

## REGULAR DRAINAGE MEETING

Wednesday February 23, 2022, 9:30 A.M.

This meeting was held electronically and in-person.

2/23/2022 - 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; Joyce Schnormeier; Jeff Cook; Lyle Cook; Joe Stetting; Paul Cook; and Michelle Kuechenberg, Drainage Clerk.

2. Approve Agenda

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

3. DD 102 - Discuss W Possible Action - Dissolution Of Drainage District Laterals

Gallentine stated during the reclassification process they noticed that there are 4 laterals that seem to be rather small in diameter, maybe 6 or 7 inches, very short in length and involve very few landowners. Gallentine stated the laterals would be more economical if they were maintained as private tile versus district tile. Gallentine stated we sent you guys a letter identifying the laterals and may even have a pdf map that would show them a little bit better than the GIS showing where they are at, what is surrounding them, and what they may or may not serve. Gallentine asked Mike to bring up the PDF map. Gallentine stated the first 2 are along the county road where it says section 18 and 13, Gallentine stated those are laterals 3 & 4: lateral 3 is 200 feet of 6-inch tile and only crosses two landowners, lateral 4 is 150 ft of 6-inch tile and only crosses one landowner. Gallentine stated lateral 9 is 650 feet of 7-inch tile crossing only one landowner and connects two private tiles together. Gallentine stated it does not even connect to another district facility, it is kind of a link. Gallentine stated lateral 11 at the bottom end of the map, is about 400 feet of 6-inch tile crossing 2 landowners, a separate one in section 24-19. Gallentine stated the landowner in 24-19 is close to another district, he does not know if that district serves the landowner better. Gallentine stated these are CGA's suggestions, if the district chooses not to abandon that is fine, they can stay a district facility to be maintained by the district. Granzow stated we are required to have a petition signed for this to happen, correct? Kuechenberg stated that is correct. Gallentine stated that is what your attorney indicated in the process. Granzow asked the landowners if they had any questions. Hoffman asked Joe what he thought. Joe asked if there was something wrong with the tile. Hoffman stated we are going through the reclassification process; the assessments will change. Hoffman stated a lot of the times when we find these laterals, we find that the landowners would rather take care of themselves rather than keeping it district tile. Joe asked if there was a problem with the tile. Cook stated he did not have any issues with the tile. Granzow stated it is a matter of if they want us to maintain it or if they would maintain it themselves. Granzow stated the county can be more expensive. Gallentine stated right now, there is not a problem with the tile, if there was a problem with the tile, the process would be to get a hold of the drainage district clerk so she could start a work order and we could get a contractor out there to look at it and they would repair it accordingly. Gallentine stated the people that are in that watershed after it is reclassified, would be billed for it. Gallentine stated if it is abandoned, then it becomes those individual landowners' responsibility, Gallentine assumes they would just call a contractor direct or they would just replace it themselves. Granzow stated the laterals get separated when we reclassify a district so those landowners would be solely responsible for that tile anyways.

