

REGULAR DRAINAGE MEETING
Wednesday, January 13, 2021 9:30 AM

This meeting was held electronically and in-person due to Covid-19 concerns.

1/13/2021 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson BJ Hoffman opened the meeting. Also in attendance were Trustee Lance Granzow; Trustee Renee McClellan; Jolene Pieters, Auditor; Lee Gallentine, Clapsaddle-Garber Associates (CGA); Landowner Ron Vierkandt; Mathew Weiser Aureon; Adam Seward, Honey Creek Land Improvement; Michael Pearce, Network Specialist; and Denise Smith, Drainage Clerk.

2. Approve Agenda

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

3. Approve Minutes

Motion by McClellan to approve the minutes of Regular Drainage Meeting dated 01-04-2021. Second by Granzow. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by Granzow to approve the claims for payment with pay date of Friday, January 15, 2021. Second by McClellan. All ayes. Motion carried.

DD 42 WO 297 CCTV Tile, Truck Mileage, Telev Truck Williams Excavation LLC \$1,283.00

5. Discuss W Possible Action - Aureon Drainage Utility Permits 2019-1, 2019-2 & 2019-4

Smith stated we invited Mathew Weiser of Aureon in today to discuss the as-builts submitted by Aureon on their open Drainage Utility Permits, we had some questions and concerns on our end, and asked Gallentine to cover the technical aspects of that. Gallentine stated the purpose of the permit is ensure that the District facility is not impacted, they are 100 year old tile, and with the economy the way it is the District can not afford to pay for a repair that they did not cause or that the utility caused. Gallentine stated that was the purpose of the permit and on the two western most districts Aureon crossed, that seemed to go okay, the contractor called us and exposed the tile and CGA came out and verified that everything was cleared and shot that, and after that it dropped off, we never heard from one of Aureon's contractors again. Gallentine stated Smith reached out to Weiser, Weiser submitted as-builts, and really the as-builts are lacking any data that shows whether the tile was even found, cleared or not, Gallentine can not tell anything distinctly from the as-builts as to any impacts on the district facility. Weiser stated he had read some of the stuff, and asked once the frost was out of the ground, are there things Aureon can do to make sure the tiles were not impacted. Gallentine stated he thinks there are, his role is you apply for the permit, the Trustees approve it and CGA is out there as the eyes and ears for the District, so anything that is an after the fact inspections, that is up tot the Trustees as to what they will allow or not allow, we have had contractors in the past that have blown it off, they come back after the fact and expose the tile and expose their facility, and let us know, we go out and shoot them, we get the clearance verified between your lines and the facility, and we report back to the Trustees, if that is what the Trustees choose. Gallentine stated there is a lot of districts impacted by these permits.

Weiser stated from Aureon's standpoint, we do apologize, when we were communicating with our contractor, they needed to work with you guys, and it seems like they started to but we don't know where the disconnect or miscommunication fell off after that. Hoffman stated he offered a remedy, we have some great in-county contractors that do this work, day in and day out, if you would like us to provide you with their information, Hoffman knows Aureon has some agreements with their own contractors. but this is a really delicate. touchy situation. Hoffman stated the guy sitting to Weiser's left (Vierkandt) can tell you that drainage will make or break a producer, and on their private tile, most people are very diligent about

what happens with that, and if you are ever really considering what can we do to make this better, Hoffman would really consider getting the list of our local contractors that are so good at it. Smith stated she can provide that list to Weiser, the other issue for us that was a little concerning, was that this is a large scope of work for Aureon, so there were a lot of district facilities crossed. Smith referenced the list of district facilities that was pulled from their original permit applications. Smith noted the areas highlighted are the district facilities crossed according to Aureon's permits, Smith will make sure Weiser has this list as well. Smith stated this information was on the original letter we sent you in September, but will include this with the list of local contractors as well.

Granzow stated another thing Weiser could do would be to reach out to Gallentine, and asked if some of these were GPS'ed already. Gallentine stated we may have already gotten GPS coordinates on some of these if there was a repair done or something like that, we may have coordinates already so that your contractor is not't out there going, where is the tile at, we can say it is right here, this will not be the majority of them, but it could save time for you. Weiser stated from an Aureon perspective, if in the future it is exposed and it is found that Aureon damaged or impacted that tile, we do come back and fix them. Granzow asked what about the damages to the crops in the field, for example, it was in a drainage district, and you drowned out 40 acres of corn, at \$5.00/bushel corn, at 200 bushels/acre, that can add up pretty quickly. Weiser does not personally know how that was handled in the past. Granzow stated he doubted insurance would even come close to covering it, it would go to court, Hoffman stated unless you have really good errors and omissions. Granzow stated that is why we are trying to do this up front, so that that doesn't happen. Gallentine stated on the open ditches, on those the open ditch is there so we can shoot that, we would need your facility located so we can get a depth on it. Gallentine stated those two are a little bit different that you will run into, tile you will need to uncover it and locate it, and for an open ditch, we will just need Aureon's facility located. Gallentine stated the open ditch ones we could possibly do before frost is out.

