

REGULAR DRAINAGE MEETING

Wednesday, May 5, 2021 9:30 AM

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

concerns.

5/5/2021 - Minutes

1. Open Meeting

Hardin County Chairperson BJ Hoffman opened the meeting. Also present were Trustee Renee McClellan; Trustee Lance Granzow; Lee Gallentine of Clapsaddle-Garber Associates (CGA); Michael Pierce, Network Specialist; and Denise Smith, Drainage Clerk.

2. Approve Agenda

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

3. Approve Minutes

Motion by Granzow to approve the minutes of Drainage Meeting dated 04-14-2021. Second by McClellan. All ayes. Motion carried.

4. DD 25 WO 1 - 6501 - Discuss W Possible Action - Completion Report

Gallentine stated we are finally wrapping this up, this is the project south of Garden City with the railroad crossing and we had quite a few revisions from the original design. Gallentine stated we are ready to do the Completion Hearing whenever you want to set that up, we could do that the same day as DD 9. Hoffman stated that one day we could just do both, McClellan agreed. Granzow stated it could be a long day chairing it. McClellan asked if Gallentine thought this would be a huge one. Gallentine stated he does not think 9 will but does not know about this one south of Garden City, there has been quite a bit of interest in this one. Granzow stated he was okay with this, he was just throwing it out there. Gallentine stated we have not set a date for DD 9 yet. Hoffman stated we were waiting for feedback on this one, can we table that and wait and see what that looks like and work around that schedule. Smith stated she has sent out the letters and postcards on DD 120 requesting landowner feedback and the are due back to Smith by next Wednesday, so this will be on next week's agenda.

Motion by Granzow to table the DD 25 Completion Report until next week. Second by McClellan. All ayes. Motion carried.

5. DD 56 Upper Main Tile Diversion- Discuss W Possible Action - Consider Bids W Possible Action On Bids / Easements

Gallentine stated this is the one where we are splitting the district and we are currently working on easements, the attorney has the forms and fees that we suggested and he is reviewing those. Gallentine stated initially we contacted all 3 of the landowners and none of them said no, they were all open to it, but we don't have negotiated easements yet and the 60 day window is up on the 19th, Smith stated that was correct. Gallentine stated that bid expires on the 10th so we need a decision on whether or not you are going to enter into that contract or not, Gallentine spoke with Gehrke earlier this week, and asked if the contractor was willing to hold it open any longer, and Gehrke stated he was willing to hold it open for his labor and fuel, but his suppliers are breathing down his neck, and this is the one set up that if you enter into the contract and then nothing happens you just have to pay the bonding costs which is \$8,000. Granzow asked then he is responsible for the same material. Gallentine stated yes, if you said today we are going to enter into the contract, call the supplier and says it looks like it is a go, and he realizes that it is \$8,000 if

the project falls through. Granzow stated he had talked to them as well and what concern they had is hey is it too much to ask right now for an extension already, because we bid on a project that might happen, he had a bid on other projects too and if he did not get this one then he is sitting empty but if he bids on other projects, he will get to it but will be asking for an extension. Hoffman stated it might likely be moved to the back burner. Granzow stated it might take 6 months before we get the easements.

Gallentine stated that he told the contractor that if the project were to move forward he would recommend an extension, and thinks that is reasonable, to give him one now Gallentine does not know if that is reasonable. Granzow stated he does not know why we wouldn't consider it because it is not even ready to go. Gallentine stated so we just need a decision today whether you are going to enter into the contract since you are raising the stakes from being out nothing to being out \$8,000. Granzow thinks what we said there in the landowners meeting was we would spend the \$8,000 if we knew people were ok with the easement, if we knew it was a dead no on an easement then it was a dead project. Granzow stated it is not a dead no, let's invest the \$8,000 to keep it alive otherwise we are probably going to spend that much keeping it alive, and the prices will go up. Gallentine stated the prices have been pretty crazy and we should be happy we don't have any copper involved right now.

Granzow motioned to enter into the contract with Gehrke for the DD 56 Upper Main Tile Diversion project. Second by McClellan.

