establish and locate district.
- **468.28 Remonstrance** – If at or before final hearing remonstrance is filed by a majority (+50%) of landowners owning in aggregate seventy percent (70%) or more of the land in proposed district, Board shall dismiss the proceedings and assess incurred costs to the petitioners

## PROJECT DISCOVERY

Prior to the Board's appointment of ISG for the survey and report to address this petition, the petitioners must file a bond conditioned for the payment of all costs and expenses incurred in the proceedings described above. Working with the Board's appointed legal counsel, ISG can provide an estimate of cost and expenses anticipated to address this petition through hearing and establishment as described above. This estimate would provide the Board with a value of bond to be required by the petitioners prior to proceeding.

However, as noted in our introduction of this letter we are recommending additional discovery and research be performed to better determine the scope of this proposed project and the associated costs and expenses. A meeting with the City and their Engineer, V&K would facilitate the discovery of previously completed work. This due diligence will prevent duplicate effort, such as concept engineering work, coordination efforts with existing infrastructure entities (Utilities, Secondary Roads, IDOT, etc.), and coordination efforts regulating authorities for permitting (USACE, DNR, NRCS, etc.) which will reduce costs to the proposed landowners.

## RECCOMENDED ACTION

Therefore, ISG is recommending that the following actions:

1. The Board direct ISG to meet with City of Salix, Veenstra & Kimm as engineer for the City of Salix, and Woodbury County Engineer to review needs and previously completed studies and options evaluated.
2. Based on discovery from said meeting, ISG will meet with appointed legal counsel to considered other concerns to be covered with the Board for consideration of acceptance of petition.
3. If Board accepts petition, ISG will provide a fee estimate to the Board of Supervisors outlining the expected costs & expenses to complete the engineering study and report and provide the services necessary to follow through hearings for determination of establishment.
4. After the necessary bond has been provided to the Board by the petitioners, appoint ISG as engineer for study and report.

Sincerely,



Ivan Droessler, PE  
Senior Civil Engineer

[Ivan.Droessler@ISGInc.com](mailto:Ivan.Droessler@ISGInc.com)



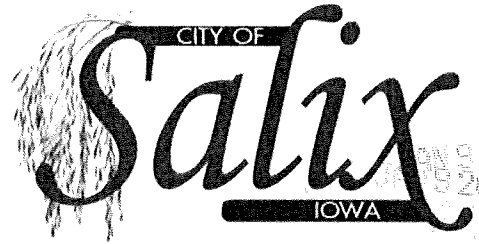
Caleb Rasmussen, PE  
Civil Engineer

[Caleb.Rasmussen@ISGInc.com](mailto:Caleb.Rasmussen@ISGInc.com)

enc: Original Petition  
Page from Salix Master Plan

c: Mark Nahra, Woodbury County Engineer

CITY OF SALIX  
PO BOX 240  
Salix, IA 51052



November 14, 2022

Woodbury County Board of Supervisors  
Attention: Pat Gill  
620 Douglas Street  
Sioux City, Iowa 51101

RE: Petition for the Establishment of a Drainage District

Dear Mr. Gill,

The City of Salix has been notified by the Famers Drainage District that the pumping agreement that has been in place since May 11<sup>th</sup>, 1984 will terminate in December 2023 and will not be renewed. This leaves the City of Salix and the surrounding area with no natural outlet for their stormwater runoff. Without an outlet for the stormwater, the City and surrounding areas will have flooding issues that could result in damage to homes, streets, utilities, and farmground.

The City of Salix has been working with Veenstra & Kimm, Inc. and has had discussions with County Engineer, Mark Nahra, to determine a potential route for a new drainage ditch. The drainage ditch would start at the intersection of 280<sup>th</sup> Street and S. Tama Street then going west along 280<sup>th</sup> Street to the existing drainage channel near Port Neal Road that drains into Snyder Bend (See Attached Map).

After the drainage district has been created the City of Salix would request that the Woodbury County Board of Supervisors transfer control of the drainage district to the City of Salix per Iowa Code Chapter 468.322.

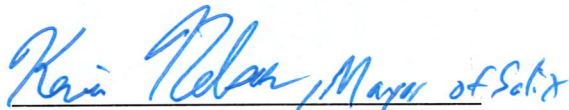
We, the undersigned petitioners, respectfully request that the Woodbury County Board of Supervisors work with the City of Salix and Veenstra & Kimm, Inc. to establish a new Salix Drainage District per Iowa Code Chapter 468.