Weiser stated we definitely want to help and make things right, and to make sure we are doing things right moving forward. Hoffman stated we know you are not the contractor, and whether it is this or a tree contractor that comes in after the derecho, some of the outside of the area contractors don't know what the lives and livelihoods revolve around drainage, and the timing is everything. Hoffman stated they don't realize that if you flood that 40 acre parcel, that is his livelihood, that is the reason, we are not here to beat you down, the contractors are subs of subs of subs, and someone from Louisiana or Texas doesn't understand why it is so critical to mark things, McClellan added and to be monitored, with as many districts as we have in the county. Hoffman referenced the large drainage district map, and noted all of the colored/shaded areas are drainage districts within Hardin County. Hoffman asked what the percentage was of the county that lies in a drainage district. Granzow replied 49.8%, Gallentine noted that 49.8% is all artificially drained. McClellan stated Grundy County has only one drainage district. Hoffman stated this is just as much about finding a solution, that may be through educating you so you understand that this is a big deal. Smith stated she can email the maps to Weiser, Weiser stated he would like to receive the maps. Gallentine stated that these are 100 year old hand drawn maps, and what you see on the GIS is a scan of those that has been drawn over, so we have had contractors from Georgia say I got the coordinates off GIS, the tile is right here, Gallentine will let them know, no it is not, you are on top of the hill, Gallentine points out it will be at the bottom of the hill, the contractor asks how do you know, well they dug it by hand and they didn't put it here on top of the hill. Gallentine noted that they are hand drawn and a lot of the maps will note the size of the tile.

Weiser asked if some the tiles are in GIS and they correlate with the hand drawn maps. Gallentine stated if you go to Hardin County's Beacon website, it has all of the tiles on it, but the GIS coordinates we have would be the most reliable. Hoffman stated that is why we ask you to engage with Gallentine and his people, we have had other contractors that didn't believe the value of working with Gallentine and CGA and then all of a sudden they get a contractor who has done private tile work in that field, and they can say we know exactly where that tile is and if you build relationships with people like Mr. Vierkandt, they can tell you information better than any map, because their Grandpa or Great-Grandpa hand dug these facilities with a spade. Gallentine stated a lot of times it isn't something we would know, if you talk to the landowner they can tell you the tile is right there, how do they know that, because there is a wire wrapped around the fence, it may not mean anything to us, but the landowners have a system.

Hoffman asked if we are all squared away. Smith will email that information out to Weiser, the local

contractor list, list of district facilities crossed and then maps of those same districts as well. Gallentine stated if Weiser wants to start on any of the open ditches this winter, just let us know. Weiser stated he would email Gallentine and that Aureon would probably get the contractors that did the work involved again, they will be around. Gallentine asked Weiser to copy the Drainage Clerk in on those emails as well, Weiser stated he would. The Trustees thanked Weiser for his time and participation in today's meeting.

6. DD 14 WO 291 - Discuss W Possible Action - Investigation Summary

Hoffman stated contractor Adam Seward was having zoom issues, so Seward joined the meeting by phone. Gallentine stated this investigation and repair we did that hooks around Ron Vierkandt's place, by Buckeye, we ended up finding that the restriction was some private tiling that had been done, two connections came into the district main straight across from each other. Gallentine stated that was restricting drainage, and then there was a pop can and grocery bag that had gotten in there that fully blocked that. Gallentine stated after that, the Trustees had asked Gallentine to look at what CGA's costs were for finding the issue versus watching the issue be repaired, so Gallentine did that breakdown and the Trustees had asked Seward to do the same. Gallentine stated he went back through their time, and after it was discovered, the time we just spent watching the repair and documenting it ended up being \$795 of that total bill. Granzow stated the reason we asked them to do this was that Iowa Code states it is the landowner's responsibility to pay these bills because it was due to private tile, Granzow asked if that was correct. Hoffman stated it was correct, Hoffman asked for verification of CGA's dollar amount. Gallentine stated it was \$795, basically the time we spent on the 8th and a little bit of time on the 9th.

Hoffman asked Seward to provide his numbers. Seward stated on that particular repair, on the two laterals that came in, Seward estimated around 4 hours with 2 pieces of equipment that came in, and we had to put it back to how Gallentine and the County expect repairs to be done, Seward stated we came in right around \$2,200, give or take about \$100, on what Seward felt that segment of the costs should be. Hoffman asked if it was \$2,200, \$2,100 or \$2,300. Seward stated it was \$2,240 to be exact, Hoffman stated that was what he needed to know, because close enough was not exact. Seward stated the reason he gave him that was because this was all a estimation to begin with, on that particular project, Seward said \$2,240 would be correct, Hoffman stated he just didn't want the County to guess it to be \$1,000 and guesstimate that would be ok.

Hoffman gave Vierkandt the floor. Vierkandt stated he feels responsible for it and has mentioned that before, he has no problem with it, it was done in 2013, and Vierkandt was unaware it was done that way. Hoffman stated that comes to a grand total of \$3,035, can we invoice Vierkandt for that. Vierkandt stated yes. Hoffman asked Smith if she would rather have Gallentine and Seward invoice Vierkandt for that individually or do you want it to come through the Clerk's office. Gallentine stated we have already been paid. Smith stated it should come through the Auditor's office as CGA and Seward have both been paid. Hoffman stated Smith will get an invoice out to Vierkandt.

