

REGULAR DRAINAGE MEETING

Wednesday, February 3, 2021 9:30 AM

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

2/3/2021 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson BJ Hoffman opened the meeting. Also present were Trustees Renee McClellan; Trustee Lance Granzow; Landowner Greg Larson; Lee Gallentine of Clapsaddle-Garber Associates (CGA); 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 Granzow to approve the minutes of Regular Drainage Meeting dated 01-20-21. Second by McClellan. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by McClellan to approve the claims for payment with pay date of Friday, February 5, 2021. Second by Granzow. All ayes. Motion Carried.

DD 41 Portion of Pay Est # 6 - \$2866.93 Hands On Excavating LLC. \$2,866.93
DD 77 Portion of Pay Est. #6 - \$4,743.58 Hands On Excavating LLC. \$4,743.58
DD 123 Portion of Pay Est. # 6 - \$2117.08 Hands On Excavating LLC. \$2,117.08
DD 143 Portion of Pay Est # 6 - \$2324.59 Hands On Excavating LLC. \$2,324.59
DD Big 4 Portion of Pay Est #6 - \$3,213.85 Hands On Excavating LLC. \$3,213.85

In additional discussion on the claims, Smith stated the only DD not included on Pay Estimate # 6 is DD 128 which we are waiting on completion. Hoffman stated he spoke with Handsaker this morning and was glad to see we are moving forward on that, Hoffman asked if Gallentine had anything to add. Gallentine stated he is glad to get that wrapped up to and is looking forward to getting Dean Bright's part done as well.

5. DD 55-3 Lat 9 - WO 251 - Discuss W Possible Action - Update On Minutes Review

Smith stated the Trustees had asked for a review of the minutes on this and to have Gallentine check and see where Heather Thomas was at on the discussion with Thompson regarding the pond. Smith will let Gallentine cover Heather Thomas's update that Gallentine had check on with her about what Thompson had to say about the pond design. Gallentine stated Thompson stated he had spoken with Heather out of Ames with CBA Engineering and it made Gallentine a little bit curious, so Gallentine emailed Heather Thomas and CGA's Ames office to make sure we were not working on a pond that Gallentine was not aware of. Gallentine stated Heather Thomas stated she had been contacted back in 2017 about working on the pond, Heather Thomas did visit the site and after talking with Thompson briefly on what his desires and thoughts were on the pond, Heather Thomas declined the project, so just to be clear, we have talked to him once, but Heather Thomas about working on it, but we are not working on it and never have been. Smith stated she did a quick review on the minutes of that as well, dating back to 2017, and that is where Thompson references that he would have a rough draft of his plans to present at a landowner meeting, and at that landowner meeting it sounds like the Trustees had mentioned they would like to see blueprints from the professional engineer and create a detailed agreement. Smith stated Thompson agreed to develop a site plan for further review by engineers which apparently has not happened. In March of 2017, there was some talk about circulating a petition to abandon the district, and in April of 2017, he referenced that he should receive a permit from the Army Corps of Engineers around a September time frame, Smith is not quite

entirely sure what that permit was for, it doesn't go into much detail, and then we jump ahead. McClellan asked if we did get that permit from Thompson. Smith stated no, we got no permit from Thompson from the Army Corps of Engineers and no engineering plan is what Smith's review of the documents show.

Granzow stated in the plans he was talking about the rough sketch, everything else, is it that piece right by the road or the pond he suggested that was farther back in his property. Gallentine stated he thought the plans were for where Thompson wanted to be farther back in his acreage, but since he never disclosed anything we didn't know that for sure, we just saw him out there moving dirt and assumed that is where he was wanting his pond at, Gallentine the only thing that he did by the side of the road was supplemental and above and beyond any pond he may want to build. Smith stated beyond that we have received no engineering, no formal or professionally approved documents, plans or designs on the pond by the side of the road that Thompson built within our drainage waterway. Granzow stated that was his biggest question, are we talking about two different things, which we are now. Smith stated that was correct. Granzow stated so what he currently did, cleaned it out a created the hole that is there, basically creating a place for subsoil to keep going in and we have talked to him about correcting that, but this is not the pond that he originally came out with. Granzow is clear now, and what Thompson needs to do now is what we told him last week. Hoffman stated he thought we were very clear. Granzow stated an in a timeline which he agreed to, and from this I would say it is a dead subject now since it is not the same pond and asked for Gallentine's thoughts.