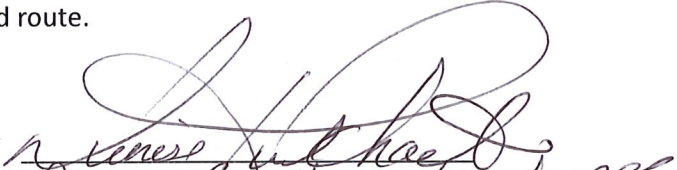
Per Iowa Code 468.8 this petition includes:


1. See attached map for the lands that may have potential improvements created by the new drainage ditch.
2. Due to no natural outlet for stormwater runoff, the City of Salix and surrounding areas will be subject to flooding.

**Kevin Nelson, Mayor Denise Burkhart, Mayor Pro Tem**  
Council Members: Karen Allen, Emily Clayton, Donnie Nelson, Cindy VanAuken

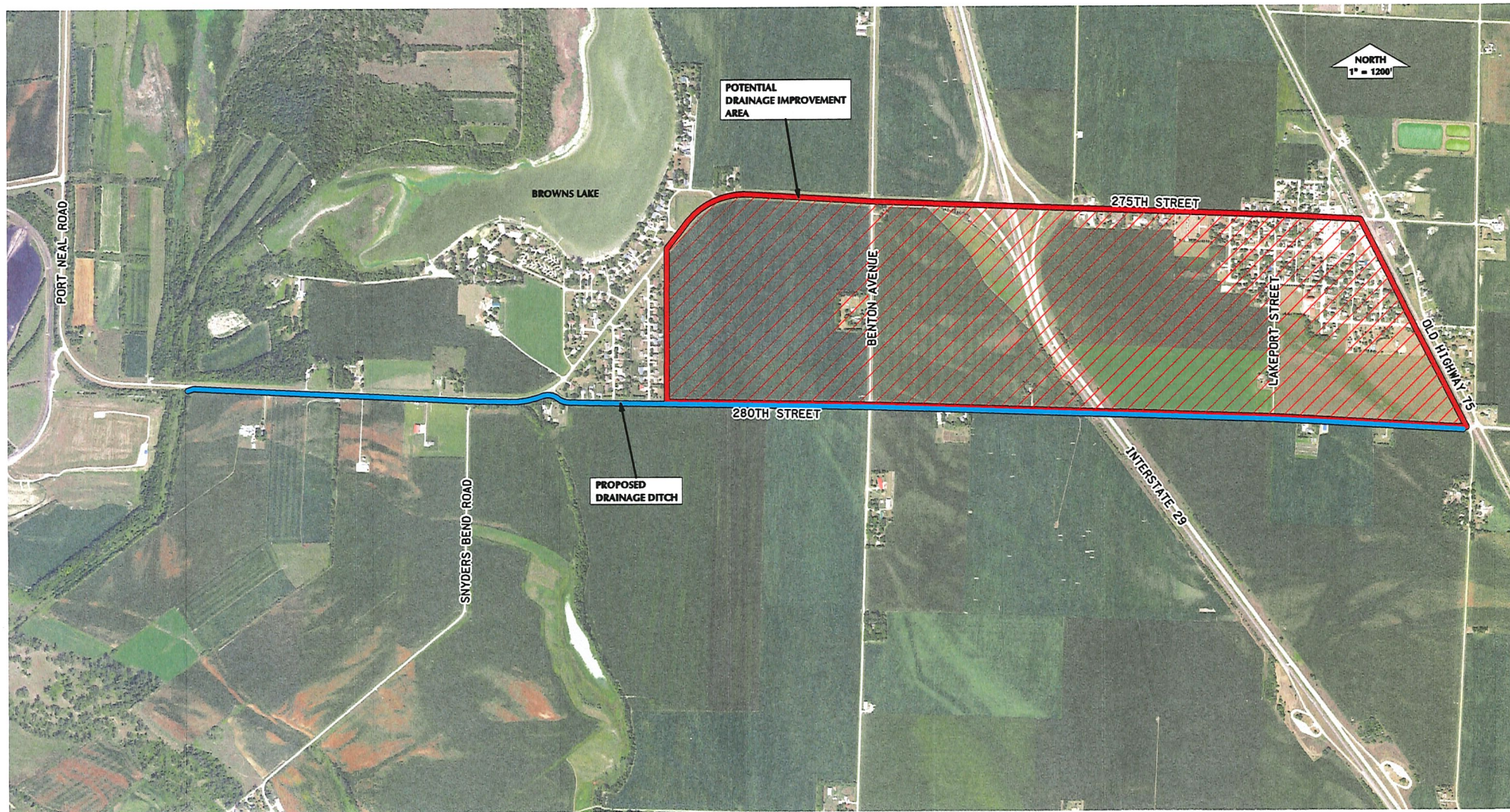
3. Creating the new drainage ditch will alleviate flooding and provide drainage which will promote public benefit, utility, health, convenience, or welfare.
4. See the attached map for the proposed route.