Granzow asked if Vierkandt has contacted the installer of the original private tile. Vierkandt stated he would not do that. Granzow stated his reason for contacting the installer would be so that it does not continue to happen with the line of business that they are in. Vierkandt stated that he does tiling every year, every year he tries to do between \$10,000 to \$30,000 worth of tiling every year, and if Vierkandt went after or brought the installer in here, he will end up paying that \$3,000 again, as some time or another the installer will add that \$3,000 right back on to Vierkandt's costs. Granzow stated he would just not want to see this happen anywhere else. Hoffman stated you might privately remind him that this has been an issue. Vierkandt stated he will, but has not done so yet, his next tiling job, if he uses this installer, which he has not used since 2013, he will bring it to his attention, but he will not go on a witch hunt. Hoffman stated we did not want you to bring him in here, we want you to have that customer/consumer business relationship. Gallentine stated he knows who it is, and could have easily called him but didn't because he did not want to go on that witch hunt. Hoffman stated we want to build relationships. Vierkandt stated he has done business for a few years, and you will end up paying for it some way, the man that he used to have years ago, before 2013, retired, and he was the one guy who would crawl in the ditch and done all the hookups, chances are, these were a couple of rookies, and he can't blame them for that. Granzow asked if that was in 2013, Vierkandt stated yes, in 2013. Granzow stated since then we have introduced hook-ups with what we call inserted tees, and asked if Vierkandt was aware of those. Vierkandt stated the job repair done by

Seward, the finished job was just super, it was very good. Hoffman stated that was good to hear. Vierkandt stated he would say to Seward his hunting skills need to be improved, we were so close, Vierkandt stated he was not with them onsite all the time which Seward can attest to, but we were within 20' of the plug, all we had to do was run a tape in there and Vierkandt presumes it wasn't done but doesn't know for sure as he wasn't there, then we called Williams and had them televise it which really wasn't necessary.

Vierkandt stated he is not afraid to talk to anyone and tell them how he felt, but the finished job was first class, and should have been done that way 7 or 8 years ago.

Motion by McClellan to direct the Drainage Clerk to send an invoice to Ron Vierkandt regarding the \$3,035 charge for drainage repair to private tile in DD 14 on Work Order 291. Second by Granzow.

In additional discussion on the motion the Trustees thanked Vierkandt.

All ayes. Motion carried.

Gallentine stated Vierkandt also had something else he wanted to talk to the Trustees about on DD 14 if the Trustees would allow it. The Trustees agreed, Vierkandt stated while he was hear for the DD 14 Landowners Meeting back in November, Vierkandt wanted to start at the bottom of the tile and do this repair, and we put in this fix. Vierkandt stated when thought about it later, he thought that probably wasn't a smart thing to do and Vierkandt spoke with Gallentine today. Vierkandt stated maybe we should have a drainage meeting, and maybe we should start from the bottom and go all the way through Sweeney's where the majority of the blowouts have been, Vierkandt thinks if we get to his line fence. Vierkandt stated in his line fence, he can only think of two blowouts, in 20 years, there was a third one right under D41, but that was a different deal. Vierkandt stated so anyway, he thinks we need another Landowner's meeting, maybe no one but Vierkandt is thinking this way. Hoffman stated he spoke with one of the landowner's, Cynthia loerger. Vierkandt stated we may have a problem there. Hoffman stated we can all talk about it at a Landowner's meeting, but attendance is key, Vierkandt stated there is not too many of us, we are a smaller district, Vierkandt stated there may only be 14 of us. Smith stated that sounded correct. Hoffman stated as he explained to Cynthia loerger, and for the record, that if you don't come to landowner's meetings, or send something in writing or leave a comment by phone, how can you or I know what that landowner is thinking.

Vierkandt stated he spoke with Gallentine this morning about the difference in the cost between a fix and a bid, and Gallentine stated a bid was no doubt about it. Gallentine stated the more pipe you do you typically get a better price up to a certain point, per foot it is going to be far cheaper to do 2,000' than it is 20' per foot. Vierkandt stated from what he gathered that in the meetings before, if we go to the bid from the start down at the bottom up to the top, if we bid it we can change the size of the tile, we do not have to stick with the same size tile as you would in a repair. Hoffman stated an improvement would have to go to bid, Smith stated it would also have to have a hearing, Hoffman stated that was correct, it would have to go through that whole process. Vierkandt stated he is thinking that is what we are going to have to do. Gallentine stated what we choose to do in the next year, dictates what happens with it for the next 50 to 100 years on that tile, if we replace 100' at the lower end, and we don't up-size it, no one will probably ever up-size it. Vierkandt stated by law we can't up-size it as a repair. Gallentine stated yes, in a way we are kind of locking ourselves in, so Gallentine does not mind if the landowners are meeting, it will still be up to the Trustees, how we left it was we were just going to see how many feet we can get with the \$35,000, Gallentine has not contacted contractors yet so that would be fine.

