

REGULAR DRAINAGE MEETING

Wednesday, February 02, 2022, 9:30 A.M.

This meeting was held electronically and in-person.

2/2/2022 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson BJ Hoffman opened the meeting. Also present were Trustee Renee McClellan; Trustee Lance Granzow; Lee Gallentine of Clapsaddle-Garber Associates; Michael Pearce, Network Specialist; and Michelle Kuechenberg, Drainage Clerk.

2. Approve Agenda

Motion by Granzow to approve the agenda. Second by Hoffman. All ayes. Motion carried.

3. Approve Claims For Payment

Motion by Granzow to approve the claims for payment with pay date of 02/04/22. Second by Hoffman. All ayes. Motion carried.

DD 128- Change Order #5- Final Pay Estimate #5	Hands On Excavating LLC.	\$14,619.32
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4. Discuss W Possible Action

Kuechenberg stated Mike Richards, our Drainage Attorney, reached out to her and informed her that the Utility Pipeline Resolution we sent him to would change a lot of the standard verbiage in our existing Utility Pipeline Permit Application. Kuechenberg stated Richards suggested if the concern was related to permitting, we should add a Section III to our current pipeline application and pull out some of the key terms from there. Hoffman asked if he could do that for us and send us a draft. Kuechenberg stated she could ask him to do that, she just wanted to update the Trustees on where we were at.

Motion by Granzow to have Mike Richards add a Section III to our current Pipeline Application and present a draft to us for approval. Second by Hoffman.

In additional discussion on the motion, Hoffman stated he would rather have it come from the Attorney to make sure the verbiage and language is consistent through the whole document.

All ayes. Motion carried.

5. Discuss W Possible Action - Water Of The United States

Hoffman stated the next item to discuss is WOTUS, Waters of the United States. Hoffman stated this is the navigable waterway, puddles that will form in your driveway that they're trying to gain control of. Kuechenberg stated John Torbert with IDDA reached out to her in an email and informed her that they're trying implement a new federal regulation concerning Waters of the United States. Kuechenberg stated, according to Torbert, under this proposed regulation, Drainage Districts could be classified as being under the jurisdiction of the Clean Water Act. Kuechenberg stated, according to Torbert, potentially that means the County Board of Supervisors acting in their compacity as Drainage Trustees would have to get permission from the Iowa Dept. of Natural Resources to do drainage improvements, repairs, and maintenance. Kuechenberg stated public comment on the rule is open until February 07, 2022. Kuechenberg stated IDDA has already issued their comments to the EPA. Granzow stated he is sure their comments are the same as his on that. Hoffman stated he believes Bobby Kofman gave the comment on this. McClellan came in to the meeting. McClellan asked what this was on. Hoffman stated Waters of the United States. Hoffman asked if John was asking us to comment on this. Kuechenberg stated John suggested a comment at the bottom of the email. Kuechenberg stated the comment Torbert would like us

to submit to the EPA is as follows: "I am a (Supervisor, Drainage Engineer, Drainage Clerk) from Hardin County. I urge you not to implement the proposed Waters of the United States rule, it potentially takes decisions we are required to make to keep our drainage infrastructure in good condition and transfers that authority to a state bureaucracy. While the proposed rule is supposed to add clarity and understanding, it does exactly the opposite. Thanks." Hoffman stated he liked that. McClellan stated she did too. McClellan asked if they needed to each individually do it or if they should do it as a board. Granzow stated they should do it as a board. Hoffman asked if there was anything they should add to it. Kuechenberg stated she would forward John's email to the Trustees so they could have a copy of it. Hoffman stated he would like if Kuechenberg could forward it. Kuechenberg stated she would do that when she got back up to her office. Granzow asked if this was the policy, should it also adhere to the policy that the stationed and managed districts that do not want to be managed by themselves. Hoffman stated they can collect. Granzow stated he thinks that is what they want because with that, we would need their approval. Gallentine stated one point, public comment closes on February 7th, so you probably want to do something today if you would like to comment on it. Hoffman stated we should get that done. McClellan stated we should do that asap. McClellan stated that this might have to go by email and snail mail. Hoffman stated that he thinks there is a portal that you can upload your comment to. Kuechenberg stated there is a portal on the EPA's website. Granzow stated he does not like the carbon copy comments. Granzow stated when you see them all the same you just overlook all of them. Hoffman and McClellan agreed. Granzow stated he gets it though, this is something that definitely requires attention. Hoffman stated when there is a new president it will change back. Granzow stated they tried it 2 years ago. Hoffman stated it got overruled, WOTUS is not a thing right now. Granzow stated nevermind, he thinks it might have been 6 years ago. Hoffman stated but the puddle in my pasture was going to have to be regulated, or navigable. Granzow stated you shouldn't be driving through it. Hoffman stated the Drainage District Conference was the last time we saw anybody driving on a barge down creek.