In additional discussion on the motion, Granzow stated he believes what we talked about was that it needs to be part of the discussion that this is an \$8,000 bond, and if something happens that we don't move forward, we knowingly know that we spent \$8,000 entering into the contract. Hoffman stated that today we are protecting ourselves in getting plans solidified that will move forward, although it may not be in exact time and we may have to be open to granting an extension pretty quick. Gallentine stated that you are locking in these prices, which is what you are doing. Granzow stated and this was the landowner's choice from our previous meeting. Granzow stated he just wanted that in the minutes, Smith stated she would reflect that in the minutes.

All ayes. Motion carried.

6. DD 17 WO 308 - Discuss W Possible Action - Investigation Summary

Gallentine stated this was a work order turned in by John Wibholm, had an issue with a 12" main tile that was offset and not draining correctly and was backing up and it went through his neighbor's property. Gallentine stated we went out and looked at it, and Gallentine also spoke with Jacob Handsaker who has done some excavation out there. Gallentine stated we found a 12" tile that is not in the right location that we think the main tile is, and the main tile is supposed be a 16", Gallentine stated he talked with Handsaker who stated he did not think it was the main tile, he thought it was private tile but Wibholm did not want to listen to Handsaker, so Wibholm turned it in anyway. Gallentine stated he truthfully thinks it looks to be a private tile issue, the size isn't right, the location isn't right, it just doesn't smell right, so we don't think it is a district facility, you could make it a district facility if you want to. Gallentine stated he does not know if there is really any benefit to doing that, that is your call. Hoffman stated he is looking at the pictures, an asked in this situation is the burden on the landowners to prove this is a district facility or is the burden on us to prove that this is not a district facility. Gallentine stated he think you have everything you need right here to prove that it is not, and he would have to find something else to say that it is, we did look at the outlet and there was some erosion around the outlet and there is no erosion control around the outlet, neither of these are deal breakers and you may want to consider doing something just to prevent that erosion and to prevent rodents form going up in there. McClellan asked if that was on the district tile. Gallentine stated that was on the district's tile outlet, but up where Wibholm is talking, Gallentine does not think that is district tile. Hoffman stated so we could just approve through the lottery system having someone go out and make those little improvements and install those rodent guards and erosion control would be a good investment. Granzow stated this would be a good year to do that because he could see a lot of rodents climbing up the dry tiles right now.

Motion by McClellan to complete the rodent guard and erosion control on the outlet of the DD 17 district tile. Second by Granzow.

In additional discussion on the motion, Granzow stated he was ok with the lottery for the rodent guard/erosion control but there also needs to be a letter sent to the landowner stating that there work order, we do not believe this to be district tile. Hoffman asked if the Trustees wanted that sent out to all the landowners or just the one requesting the work order Granzow stated just to the requestor, and if he think it is district tile, he will have to, at his expense, prove that. McClellan asked what the distance is, and asked if this was one of those things that you can run the camera up there and locate where the tile is out in the field. Gallentine stated you certainly could if you want to. Granzow stated he does not think that is the district's burden unless it proves to be a district tile and then that is our burden. Hoffman stated he would rather have Wibholm call Paul Williams to televise or locate the tile and then say hey it is yours and send us a bill and then we take care of it. Gallentine referenced the map, this is where the map shows the district 16" tile is and they were digging over here where they found the 12" tile, it is a great spot for a tile but Gallentine does not think it is district, he thinks it is something that connects in, Gallentine stated scale wise this looks like 500'. Gallentine stated it is Wibholm's burden to prove it is district tile and if it is then it is our expense.

All ayes. Motion carried.

Gallentine asked if the Trustees wanted him to send the letter or the Clerk to send the letter. Granzow stated the Clerk can send the letter and asked if Gallentine could tell us what the material was of the tile found. Gallentine stated the observer did not say and it was not exposed where they had been digging when the observer was out there.