Granzow asked if we did some televising in that area, Gallentine stated we did and it was not good, we did it from loerger's ground, and did not know how much we got into Strothcamp's which is at the lower end, if it all. Vierkandt stated that isn't too many feet. Granzow stated he thought we should try to put together a landowners meeting, review the televising and then approach the topic of an improvement, and then see if we need a hearing, Granzow would like the landowners to have their input on an improvement, and if only one person shows up and says let's do an improvement, everyone else had their choice and did not show up. Gallentine stated Cynthia loerger had called in and talked to Hoffman after the fact so there are some other interested landowners that were not there at the last landowner meeting, it was just Vierkandt and Jack Runge. Vierkandt agreed it was he and Runge. Gallentine stated he does not think it hurts and he always values landowner input on the front end, rather than the back end, it is much easier than on the back end. Vierkandt stated we can go from the 14" down at the bottom, if want a bigger size than the 14" it

is the only thing we can do. Granzow stated it may be the time to do it, Gallentine stated if it isn't now, this will dictate to what happens to this tile in our lifetimes.

Vierkandt stated he did dig it up, the 14" tile, about 3 weeks ago on the other side of D41, when the last time it was done in Vierkandt's 80 acres where he lives, Paul Williams run a camera through there. Vierkandt stated it showed in there a tee that Vierkandt had put in when he retiled the area in 1980, had some of that plastic stuck in there the same way, this bothered Vierkandt so we got rural water out there and dug it up, and a piece of the 14" tile, when we got down to it, we could pick the top half up off the tile, it was cracked all the way through, so we know it is not good, but the way it was, there was an edge of plastic inside a 14" that was up a couple of inches, and Williams camera could not go over it, Vierkandt left it alone and did not go any farther with it. Gallentine stated we know they are cracked, we just don't know whether they are cracked on the top, or the top and the side, or the top, bottom and the sides, everywhere. Vierkandt stated this one was cracked on the side, is that better or worse, Gallentine replied he liked them better when they were cracked on the side rather than the top, once the top cracks, they start to vee down in on themselves, at least if the sides crack you might have a top and bottom half that will support each other, if you got quarter circles that doesn't work so well. Vierkandt stated he had done this before in the same area of Section 27, and he does not have 14" tile but he has a 15" culvert, so Vierkandt fixed both of them with a 15" piece of culvert instead of putting tile back in them. Gallentine stated most things will last longer than that clay will at this point, it is 110-120 years old at this point. Vierkandt stated that even those that go back around, we haven't repaired that that much, and the dollars are scaring them, so if people want to just go to Vierkandt's line fence, we can control a lot of this.

Smith stated she did speak with Cynthia loerger this week after loerger spoke with Hoffman, loerger had some questions about the waiver process, and what that process looks like to spread your drainage payments out over 10 years if you need to, Smith discussed those details with loerger, who had some concerns about cost, and how soon she would be assessed so she could do some financial planning for that, Smith explained we can't assess for the project until it is complete, and we have had a completion on that. Smith stated we would be looking at least 2022 before we even consider assessing for that. Vierkandt stated you should lower your interest rate, Granzow stated we already did, we went from 6% to 5%, pay attention we might jump it back up to 6% before too long, Vierkandt stated CD's have, Granzow stated we are not encouraging people to use us as a financing tool.

Vierkandt stated he would just like to void that fix, until we have a landowners meeting. Gallentine stated we won't move on anything until we have that meeting. Granzow asked for open dates on the calendar, Granzow would like a landowners meeting yet this winter. Smith asked if the Trustees would like to look at February 17th at 11:00.

Motion by Granzow to hold a DD 14 Landowner's Meeting, Wednesday, February 17, 2021 at 11:00 am in the Large Conference Room of the Hardin County Courthouse. Second by McClellan. All ayes. Motion carried.

The Trustees thanked Seward for his participation. Smith will mail out Meeting Notices, and asked Vierkandt if he would like a copy of the list of landowners in the District, Vierkandt said he would. Vierkandt asked if the smaller landowners who may be on the fringe edges of the district get equal vote on a project. Gallentine stated the Trustees are the ones who have the official vote. Granzow stated we have done it numerous ways, sometimes listening to opinions and people talking is the best. The Trustees thanked Vierkandt for coming in today to visit with them.

7. DD 42 WO 297 - Discuss W Possible Action - Contractor Update

Gallentine stated this was the work order across from Sweeney's acreage in Cynthia loerger's field, we dug down and pulled out about 50' of tile and we were still chasing it, so we stopped, and the tile is about 1/3 to 1/2 full of dirt. We went upstream, found another blowout, dug down there, and found that was just a previous repair that had shifted somewhat and there wasn't much silt. The Trustees had ordered CGA to televise the tile, downstream where there was silt, we couldn't get in to televise, upstream where there wasn't silt we televised, and once we got downstream we realized there are two tile out there. Gallentine stated we

assume that the one that is clear is the district tile, and the other one which is about 1/3 to 1/2 full of silt is private tile, we haven't gone back through the history to make sure they haven't put in two tile at one time, that is our assumption. All the maps Gallentine has looked at show just one tile, assuming that is correct, what do you want CGA/contractor to do with the 50' that is pulled out now.