Gallentine stated he thought that was fair, and he didn't realize he had two projects going on but Gallentine wanted to fully disclose that Heather Thomas had talked to him, but we declined the projects so we are not involved at all on the projects on this end. Granzow stated that is still open for him to get us an Engineer's Report for whenever he wants to do that, but what he has done is not, he did a clean out and changed the banks which could cause more erosion, he will do a correction on that, we have directed him to do a correction on that and he is willing to do everything, all we have to do is follow up and make sure it gets done. Gallentine stated he is not sure if we need to set a calendar reminder for someone to go out and do that to see if he has seeded it or not. Granzow stated he thought Thompson was to put a concrete revetment in too wasn't he and we gave him until June. The Trustees agreed with that, Granzow asked Smith to add that to the Drainage Calendar as a reminder. Smith stated she would do that.

McClellan stated Smith had mentioned was some conversation about dissolving the district. Smith stated at one time in 2017, someone had mentioned that Thompson was circulating a petition to dissolve the district, that petition has never surfaced to Smith's knowledge to be presented to the Drainage Clerk or to the Trustees. Granzow stated he was not concerned about it. McClellan stated she was just curious how far that had gone. Gallentine stated the tough thing is this is a lateral of a very large district, Gallentine does not think you can just dissolve a lateral but can't remember, it seems like the Trustees went through that recently on DD 26 Lat 4 where they wanted to do something with just the Lateral and not the whole district. Gallentine stated if a petition gets filed you can deal with it then. McClellan was just going to ask that too, they can abandon the lateral if they want but not leave the whole district, Granzow stated yes. Hoffman stated so really no action at this time, we just reviewed the history and asked if Gallentine had anything to add at this time. Granzow stated he would like to thank Smith and Gallentine for all the input and the minutes review because that really made a big difference, the Trustees concurred.

6. DD 167 WO 260 - Discuss W Possible Action - Repair Summary

Gallentine stated this is a work order we did and referenced the map, west of New Providence where we have two tile that run parallel to each other, very shallow. At the downstream end of it near the outlet, Mr. Bernard had reported it that there was quite a bit of erosion and blowouts, so we finally got a contractor available, Adam Seward. Seward came in and we rerouted the new main tile outlet away from where the original was because there is quite a gully there, we did a spot repair, and removed some trees and brush, it wasn't a huge significant length of new tile, but it was a start and we did put in larger tile that was deeper, so hopefully someday if more needs done, when the budget allows we can keep on replacing farther east of town. Overall, there is not a whole lot of recommended actions, there was some beaver activity downstream of this outlet that Seward took care of while he was out there, we recommend the monitoring for that and trapping as necessary. Gallentine stated the existing spot repairs we did or the spot repair on existing tile, so we did it again, is way shallow, a lot of it has maybe 1' to 1-1/2' of cover on it, we still recommend something being done, and we have been through the landowner meetings and they don't want to spend the

money and that is fine, we are just reminding you of that. Gallentine stated we don't think the grass seeding was completed during construction and will probably need finished up in the spring, we recommend the landowner and the contractor be notified of that and recommend the Drainage Clerk follow up.

Motion to acknowledge receipt of DD 167 Work Order 260 Repair Summary. Second by McClellan. All ayes. Motion carried.

7. DD 56 WO 3 - Discuss W Possible Action - Update On Engineering Documents

Gallentine stated this is where we are splitting the district in half and we had a landowners meeting over at the EOC, and believed Mr. Larson had inquired where we are at, and hadn't seen anything yet as far as bid letting goes, we are working on plans and getting those wrapped up. Gallentine stated the on question he has for the Trustees is: this is the one where we are going outside of the district to connect to the new outlet that will be rather deep, we don't have signed right of way yet, do we go forward with the bid letting as soon as we can even though we don't have right of ways signed yet to try to get some better winter pricing and just put that into the specs so the contractors are aware, or wait until that right of way is in place. Gallentine stated he believed that a couple of those landowners are out of state landowners, so it may take a while. Granzow stated can we go ahead with the bid letting without that and cancel the whole thing if we do not get an easement. Gallentine stated yes if we write that in the specifications, yes. Granzow stated he thinks that would be the best scenario because if you don't get the easement, Granzow is not about eminent domain. McClellan agreed. Gallentine stated he knows the Trustees are not, so that is why Gallentine just wanted to check on the timing on that, that being said we will get those out hopefully in the next week or so and get bids in the first part of March. Granzow stated it will be under the stipulation that we get easement or right of way. Gallentine stated yes if we don't get right of way the whole thing is canceled.