  
\_\_\_\_\_  
KEVIN NELSON, MAYOR

  
\_\_\_\_\_  
Denise Burkhardt - Landowner

  
\_\_\_\_\_  
GREGG JOCHUM, LANDOWNER







# Stormwater Project

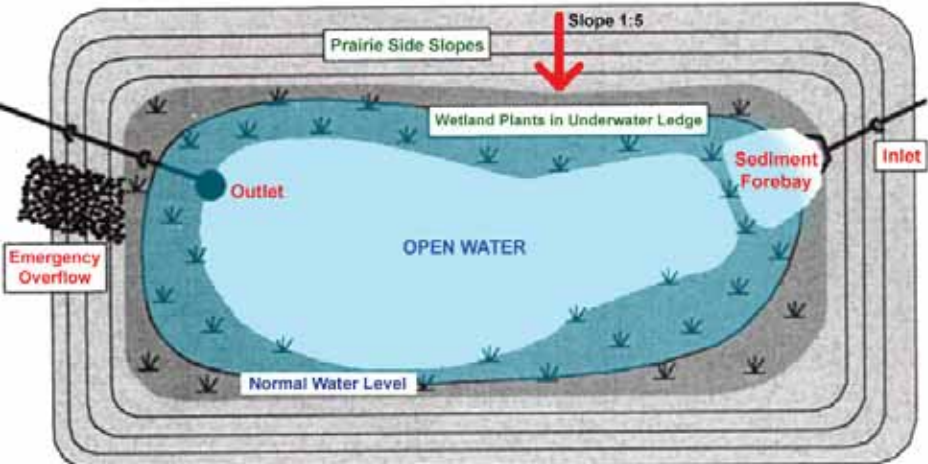


## Description

Flash Flooding has been a recurring problem in Salix during severe storms, as pointed out several times during the public meeting process. The high water table also exacerbates the flash flooding situation. This project aims to attain the goals of Supporting the Rural Landscape and Helping Existing Places Thrive by managing stormwater. This project is based on a conceptual plan developed by V&K Engineering (refer to map below). This project calls for planting wetland and prairie plants around the proposed retention ponds.

## Implementation

The city should coordinate with the Iowa Department of Transportation and Woodbury County on having the drainage line run across Interstate-29 and through unincorporated areas. The SCPT recommends planting native wetland and prairie plants around the retention ponds. These plants stabilize the pond against erosion. The inclusion of a sediment forebay at the inlets of detention ponds prevents sediments from accumulating at the bottom of the pond.



The pond should have a gradual slope so that it supports wetland and prairie plants. Grading the shoreline at approximately five feet horizontal and one foot vertical will achieve this. An underwater ledge about six to twelve inches below the normal water level of the pond will help support wetland plants.

## Priority



## Funding & Resources

### Estimated Project Cost

\$ 1,700,000

V&K Engineering based this estimate on a preliminary engineering study. The city should confirm the project cost with V&K when the detailed engineering study is finished.

### Funding Sources

The City of Salix should apply for funding with the Waste and Water Disposal Loan and Grant Program of the US Department of Agriculture. In 2015, the program provided \$1.29 million in loans for water-related projects in Iowa. The application portal, and the required forms, can be found on this website: <http://www.rd.usda.gov/programs-services/water-waste-disposal-loan-grant-program/ia>.

The city should also contact the Iowa USDA Area 8 Director for more information:

Randy Hildreth, Area 8 Director  
1100 12th Street SW, Suite C  
Le Mars, IA 51031  
Phone: 712-546-5149 Ext. 4  
Fax: 855-251-224



# Stormwater Project

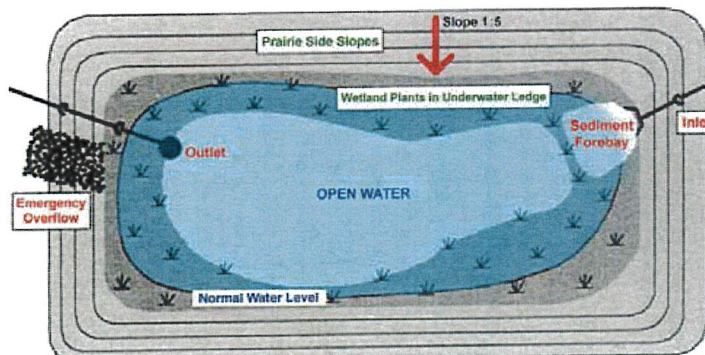


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