Granzow stated first we need to go back through the books to find out if there are two tiles, or if they are entitled to two tiles. Gallentine agreed and asked if the Trustees wanted CGA to do that or have the Drainage Clerk go back through those files. Granzow did not know if the Clerk had the ability to do that. Smith stated she can go through what we have in the files and see what we have got. Hoffman stated let's start with the Clerk and see what we have, if we come to a dead end then we can enlist CGA.

Motion by Granzow to authorize the Clerk to go through the files, and if she needs assistance to take it over, then she has the authority to enlist CGA to do that. Second by McClellan. All ayes. Motion carried.

Granzow stated from there, the 50' of tile, if we deem it not to be the district's tile, then we need to put it back, what we took out, it's not our job to fix private tile, but if we took it out we need to put it back, we can't leave it exposed, or contact the landowner to see what they want, maybe they don't even want it hooked up. McClellan asked how you determine which is which, the older one would probably be the district tile. Gallentine stated our assumption is that the district tile is typically the deeper one and the clearer one because it carries more flow. Granzow stated you televised down it, Gallentine stated we did televise down it, and we know where it is at, the reason we discovered this was because the one over here that we are chasing, when we televise it, the camera locator is 20' away on the other side of the waterway. Granzow stated it could be an abandoned tile. Gallentine stated yes, it could just be a 100' chunk of abandoned tile that goes nowhere, the tough thing is the way this fall has been, there has not been enough water flow to tell an abandoned one from an active one, it is pretty dry out there still.

Granzow asked if the original work order request was brought to us on the abandoned one. Gallentine stated, yes, the original complaint was brought to us on the one we feel is not district tile. Granzow asked if the requestor is responsible for that. Gallentine stated he did not think the original requestor, which was Dave Sweeney, was aware that there are two tiles out there. Granzow stated the question is asked, McClellan asked if Sweeney did not know there was private tile there. Gallentine stated he does not think the requestor was aware, but he would have to check, Gallentine thinks his assumption was he thinks it was district tile. Smith asked what the proximity of the tiles to one another, Gallentine stated they are 20' apart, Smith stated that is not very far apart. Gallentine stated they run the same direction, it is not like we are district and they are tied in; they are both running the same direction. Granzow asked if they could be parallel tile that are both district tile, they ran those until prior to 1986. Gallentine stated correct, prior to the Sodbuster Act. Granzow stated he would think they could both be considered as district. Gallentine stated the other thing you want to look at, like on those early, early maps, like on DD 21, they showed a district tile, and they also showed a tile that was in existence to the district tile, when they created the district, they adopted the private tile too. Granzow stated that could be the case here also, Gallentine stated that may be this case.

Granzow stated he wanted to make sure and the reason he is doing this is because if it is district or could be considered district, they would be much farther ahead accepting it. Gallentine stated that either way, we need to document that there are two tiles out there, and they are entitled to that drainage capacity in the future. Granzow stated that is what he wanted to make sure of in the future, otherwise it could come to some point that the EPA could shut down any expansion of drainage. Gallentine stated for instance, this is DD 42, but if we had this going on in DD 14, the answer to Ron Vierkandt, we can combine the capacity of those two into one tile. Gallentine stated that is where we are at right now, we have televised and those are the findings.

Granzow motioned to deem it not to be district tile, the Clerk shall bring the results of the review of files to the Trustees. Second by McClellan. All ayes. Motion carried.

Smith stated she would review the files and get results to Gallentine as soon as possible.

Hoffman asked if we would have to adjourn and reconvene later, how many of the next agenda items would

involve Gallentine. Smith stated they are all Investigation and repair Summaries remaining on the agenda, and it would be up to Gallentine, but Smith thought these could be addressed next week if we needed to. Gallentine stated he saw nothing in Agenda items 8 through 13, that could not wait a week to be addressed, items 14 through 16, you would have to ask Smith. Smith stated 14 through 16 would be brief.

8. DD 20 WO 302 - Discuss W Possible Action - Investigation / Repair Summary

Hoffman stated items 8 – 13 we will move to table until next week.

Motion by McClellan to table agenda items 8 through 13 until the January 13, 2021 Drainage Meeting. Second by Granzow. All ayes. Motion carried.

9. DD 4-53 WO 303 - Discuss W Possible Action - Investigation Summary

Tabled until January 13, 2021 Drainage Meeting.

10. DD 4-53 WO 296 - Discuss W Possible Action - Investigation Summary

Tabled until January 13, 2021 Drainage Meeting.

11. DD H-F 4-53 Franklin Co. WO #143 - Discuss W Possible Action - Investigation Summary

Tabled until January 13, 2021 Drainage Meeting.

12. DD 143 WO 305 - Discuss W Possible Action - Investigation Summary

Tabled until January 13, 2021 Drainage Meeting.

13. DD 146 WO 228 - Discuss W Possible Action - Investigation / Repair Summary

Tabled until January 13, 2021 Drainage Meeting.