7. DD 128 - WO 279 - Discuss W Possible Action - Investigation Summary

Gallentine stated this was up there at Dean Bright's and Gallentine realized that the Trustees had wanted Handsaker to go back out there after a year, which he did, but we haven't gotten any of those results back yet, so that is what this is. There is about 818' of flexible dual walls installed, and they televised everything they found, and it has deflected just a little bit, 10%. The minimum amount is about 2% to 3% deflection, the maximum amount is about 8% to 9%, average was 4%, the manufacturer states that anything less than a 12% deflection will perform as intended so you are well within those parameters. Granzow asked if this was Prinsco, Gallentine stated it is Prinsco. Granzow stated they have different specs, Prinsco and ADS. Hoffman asked when did he televise this. Gallentine stated this was July of 2020, so it has been awhile ago, Gallentine just realized they had this on their shelf and had not gotten it to the Trustees yet.

Motion by Granzow to acknowledge the receipt of DD 128 Work Order 279 Investigation Summary and televising results. Second by McClellan. All ayes. Motion carried.

Granzow asked if Gallentine had gotten a hold of him. Gallentine stated he reached out to him via email with no response, so Gallentine texted him Monday and he said he got it and was going to check supplies and then get back with me. Gallentine stated it would sure be good to get this done before we get any more rain. Granzow stated since then we have had rain, about 1/2".

8. DD 48 WO 274 - Discuss W Possible Action - Investigation Summary

Gallentine stated this is also an old one that got put on hold due to the global pandemic, this started out on the DD 48 open ditch, and there was some reports that it was silted in and not performing correctly and banks were sloughing so we went out and investigated this, and then you authorized us to go out and do some preliminary investigation to do the entire open ditch, and what we found is kind of interesting. Gallentine stated the only spot that is silted in is this blue area, which is up here, and there is 4,500' to 4,600' that is silted in, this yellow highlighted areas, they are actually deeper than the original design grade, they have scoured themselves out to a deeper elevation and as a result the issues in the orange, the ditch width at the bottom is narrower than the design so in the case of scouring, silt accumulation and then more scouring and then this area up here has turned into more of a vee ditch than a flat bottomed ditch. Granzow stated to if it didn't vee out and it was flat bottomed it probably wouldn't be so narrow then would it. Gallentine stated yes. Granzow asked so the design is still accurate, if just cut a valley in underneath. Gallentine stated yes, it is finding it's own equilibrium, the problem gets to be in low flow conditions that vee ditch doesn't quite work the same the way that original flat bottom would have. Granzow asked then we just

need to push that silt down then. Gallentine stated that is one option, the other thing we found was up here at the tile outlet there is a little bit of erosion going on up there which is pretty typical of them, in this length we found 10 tile outlets that are in disrepair that need repaired, about 20 locations with existing surface drains are either bad or there are surface drains needed, there are 15 spots where we have sloughing going on, there are 5 patches of trees, not 5 individual trees, there are 5 patches of trees along here that are going to start giving you issues with beaver activity, some of those are larger, a lot of those are smaller, so Gallentine does not know if the spray has just not gotten to them or what is going on with that. Gallentine stated there are 2 spots where there are either rocks or a former crossing down in the flow line that looks like it is backing up some water. Gallentine stated that all being said there are a lot of things out there that we think can negatively impact drainage, and we recommend a large scale project to try to correct these. Granzow asked if we want to have a landowner meeting. Hoffman stated yes. Gallentine stated it is going to be big enough and expensive enough that you would need to do a report and hearing if you want to move ahead with the project but if you want to do a landowner's meeting ahead of time, we can. McClellan asked if there was some way we could come up with some kind of estimate before then. Gallentine stated we probably could. McClellan stated that is what they are going to want to know, Granzow stated asked how much money we are looking at - \$500,000 or \$1,00,000. Hoffman stated once again we would prefer scheduling that once we get more tentative dates and see what we need to do.