Hoffman stated they just need direction from the landowners and if they would like to separate the laterals we can go through the petition and process that our drainage clerk can assist our landowners with. Cook asked if it was declassified would there be any problem with the tiles to continue to be hooked up and drained. Granzow stated the landowners have every right to do that. Granzow stated you can connect more if you would like. Hoffman asked when the reclassification hearing has been set. Gallentine stated he does not think we have a hearing set yet. Kuechenberg stated it has not, they're waiting to hear feedback from the landowners on the dissolution process. Hoffman stated this will point us in that direction. Granzow asked if we want to pay to have them reclassified or should we wait until we get the petitions back. Cook asked what the cost to reclassify the tiles would be. Gallentine stated they are not huge laterals, if you reclassify them, they would be \$500 to \$1,000 each, it is all lumped into the cost of the reclassification. Gallentine stated he thinks the bigger issue is just future maintenance costs. Hoffman stated the other thing, he does not want anyone to think we want to burden them with the responsibility, it is more expensive if you go through the county for repairs but also timeliness as well. Hoffman stated if you notice something is wrong, you can do it right then. Hoffman stated if we do it, you would have to get a hold of Michelle she would bring it up at the meeting and we would have to find an available contractor. Hoffman stated by taking ownership of the laterals themselves they can remedy situations a lot quicker. Granzow stated they would be paying the bill either way. Hoffman stated the other part of the billing, someone that has little benefit, would have to pay for that part of the bill. Granzow stated not if we separate the laterals. Hoffman stated not if we separate it, right, but as a whole everyone pays that assessed percentage of benefit. Gallentine stated the interesting thing about lateral 9 where it affects two parcels and one landowner, that landowner is going to pay the entire bill themselves when we reclassify. Granzow stated he spoke with Jeff earlier and he did not seem too concerned. Granzow stated he does not know who the other two owners are on the lower right one. Kuechenberg asked Pearce to pull it up on Beacon. Gallentine stated lateral 11 is the one down in section 24-19. Kuechenberg stated she thinks that is Paul Cook and Bill Schnormeier. Gallentine stated it is Paul and Luke Manner. Granzow stated between Paul and Luke, he does not know why there would be a problem. Gallentine stated it is, but DD 72 is close by, he is not sure where the tile flows if it goes to 11 or DD 72 to the east. Granzow stated maybe we should ask Paul Cook and see if he knows. Paul Cook stated he does not know for sure, there is a terrace with an intake, and he is guessing that goes to the east. Granzow stated that would be the main one I would have in question, whether you guys want to have a petition or to leave it in the classification. Gallentine stated there is no harm in leaving these in the classification, they just want to make people aware that there is these short runs of small tile out there that are district. Granzow stated he believes Brent Perry has a petition with 5 things on it. Hoffman stated he tried texting him this morning, but he thinks he might be on vacation. Granzow asked if he had a petition with each lateral separated and then the main. Kuechenberg stated she only gave Perry the petition with the Main because we had not talked with the landowners on the laterals. Granzow stated if the landowners want to sign Brent Perry's petition to dissolve part of the main that is in the wetland that is up to them. Granzow stated the dissolution is good once we get sixty percent of the ground and over ½ of the people then we can act on it. Hoffman stated if the landowners decide not to, can they convey the message that they are not interested that way our Drainage Clerk is not chasing something down for 6 months. Granzow stated he will be honest, if Paul does not want to disconnect then he would leave it, he would not even acknowledge this. Gallentine asked Granzow if he was talking about lateral 11. Granzow stated, yes. Jeff Cook stated he does not need to stay connected. Granzow stated we would just need signatures. Gallentine stated it is not a matter of being hooked up or not, they will still be hooked up, it is just who maintains it. Granzow stated right, he was talking hooked to us he just said it wrong. Gallentine stated he just did not want the landowners to think we are going to go out and disconnect this tile. Granzow stated he can leave it up to Paul to decide. Paul Cook stated his thought on lateral 11 would be to keep it where it is since Luke is not here to discuss this. Paul stated he is not sure which way that water does go, but he does know that there is a terrace he's got with an intake right in that lateral 11 area. Hoffman stated just to make sure we are clear, no one is going to unhook the tile. Hoffman stated he does not want anyone to think that the Trustees are going to stop waterflow by any means. Granzow stated we should make sure that lateral 11 is not a part of the petitions. Gallentine stated that is fine, they can keep it as is in the reclassification. McClellan asked if they would have to pay for part of that part of the reclassification. Jeff Cook stated as long as Paul and Luke get along. McClellan asked if they wanted to leave that one the way it is. Jeff cook stated that is the only one that affects two individuals, right? Kuechenberg stated lateral 3 does as well. Granzow

stated that is the one Jeff's hog buildings are on. Granzow stated there is a 5<sup>th</sup> petition, there where we did the wetland improvement. Granzow stated we disconnected the main so we will have an upper and lower main. Granzow stated he would really encourage if that one gets signed. Granzow stated we already did that project. Hoffman stated we did the project and the DNR paid for a significant amount of that. Granzow stated that is all he had.