14. DD's Big 4, 41, 77, 123 & 143 - Discuss W Possible Action - Claims For Crop Damages

Smith stated you had directed her to reach out to all of the landowners in this multi-district project in which Hands On Construction was the contractor, which would have been DD's Big 4, 41, 77, 123 and 143, we do not have DD 128 done yet, Gallentine was going to contact Dean Bright and see where we are with that. Smith sent a letter out to all the landowners that were affected by work and the only Crop Damage Claim returned to us was the original Damage Claim Chris Blome submitted to us clear back in 2018. Smith stated we have the Crop Damage Claim from Blome for the Trustees to review today, this was the one where he had done some seeding himself, because the contractor did not get that completed, Blome had submitted the claim with .07 acres of soybeans damaged and that was verified by CGA, and as for Blome's seeding cost, he has included an invoice for \$214 for his seeding costs. Smith stated she does not know if the Trustees would like her to deduct that \$214 seeding cost from the final payment to the contractor's Final Pay Estimate #6, so Smith would need some clarification on that. Gallentine checked the files. Hoffman asked if it was in the original estimate that the contractor would complete the seeding. Gallentine stated there was seeding in the bid, but we bid by acres, and we bid .3 acres, but we only paid him for .04 acres, the contractor was not paid for the seeding that Chris Blome performed. Hoffman stated then we will not need to make a deduction on the final pay. Hoffman would accept a motion to approve the amount of \$214 for seeding in one motion and then we will do crop damage in another motion.

Motion by McClellan to approve the \$214 for seeding on the waterway on Drainage Claim for Crop Damages 2020-01 to Chris Blome. Second by Granzow.

In additional discussion on the motion, Gallentine added that is a very reasonable amount, Hoffman stated the fact that he has the Theisen's receipt attached, Gallentine stated he did not mark it up any, he was seeding .94 acres for \$214, contractor price was \$1,500 an acre, so there was significant cost savings by having Blome do it. Granzow asked, out of curiosity, we did pay the contractor for seeding. Gallentine stated no, his bid price at \$1,500 per acre. Granzow asked but we payed none, Gallentine stated we paid for .04 acres, a little bit of seeding was done down by the headwall that the contractor did, the landowner did not seed that part. Granzow stated so we are well within the contract anyway, Gallentine stated yes.

All ayes. Motion carried.

Hoffman stated up next, we have the crop damages, of which \$251.62, of which \$18.81 is paid to the landowner and \$232.81 paid to Chris Blome. Smith stated the Crop Damage for the soybeans is actually just \$37.62, Blome would like 50% of the \$37.62 crop damage to go to the landowner, and 50% to himself, so Smith has split that out as \$18.81 to the landowner and \$18.81 plus the \$214.00 seeding to go to Chris Blome for a total of \$232.81 to Blome. Hoffman stated that makes more sense.

Granzow motioned for the \$37.62 to be split equally and paid out Chris Blome and the landowner for the crop loss on Drainage Claim for Crop Damages #2021-01. Second by McClellan. All ayes. Motion carried.

15. DD 25 WO 209 - Discuss W Possible Action - Claim For Crop Damage 2021-2

Smith stated this was a crop damage claim submitted in 2020 by David Fincham, this was for the remainder of his crop damage, we had paid him out previously on his 2019 acres and work continued in to 2020, so this would be payment for crop damages on that final year of work done in his field, it comes to a total of \$1,931.16, Fincham also requests that his payment be split 50/50 with himself and his tenant, Alvin Clark.

Motion by Granzow to approve payment of \$1,931.16 on 2020 damages, split equally between the landowner and tenant on Drainage Claim for Crop Damages 2021-02. Second by McClellan.

In additional discussion on the motion, Granzow asked if these were all verified acres. Gallentine stated yes, this is on DD 25, and a lot of times we wait to deal with these on the completion hearing, but we probably won't get to completion until spring now, there is a few punch-list items left, Gallentine stated he would recommended we go ahead and get this paid.

All ayes. Motion carried.

Smith stated she will include this payment and the payment on Claim # 2021-01 in next week's claims.

16. Discuss W Possible Action - Iowa Drainage District Association Membership

Granzow stated Annette Sweeney discussed with him that there is a lot of activity going on at the Statehouse, and she thought we should be involved in this and Hardin County should have a say in this. Granzow stated it sounds like IDDA are the lobbyists up there, and without Hardin County's input Sweeney thought that leaves Hardin County out unless we hire our own lobbyist or join them, and it seems like a lot of activity this year is going to be on drainage. McClellan stated over the years, she and the previous Drainage Clerks had always gone to their meetings/trainings in Ft. Dodge, and McClellan used to sit on the Committee with John Torbert, McClellan is not opposed to joining. Granzow stated the one thing that we opposed to it is how do you fairly pay for that, the County should not be responsible for paying for this bill, it is for the districts, it is not for half of the County. McClellan stated this is another one of those things we should pay out of the mass assessments, Granzow stated he addressed that to Smith, who said we are getting close. Smith stated she has two or three districts left to figure for the Trustees, and does not have a final number for you but can give you a rough estimate of where she is now, this includes all districts in Tyler that we have assessment and classification schedules entered in Tyler, which also includes joint districts with other counties, if we look at assessing all districts we are at 11,110 parcels, which is where Smith is at roughly, the numbers the Trustees had given Smith in the past to look at doing a minimum assessment for a three tiered schedule, what would this look like at a \$500 assessment, a \$1,000 assessment and a \$2,000 assessment per district. Smith stated if we look at the \$500 assessment on all districts, that will generate \$129,390, at \$1,000 assessment on all districts that would generate \$224,101 and a \$2,000 assessment would generate \$436,969. McClellan asked what the assessment levels were. Smith stated \$500, \$1,000 or \$2,000. Hoffman stated it would then go to classification, Smith stated yes, it would be split between landowners based on their classification, Smith has a spreadsheet set up that you can plug in the amount you would like to assess at, whether it be for a project or something like this, and it bases each landowners payment on the percentage from their classification schedule.