Motion by Granzow to have Kuechenberg upload the verbiage from Torberts email. Second by McClellan.

In additional discussion on the motion, Hoffman stated he thinks it is that much more important to keep the pressure on the Senators of Iowa when they are in the area and out of the State's hand.

All ayes. Motion carried.

6. Discuss W Possible Action - New Work Order Requests
7. Other Business

DD 56- Gallentine stated he just wanted to give the Trustees an update on DD 56. Gallentine stated he just talked to Gehrke, they are planning on starting next week. Gallentine stated Gehrke would like to get some temporary driveway built and some dirt stripping and then moving on to pipes. Granzow stated that is faster than he had thought. Gallentine stated he is fine with that, they are having issues getting pipe but there is probably enough stock that they can get started as deep as that is.

Granzow asked how the pipeline process is going. Granzow asked if Richards got back to us on that. Kuechenberg stated Richards did get back to us on that, he is working on a draft. Granzow stated he just wants to make it clear that they are doing their jobs as Trustees are doing something. McClellan stated they are required to follow our procedures. Hoffman stated correct, the current permit and when we get a draft from Richards. Hoffman stated he thinks it is imperative that Mike has an update for us next week. Hoffman stated he does not want to have the grandfathering issue or anything like that. Hoffman asked Kuechenberg if she can bring a printed copy of the current Utility Permit. Hoffman stated he would like to take a look at their fees. Kuechenberg stated the fees on the Utility Permit are \$2,000 per crossing currently. Kuechenberg stated the Resolution was \$750 per crossing. Hoffman stated he thinks we need to look at those. Hoffman stated he thinks the road crossings are even more and it is a whole lot easier to mess up a drainage facility than it is a road crossing. Hoffman stated he does not think we are looking at apples-to-apples here. Hoffman stated if you screw up a drainage crossing it will impact acres. Hoffman stated he thinks there needs to be a negligible dollar amount set to that. Hoffman stated he does not want to get behind on things like this so he would like to agenda it for next week and spend some time discussing it. Hoffman stated they have filed their permit. Gallentine stated he does think bonding in conjunction with a fee is a good idea. Gallentine stated you want the fee to cover your immediate up front costs. Gallentine stated you do not want to have to fight with an insurance company to figure out whether they will pay \$500 or not, the bond is there for bigger long term implications. Hoffman agreed.

Hoffman asked if Gallentine was in Franklin County for the meeting last week on commercial wind production. Gallentine stated he was not. Gallentine stated he will give them a little bit of an update, going back to the carbon pipelines, he was at the most recent meeting in Iowa Falls and the topic of Drainage did come up and the Office of Consumer Advocates had a question about Drainage Districts in particular and I did give him your current permit. Gallentine stated he informed him that as the County inspector, it is not like we are going to ignore drainage tile but he believes drainage districts have a right to more protection or a separate agreement beyond just the pipelines restoration plan. Gallentine stated the gentleman he spoke with stated he would look into it. Gallentine stated he was from the Office of Consumer Advocate. Gallentine stated essentially what they do is attend the meetings as an impartial party. Gallentine stated they are not a part of the Iowa Utilities Board but based off all of the data they gather they comment on behalf of the general public of the State to the Utilities Board.

8. Adjourn Meeting

Motion by McClellan to adjourn. Second by Granzow. All ayes. Motion carried.