Hoffman stated if they have any other questions after we adjourn to let our Drainage Clerk know, we meet every Wednesday. Hoffman stated there is no bad question, just a matter of making sure everyone is educated to the point where they are making a decision that is in their best interest. Jeff Cook stated he wonders if they are better off taking them out to make them private. Granzow stated that is the way he feels, but he gets along with his neighbors. Granzow stated it is no different from any other private tile he has, they all go through the fields. Granzow stated there is another way to hook a tile up if the landowners disagree, we have done it before, it is a process of suing the county and then we mandate it goes through the property. Granzow stated he does not feel in today's world that is a big issue unless the people just hate each other. Gallentine stated the other thing is, you know 100 years ago when this district was established, 200 feet of 6-inch tile was probably a lot bigger of a deal than it is today. Gallentine stated if you call a contractor today and say you wanted 200 feet of 6-inch tile repaired, they might say, "ok, when I get to it", whereas 100 years ago that would have been a bigger undertaking. Jeff Cook stated Paul just sent him a text saying it was ok to go private. Hoffman stated ok, once you guys get the petitions just bring them back here and we can begin that process of dissolving the district laterals. Hoffman stated just a friendly reminder, the reclassification hearing will be sometime in the next couple of months. Hoffman asked Kuechenberg if she would do a post card for that. Kuechenberg stated, yes. Jeff Cook stated that June would be better. Hoffman stated that was ok, we can work with that. Gallentine stated they can wrap up the report once they know what is being vacated. Granzow stated if the cost would be pushed out another year if we waited on the classification. Kuechenberg stated once she gets the reclassification in, she can enter it into Tyler. Kuechenberg stated she did not think there was ongoing work in that district so she could assess next year if that is what the landowners wanted to do. Granzow stated he just wanted the landowners to be aware of that, there is 5% interest on those bills. Granzow stated that is not stating the landowners cannot pay ahead. Hoffman stated there is no interest earned though. Granzow stated there is no interest earned, but they can still pay some money off this year. Granzow thanked the landowners for coming in.

#### 4. Discuss W Possible Action - Drainage Utility Permit Application

Hoffman stated Mike Richards sent a revised utility application with a new section 3. Granzow stated this is the new utility permit for the pipelines if the landowners want to listen. Kuechenberg asked the landowners before they left if they wanted copies of the petitions and legal opinion, so they knew how to go about it. Jeff Cook asked if they need to take them around. Granzow stated he knows Brent has some. Kuechenberg stated Brent only has the one for the Main because we wanted to talk to the landowners about the laterals first. Hoffman asked Kuechenberg to go up and make copies of the dissolutions so they have what they would need. Kuechenberg stated she has them with her, she can make copies of them for everyone. Gallentine stated the other item they did not point out is they don't have to wait once a year to make payments and be charged that interest. Kuechenberg stated each person will get a copy of all laterals because she does not know who on what is. Kuechenberg stated they can just get signatures for the laterals they are on, and we'll go from there. Kuechenberg stated she made a copy of the legal opinion so everyone knew how many landowners they needed to get signatures from. Granzow asked Kuechenberg if she brought a list of the landowners down to the meeting. Kuechenberg stated she did not, if they think that would be helpful, she will run upstairs and print it off quick.