Smith stated if you want to look at doing something like this, it is a big project, the other counties that Smith spoke to that have done this in the past, said that they have quit doing it this way because doing all districts in one fell swoop is a ton of work, Smith stated getting the spreadsheets ready was not as difficult as she thought it would be once Smith understood the classifications better, however generating the assessments for 11,100 parcels is a lot of time, and a lot of paper, and Smith does not know what kind of level of funding the Trustees are looking to generate. Smith stated we have talked in the past about this may cover some of the Drainage Clerk position's salary, possibly some to be used for legal fees when we look at things like the IRUA dispute that would affect all districts. Granzow stated or for something like joining the IDDA. Hoffman stated for him he looks at this and wonders and it may be something we need ask a legal opinion, when we look at a CWEC thing, could some of that money be transferred to Attorney Darrell Meyer for legal representation, or does that have to go to attorney Mike Richards. Granzow stated he thought it would have to go to Mike Richards. Hoffman stated either way, now that Richards has all the legal documents from the litigation, Hoffman is thinking we should have something on hand for this or when we have rainy days in Drainage. McClellan stated you also don't want a bunch of money sitting there. Hoffman stated correct, he is thinking that what is Mike Richards hourly rate, around \$250 an hour, \$100,000 will not go very far if you have a big legal battle. Granzow stated but it could be assessed again. Smith stated we could look at what dollar amount you would like to assess at, and then look at would you split the group of districts, rather than assessing the whole group, you could assess the first group of districts the first year, the second group of district the second year, the third group the third year because of the work load, it could be a rolling assessment every three years a district would be assessed for administrative costs. Smith stated her only concern going into this year is that we have a special election in March, we have another office employee that will be out on a medical leave, this spring is concerning for Smith, and Smith believes the way Tyler is set up, it is set up so assessments would have to go out in the spring on May 1st the way it is set up currently, to change that Smith does not know how to do that, and would have to do some research to see if that could be changed if the Trustees wanted to look at a September assessment date. If the Trustees want any assessments to be done, we probably need to agenda this as a Discus with Possible Action item, so that if you want to make an action to direct Smith to do something, she can begin that process sooner rather than later.

Granzow likes that except for the fact that who is the first loser, and also if we are going to do that, that the three year rolling assessment is one motion so if you have to adjust that the following year to adjust it up, you can't. Hoffman stated the one thing he would like to add, if we were to do that, if it is a set of three or four, he is fine with that, but Hoffman would like it to sunset after its' first cycle through, that way a new Board would have to take explicit action to redo it, because if at the end of four years you are sitting on it, Granzow stated you could be sitting on \$100,000, Hoffman stated yes, he wants everyone to go through the cycle once and re-evaluate, if you have gone through all that money, then you have to go on to that next tier, that is just one point of consideration. Hoffman stated he does not want to overtax everyone, but also would like to allow people down the road to re-evaluate it. Granzow stated he thinks you will run short.

Gallentine stated the other thing he would say about IDDA's fee is based off their County's number of drained acres, Gallentine does not know where they got their 168,000 acre number on the invoice. Smith stated she had an email from previous clerk Schlemme that questions that number of acres, it was dated 6/27/2018, Schlemme had some communication with John Torbert, who says the number of acres reported are on the honor system and Schlemme says the number of acres reported are 110,000 not the 168,000 the IDDA mentions in this invoice, Torbert replied that Hardin County's membership dues would be based on a different number than we have now, the rate has changed since 2018. Smith stated she thinks there is some questioning we can do to Torbert and say if we are interested in this, how would this change our membership costs.

Hoffman asked the Trustees if they would like Smith to check on that and bring it back next week. McClellan stated yes, Hoffman definitely would like to be engaged in anything that is going on in the Capitol, Hoffman's second question is can we appoint one of the Trustees to be the representative person, just something to ponder and think about, and does not want to come back next Wednesday and ask, who wants to be volun-told who does it. Hoffman stated it goes back to our CICS where we have no constituent authority and they are taxing and spending money that doesn't really impact them. Granzow stated but, on that Board, they really wouldn't be taxing or spending money, it would all come back to us. Hoffman stated he expected it would be like an ISAAC meeting, where we would expect the Clerk to be there and we would pay her for her time and expenses to be engaged in that. Granzow stated he would have to see what kind of

set-up they have before he knows who he would appoint. Gallentine stated he knows the only voting members are county landowners, Gallentine stated he know CGA is a member, but CGA is a different class of membership, CGA can't vote on anything or proposed legislation. Hoffman stated he would want the Clerk to go to everything. Smith stated she attended the 2019 annual IDDA conference meeting, and that was a very valuable resource tool because she got to meet and speak with other Drainage Clerks that attended, and that is valuable. Gallentine stated he thought the 2020 meeting was canceled due to Covid and only a virtual business meeting was held. Smith agreed, she had looked that 2020 event up.