Gallentine stated it is definitely not the worst open ditch he has ever seen, it just has lots of little things wrong with it, even where it is scoured deeper, you still have the original design grade, because hey it is not silted in, on the other hand you have a vee bottom, and the problem with that is it weaves around in the bottom which doesn't flow near as efficient as the nice straight one, Granzow stated until it gets up above the vee, Gallentine stated then it hits a different stage, he would agree. McClellan asked if we could just put some rock in the bottom of it. Gallentine stated you can but it will do the exact opposite of what you want it to we have been fighting nature for a hundred years on this, Granzow stated water finds it's own route, and it is not straight. Gallentine can come up with an estimate before the Trustees schedule anything. Granzow asked if Seward was doing the spraying. Smith stated yes. Granzow stated we can either get a hold of Seward and let him know don't spray it, if we decide to go ahead with a project, why pay to spray it if we are going to have them all ripped out anyway, Granzow does not know what he has on his schedule. McClellan stated this is something we can wait until after planting season, Granzow stated he may be going out next week to spray it, McClellan stated we can put that off until the landowners meeting. Gallentine stated this would require a hearing but we still would not do a bid letting for construction until next winter, number one you just get better prices and typically more interest, and right now things are just weird. Granzow stated as fast as spraying trees, it is a good time to spray trees right now. Gallentine stated he does not care, he can kill them if he wants to ahead of time, those small ones are those little crappy trees and it is hard to contain them anyway, they can grow two foot in a year. Granzow stated we might want to spray them anyway. Gallentine stated that is under his contract. McClellan asked what does it cost anyway. Granzow asked the Clerk to reach out to Seward and make sure this is on his list to spray, and if it is not to please add it to his spray list. Smith stated she would do that. Gallentine stated he would come up with a spitball number on costs for the landowner meeting.

9. DD 86 - Discuss W Possible Action - Landowner Concern

Smith stated she had a telephone conversation with Tom Campbell on behalf of his mother, Elizabeth Campbell, who is a landowner in DD 86, Tom called to let the Clerk know that he had taken a report from Elizabeth;s tenant, who reported a blowout on DD 86 tile. Smith referenced the map which shows the parcel highlighted and the tile is about 500' to 600' east of the pond, Tom thought he recalled a blowout on the district tile that was repaired in 2018 on the parcel with the pond, just on the northeast edge of it, but Smith could not find that work order number on that, Smith did not know if Gallentine had any recollections on that or if we need to prepare this as a new work order. Gallentine stated he thinks it needs to be a new work order, he remembers being out there in 2018 but not exactly where. Smith stated we can give the new work order # 311 if the Trustees want to take action on that now.

Motion by Granzow to approve Work Order #311 and have CGA investigate. Second by McClellan. All ayes. Motion carried.

Gallentine asked if it is small enough do you want CGA to send it to the lottery system right away, the Trustees agreed yes, send to the lottery. Gallentine stated we are just at that point in the year where

people are planting and things will be popping up soon.

10. Discuss W Possible Action - Joint DD Drainage Assessments - Franklin Control

Smith stated we have received some Drainage District assessments from Franklin County, they are the control County for DD's Franklin-Hardin 2 and also for Franklin-Hardin 4-53. For Franklin-Hardin 2, Hardin County's assessment portion would be \$1,136.40 and for DD Franklin-Hardin 4-53 Hardin County's assessment portion would be \$3,250.75, Smith is asking for approval on those today so that she can prepare notices and send those out to landowners.

Motion by Granzow to approve the DD F-H 2 and DD F-H 4-53 assessments as presented. Second by McClellan. All ayes. Motion carried.

11. Other Business

Smith stated she had one new work order called in this morning, Work Order 310, Smith referenced a map of the location. This was reported to Smith by Marlin Tripp who was out in the field with Mark Oliver of Secondary Roads. Marlin is tenant in his relative's parcel, it would be Norma Tripp's parcel. Marlin reports a plugged tile in the field just south of 110th St, Secondary Roads thought it was on district tile and referred Marlin to Smith to write up a work order, it would be just south of the road ditch right into the field, he got about 20' in with a sewer tape and that was as far as he could get, Smith stated it would be work order #310, and she could bring it back next week if the Trustees would like.

Motion by Granzow to send CGA out to investigate Work Order #310, and send to contractor lottery if it is to be a small repair. Second by McClellan. All ayes. Motion carried.

DD 120 - Smith sent out a letter with return postcards to landowners in DD 120 asking that those postcards are back to her by next Wednesday to select yes or no if there is any interest in a landowner hearing.