Hoffman stated he does not think they will have any action on this item today, since they just got this back from Mike Richards yesterday. Hoffman stated he does think Mike did a really good job on it. Hoffman stated he reviewed it last night and was wondering, when it comes to crossing fees could we add a specific crossing fee for section 3. Gallentine stated he thinks they can, he spoke with Mike Richards for a half hour while he was working on it. Gallentine stated he will say that Mike has some hesitation about the crossing fees. Gallentine stated he told Mike he believes they have a different crossing fee in mind depending on what is crossed. Hoffman stated talking with some other county supervisors, they had the same thoughts, if it would be minimally invasive the fees should be less vice versa. Granzow stated he is going to catch everyone up in attendance, we added a section III to their utility application for pipelines coming through. Granzow stated the Supervisors wanted to make sure they were doing something to protect the drainage tile. Jeff Cook stated that is one of the biggest concerns of the whole pipeline. Cook stated they have a farm that is pattern tile that they are wanting to go through. Granzow stated this permit does not cover private tile. Cook stated he knew. Hoffman stated he knows with the easement agreements the landowners can pick their own contractor to do any repairs. Hoffman stated what the Trustees are proposing is they would have to they would have to use local contractors, televise the facilities before and after, and they would have to put a GPS on their equipment so we knew where it went. Hoffman stated they are proposing section III of the Utility Permit Application protect the district tile whereas it sounds like in your easement agreements you can make those requests as well. Jeff Cook stated one of his biggest concerns is damage that is done permanently. Cook stated they have gas lines that have been in 70 years, and they can tell every year exactly where the gas line is. Cook stated he has a different take on it than most people, he does not believe it soil that would maneuver up and down theirs. Cook stated he believes that the gas causes friction in the pipe and heat to be developed. Cook stated the heat goes up and dry's it out. Lyle stated they can see snow melt in certain conditions on them. Cook stated in the past they have seen where over the pipeline it is melted and either side of the pipeline is not melted. Cook stated if they would make a yearly payment, he would have much less resistance about it. Hoffman stated he is going to give Jeff Cook his phone number so they can talk afterwards because he does have some other information. Hoffman gave Jeff his cellphone number and stated he can give him a call in the afternoon. Gallentine stated he just wanted everyone to know the permit application as is will also cover any pipeline with hazardous material it is not specific to carbon. Hoffman stated it is not isolating or alienating anyone. Gallentine stated they tried to make it so it would cover any pipeline.

Hoffman asked what the concern on the fee schedule was. Gallentine stated Mike told him the Trustees are probably going to get pushback on the fee schedule. Gallentine stated maybe they will and maybe they won't. Hoffman asked Gallentine if he has any estimate of how many crossings we would have. Gallentine stated he does not because the route is still so fluid. Gallentine stated the other thing he discussed with Mike, he told him that the Trustees will refund the company any money that is not used to cover the cost of the crossing. Granzow stated they just want to be able to cover the crossing bills. Gallentine stated they talked about the engineering costs, contractor costs, and the costs for the drainage clerk. Gallentine stated Mike told him they were all legitimate. Hoffman asked the Trustees if they wanted to table this until next week when they have had time to look the permit over.

5. Discuss W Possible Action - 2022 Drainage Assessments

Kuechenberg stated drainage districts 20, 22, 25, 146, and 148 is what we are looking at to assess this year and these numbers are pretty firm. Kuechenberg stated 148 is the only private district. Hoffman asked so all we need to do is formally approve the assessments. Kuechenberg stated this was just to give the Trustees an idea, approval of the assessments occurs on the last Wednesday in April according to code. Granzow stated he had spoken with Kuechenberg a couple of weeks ago and she told him that we have some districts with closed work orders with outstanding bills dating really far back. Granzow asked Kuechenberg to elaborate on that. Kuechenberg stated there are some that are outstanding from as early as 2015 going all the way to 2019. Hoffman asked if that was private districts or just in general. Kuechenberg stated this was just in general. Kuechenberg stated when one district work order would close another would open. Kuechenberg stated the districts were not getting assessed until all of the work orders closed up, so the landowners did not have back-to-back assessments. Kuechenberg stated when she had spoken with Denise, she informed her that assessments were being done 2 years after the project finishes just in case there the contractors have to come in for warranty repairs and there was additional costs. Kuechenberg stated to be clear we assess 2 years after one project closes if there are no other open work orders. Kuechenberg stated depending on how long the new work order takes to complete, we could be waiting quite a while before we assess. Gallentine stated if he could chime in before he forgets, on DD 25, if you go back through the minutes part of that project cost would be assessed would be assessed to a certain portion of the owners. Kuechenberg stated she would look through the minutes of that. Gallentine stated if he remembers correctly that is the one right next to garden city. Kuechenberg stated she would look into that and thanked Gallentine for the information. Gallentine stated he believes there is a requirement in Iowa Code where you have to assess a certain number of years after the project is complete. Gallentine stated he did not remember the number of years. Kuechenberg stated she did not know how many years either, that is something she could bring back to the next drainage meeting.