Gallentine stated they have a quarterly newsletter and have legal staff if you have questions. Hoffman's suggestion would be to see if the IDDA can straighten out the acres issue, have them send us a packet and invoice and when you get that, bring it back to us. McClellan asked if Gallentine recalled that years ago the IDDA was involved with a railroad lawsuit, Gallentine stated that was the Des Moines Waterworks lawsuit, the IDDA was involved in that, that is what the county Mutual Protection portion of the invoice is for. McClellan stated she thought there was a lawsuit with the railroad before the Des Moines Waterworks suit was filed. Gallentine stated when the Trustees went to court with DD 55 against the Union Pacific Railroad, the IDDA may have written a brief agreeing with your position versus the railroad's, but Gallentine thinks they did that on their own. Gallentine stated the optional Mutual Protection fund listed on the invoice for \$2,100 that is what that goes to, is just that legal fund for things like that, Gallentine knows if something drainage related comes up Sweeney usually gives him a call to get his take on it because there have been something out there. Granzow asked if Franklin County was an IDDA member. Gallentine stated they were but thinks that they dropped last year, they do have a new Supervisor, and does not know if they are going to join back up. McClellan stated she know it is not in our budget. Gallentine stated he does not know how Franklin County funded their membership. Granzow stated he does not think it is the responsibility of Hardin County to fund this membership, this a Drainage District membership, and we are to that edge where we can assess, and we are at that point something needs to be assessed anyway. Smith stated when we look at doing that mass assessment, there are a couple of other costs you will have to consider, which will be postage, envelopes and mailing costs, if you mail out 11,000 notices, some can be combined into one envelope, some districts have one landowner that owns more than one parcel in a district, so some notices can be combined to save costs, but you could still be looking at \$5,000 to \$6,000 in postage costs that would have to be assessed.

Hoffman noticed one of our small costs that adds up quickly, is paying for the Drainage notices that come out of Rural Services, and that should not be the County's expense, Granzow agreed. Hoffman stated he is surprised an Auditor has not said something, as we are Trustees not Supervisors paying for the notices, Hoffman means our outside auditor, like Bowman & Miller. Smith stated she does try to invoice those costs back to the districts, when we get notices for hearings or Drainage elections, Smith does invoice those costs back to the district after they have been paid so that there is some recoup to the County. Granzow stated we need to realize this is not County business, this is District business, all of this is, and they should rent the facility to be honest, it sounds terrible when Granzow stated this, but we are not joining the districts that have Private Trustees, we are only joining for the ones managed by the Supervisors acting as Trustees. Gallentine noted that the acreage on the invoice from IDDA would be less. Smith stated that is a good point and did not pull those districts out the potential assessment numbers. Gallentine noted DD 3 is a big district. Smith stated she would have to pull those districts out of the potential assessment numbers. Granzow stated he did not have a hard time assessing them as Smith is still the drainage clerk for those districts as well, and still do work for those districts as well. Smith stated that she does do work for the Private Trustee districts as well. Smith asked if that is something the Trustees would like to do if they go down this path of potential assessments, is to invite those private Trustees into a meeting and present this to them. Hoffman stated you can always send the chair of those private Trustee districts the information to let them join on their own.

Granzow stated he felt there were two choices we can give them, is one, either join with us in the assessment or start charging an assessed value to their districts for use of the Clerk, it is the County's responsibility. Hoffman stated why is it someone's responsibility who isn't in a colored area on the map. Gallentine stated sometimes the Private Trustees district's, not all the time, but sometimes, those districts may take more of the Clerk's time than one that isn't. Smith stated that was very much the case, and that is something we don't communicate about because the Supervisors are not the Trustees for those districts. Smith completed a recent research project for DD 3, where she pulled all the historical files and went through them to try and find out if there was a subdistrict ever created back in the 1960s or 1970s.

Gallentine stated even just with claims, every week the Clerk approves claims, but Gallentine knows that there are times the Clerk has to try and track down the private Trustees for approval to pay the claims. Smith stated sometimes it is tough to get the vouchers back from the private Trustees. Granzow stated there should be an hourly rate assigned to that. Smith stated to let her know if they would like to bring this back as an agenda item or two separate agenda items next week and asked if the Trustees wanted an agenda item for IDDA membership and one for potential assessment. The Trustees stated yes, as two separate items, Granzow stated he felt the IDDA membership needed to act faster than slower at this point. Smith stated she will reach out to John Torbert of the IDDA today, Hoffman stated let's see if we can get the acres reduced with the private Trustees. Granzow stated he feels comfortable in saying we are interested in joining, but we need to see the cost with the adjusted acres. McClellan asked if the Clerk had the information on the adjusted acres, Smith stated she could pull that information.

17. Other Business

18. Adjourn Meeting

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