Gallentine stated we have Seward out working on one of the few remaining work orders we have. Hoffman stated he saw Seward the other day and he has made an investment in some new equipment, and asked if Seward had mentioned it to Gallentine, Gallentine stated no. Hoffman stated Seward had purchased a directional boring machine, Gallentine stated that is interesting because he doesn't have his tile locator cable any more, our guys showed up and asked where Seward's tile locator cable was and he said yes, we don't have that anymore, so we went and got ours for the day, Gallentine was not sure how you lose that. Hoffman stated off the back of a pickup, he has his red heeler but his tile locator went off the back of the truck. McClellan asked what is directional boring. Gallentine stated they stand on the surface and they have that machine that goes under ground, used a lot for communications but not so much for tile because it is hard to maintain a a grade, electrical, water, like that. Hoffman stated he would add to that after the meeting.

Granzow stated it was brought up a couple of times, where we are in that season that if it is a quick fix, authorization to the Clerk, what dollar amount do we have for that, Smith stated she could not remember off the top of her head, but thought it was \$2,500. Hoffman asked if that was enough given the current cost of materials. Granzow asked if we could change that to \$5,000. Gallentine stated it would get you a lot farther down the road, especially if there is a little bit of understanding that if it is \$5,100 that is still okay. Granzow stated if we are at \$2,500 for the project plus Lee. Gallentine stated he assumed you are talking about just \$5,000 for the contractor because we are just typically authorized anyway to be out. Hoffman stated his concern is with materials fluctuating you might be able to get your materials today, Granzow stated you may have just lost everything you had waiting two weeks to do a project. Hoffman we used to do a project that was \$6,200 by waiting two weeks is now \$7,500, and thinks we will revisit this again. Granzow stated how about this, let's do a motion to authorize the Board Chair to make that decision according to Smith who can CC all three of us to be able to make that call and then bring it back to all three at the Board meeting. Hoffman stated that sounds good. McClellan stated she did not even know what you could get for \$10,000. Gallentine stated the prices of everything are just jumping. McClellan stated are we just getting into too big of a project. Gallentine stated well you heard John Torbert, now you can spend up to \$130,000 without even notifying a landowner period. Granzow stated he thinks each project is different and it is hard

to put a dollar amount on it, the consideration needs to be there and Granzow would just as soon authorize the Board chair to reach out, or authorize the Board Chair to make that call on projects unless otherwise notified to bring that back. McClellan stated it kind of takes a little relief from the Clerk. Hoffman stated it would be a whole lot easier if the Clerk called Hoffman on Monday morning and said hey we have run into this, let's plan on doing this, but if Hoffman gets a call this afternoon at 2:00 Hoffman does not want it to wait a whole week until next meeting, there is that discretion that needs to be made, Granzow stated he would say that the Clerk needs to CC us all on that message, if any of us other two said Board Meeting it goes to back to the Board, if you are not hearing that the call is yours to make, Granzow does not know if it is legal or not. Smith asked if that was a question the Trustees would like her to ask Mike Richards. Granzow thinks it is legal as long as we authorize it. Gallentine stated he thinks it is legal, you are the Trustees, you can authorize it. as Trustees you can spend up to \$130,000 now, beginning July 1st. Granzow stated we could pull a special meeting together on something like that. Hoffman stated he likes the option of just leaving that up to the Board Chair's discretion and conferring with the Drainage Clerk and the Drainage Engineer, he will have to call the both of the Trustees to decide which direction to go, but this is just good customer service. Granzow stated asking am I ok on this or do we need to meet on it, is all he wants, is it a special meeting or go ahead, and then we can bring it back to the next meeting for us to authorize it and we know it is not official but why.

Motion to authorize the Drainage Board Chair to approve drainage repairs up to \$5,000 with notice of work requested provided to all three Trustees by the Clerk, with direction to the Clerk to bring it back to the next Drainage Meeting for official approval. All ayes. Motion carried.

In additional discussion on the motion Granzow asked along with that motion should we put a caveat sunset on that because are we just doing it because of the pandemic or because of price increase, is it going to be one year or five years, sunset for a year and then revisit it. Hoffman stated how about December 31, and we can revisit it at the end of the year.

Motion by Granzow to sunset the \$5,000 drainage repairs approval by the Drainage Board Chair on December 31, 2021 and to revisit it at that time. Second by McClellan. All Ayes. Motion Carried.

Hoffman directed Smith to add that to the Drainage Calendar for review the first of next year. Smith stated she would.

12. Adjourn Meeting

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