Hoffman offered Larson the floor. Larson asked if the project would go out for bid in March. Gallentine stated we will put this out for bids here in the next week or two and then we will get the bids back in March. Larson asked if there will be an engineering review cycle before prior to that. Gallentine stated yes, we will give the district these copies of the plans and specs and they will have to approve the formal bid letting date. Larson asked for a bid letting in March what would be the construction window roughly. Gallentine stated he would leave the construction window open to the contractor, but it should be completed by the end of this year. Hoffman asked to avoid crop loss damages and other claims, would this be a fall construction. Gallentine stated if we are going that deep at that length, we will leave it open to the contractor and they may want to build it during the summer. Hoffman asked if Larson was on Smith's list for receiving updates. Larson stated he is not sure, he looks at the meeting agendas, and minutes online, and asked if he would catch them there. Smith stated if Larson would call back after the meeting with his email address, Smith will add him to her update list.

Larson stated we have received final wetland determinations for their property, what does Larson do with that information now. Smith stated to please forward on to the Drainage Clerk. Gallentine stated please send a copy to the Clerk and she will send a copy on to Gallentine that way it is in the district records also. Larson thanked the Trustees. Hoffman thanked Larson for his participation. Granzow asked if Gallentine needed any action on that, Gallentine stated no, just seeking direction more than anything.

8. Discuss W Possible Action - IDDA Membership

Smith stated that she had reached out to John Torbert to let him know that the Trustees have approved our membership in the IDDA and Torbert will prepare a new invoice in the accounting department to send to us. Smith has also included in today's documents on the Smartboard, a draft of a letter that addresses #'s 8 and #9 on the agenda, both IDDA Membership and Drainage Assessment Project. This letter is to the Private Drainage District Trustees, to let them know that we have approved joining the IDDA's membership and mutual protection fund, the letter gives some specifics from the IDDA literature on what those benefits include. Smith provided the Trustees with a copy of the letter with their agenda and emailed a copy to both the Trustees and Gallentine. Smith stated this letter also gives the Private Trustees some kind of

background as to why you are seeking membership in the IDDA which would include recent issues with wind turbines, the increase in drainage utility permit applications and issues, and other legal matters pertaining to Iowa Drainage Law and also it kind of covers the potential assessment project we are looking at, it gives them a very brief rundown of what that potential assessment would look like, what it would be used for, for legal and publication costs and a portion of the Drainage Clerk's salary. Smith stated the draft letter also indicates there will be a possible future meeting that would invite all Private Drainage Trustees to come and attend, that the Trustees might discuss IDDA Membership with them and the potential assessment project, and whether the Private Trustees would like to implement those two things within their own districts. Smith wanted the Trustees review on this because Smith feels this letter should come from the Board of Supervisors acting as Drainage Trustees and not necessarily the Clerk, and that is how it is written and drafted. Smith stated if the Trustees want to look it over this week we can bring it back and agenda it next week, and the Trustees can direct Smith to make any changes they would like to see or other information you would like included.

Granzow asked would it be fair to say if they don't do the assessments as part of the Clerk's salary that we would assess or bill them regardless, Hoffman stated in a minimum of one hour increments, that is something we can discuss. Hoffman stated he thinks they will go with this, but when we get to that point, they must understand there is a cost to do business. Granzow stated we can do it through their assessments, we can charge to them for her actual costs, this is just a way to make it universal. Granzow stated he did not know if they wanted that in a letter, it sounds like more of a threat, and does not mean it to be. Hoffman stated it may be perceived as that up front, if someone is hesitant, we meet with them and then explain it. Granzow stated one way or another, we will charge you as part of a new system. Smith asked if there were revisions the Trustees would like her to make, what would that look like. Hoffman stated he would need time to look it over and review it. Smith asked if the Trustees would like this on the agenda for next week, the Trustees would like it on the next agenda. Hoffman stated he could go through it today and bring any changes he would like to see to Smith. Smith stated she did not want to speak in the Trustees voice in this letter in a way the Trustees feel is not appropriate, so that is why she is asking for feedback. Hoffman appreciates that, and it has to come from the Trustees.

9. Discuss W Possible Action - Drainage Assessment Project

Smith stated she will have numbers for the Trustees next week on the \$1,500 assessment versus the \$5 or \$10 per parcel assessment, the Trustees had asked Smith to come up with those numbers as well, and Smith will have those ready for next week.

10. Other Business

Gallentine stated he did get the tile map from Gehrke for the DD 128 Lat 1 & Lat 3 for the farm on the opposite corner from Dean Bright's - Sandy Trampe's farm and it looks like Lateral 1 & 3 are both active and used according to that map. Gallentine would like to re-agenda that to see how the Trustees would like to handle that. Lateral 3 was discovered by the utility company in not good shape, so Gallentine assumes we will probably need to do some investigation to figure out what repairs need to be done, Lateral 1 was never found, but with this tile map it may aid us in giving us a better place to look. Gallentine stated it can be officially on the agenda to discuss next week.

11. Adjourn Meeting

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