Kuechenberg stated the other thing she wanted to bring up, something Treasurer Eichmeier asked her to look into, was billing the drains in July rather than May, so we are not crossing fiscal periods. Kuechenberg stated the landowners would have until the end of July to decided whether they wanted to waiver the payment. Kuechenberg stated the payment would not be due until September 30th. Kuechenberg stated Machel told her we may have asked for a legal opinion on that at one time, Kuechenberg could not find it though. Kuechenberg stated Treasurer Eichmeier also spoke with other Treasurers and did a survey, their timing for assessments were all over the place so she thinks it would be ok to do. Kuechenberg asked the Trustees if they wanted to get a legal opinion from Mike Richards. McClellan asked Gallentine if they did their drainage assessments like that at one time, McClellan thought they might have. Gallentine stated he does not remember. Gallentine stated he thinks the Trustees will get some pushback if they have 4-5 years on interest on the project. Gallentine stated he thinks some counties do not wait until the end of the project; they assess as the project is going on each year. Kuechenberg stated she has heard that too. Gallentine stated he imagines that is a lot of bookkeeping to do that. Granzow stated if he recalls, after they do a hearing, they would have 2 years to assess the drainage district. Gallentine stated that is what he cannot remember, he knows there is a code section that discusses that, but he does not know the timeframe. Granzow stated he is pretty sure it is 2 years. Kuechenberg stated she will look for that section of the code, she did not see anything when she went through the first time, but will look again to see if there is a firm number. McClellan stated Mike Richards could direct her where to look if she cannot find it. Granzow stated that is all he had.

6. Discuss W Possible Action - New Work Order Requests

Hoffman asked Kuechenberg if she had any new work order requests. Kuechenberg stated she did not. Gallentine stated he did not have anything for new work orders.

7. Other Business

Granzow stated he has Joe sitting there and he is wondering what it would take to be an in-county contractor. Hoffman stated he would need insurance, workers compensation insurance, and a rate sheet. Joe asked if he would need workers compensation even if it is just him. Kuechenberg stated she thinks they have an exemption sheet when they are on their own. Kuechenberg stated she was just reading through the legal opinion on that. Granzow stated if they are the only person out there. Joe stated so I would have to have workers comp insurance and general liability, for how much of each. Kuechenberg stated she would have to look at the sheet. Kuechenberg stated she could give Joe that information when the meeting is through. Granzow asked Kuechenberg if she got everyone's rate sheet back yet. Kuechenberg stated she has not. Hoffman stated he definitely wants to be in the ballpark of what other contractors are offering.

Hoffman asked Kuechenberg if she had any update on the local contractor meeting. Kuechenberg stated she does not have an update for the Trustees yet. Kuechenberg stated the meeting is scheduled for Thursday March 3<sup>rd</sup> at 8:30. Hoffman asked Kuechenberg how she plans on contacting the contractors. Kuechenberg stated she would call everyone, those who do not answer she would send them an email. Hoffman stated he was ok with that.

8. Adjourn Meeting

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