

REGULAR DRAINAGE MEETING

Wednesday, May 19, 2021 9:30 AM

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

5/19/2021 - Minutes

1. Open Meeting

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

2. Approve Agenda

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

3. Approve Minutes

Smith stated we will have minutes for approval at next week's meeting, we have had an excessively busy schedule.

4. DD 86 WO 311 - Discuss W Possible Action - Observation Report

Gallentine stated in DD 86 we had this work order reported, this would be the one over by Monarch Pond, and we went out there and took a look at it, Gallentine referenced the images in the Observation Report and stated there is definitely a sinkhole, but what it is, is the casting or cover on a manhole is missing, and this main all happens to be on the line that is dedicated just to the ethanol plant. Gallentine stated we did some digging around and that was governed by an agreement and what we found is that Gallentine believes this is the ethanol plant's responsibility, Gallentine referenced the agreement document. Granzow asked if the cover was just ripped off. Gallentine stated yes it looks just like the cover was ripped off or slid over, this 2008 agreement is not recorded but Gallentine did find a signed copy, the agreement states that any repairs or maintenance of the plant tile or any repairs or improvements shall be done at such time as determined by the plant shall be done by District repair crew, obviously this agreement goes back to when the County tile crew was doing stuff, or by contractors mutually acceptable to the district and either of them for such fees and amounts as are reasonable and acceptable to the plant. Gallentine stated we can assign it to the lottery system but Gallentine is just looking for direction as far as how we are going to proceed on this.

Granzow asked if it need a manhole lid, would it be easier to just contact the ethanol plant and see if they have one. Hoffman asked if the Trustees would like the Clerk to do that, Hoffman asked if Smith had a good contact at the plant. Smith stated she did not but was sure she could find one, and hopefully Gallentine might. Gallentine stated that was the same guys as the attorneys that have reached out, Smith asked it was Andy Andrews and Scott Halbur. Gallentine stated yes. Smith asked if Gallentine wanted to provide an update on those communications. Gallentine stated the reason he has had contact with them is that there is a law firm out of Des Moines, Smith stated she believed that was correct, Gallentine stated that since the ethanol plant and for whatever reason has since decided the ethanol plant has become interested, so they are curious how the reclassification has been going, apparently in a few other counties they have a reclassification going on that they didn't feel was very equitable and they wanted to talk to us about how the reclassification process was going. Granzow stated first of all this needs to be recorded, Hoffman stated officially, Granzow stated he did not know why it was not recorded back in '08, so why not have it recorded, and asked if Smith could send that to the Recorder's. Smith stated she could do that. Granzow stated get that taken care of, and second of all we can direct Smith to contact the ethanol plant and see if they want to replace the manhole cover or if we want to find somebody to do it within one week and they can get back to us by Tuesday so we know can decide what we are going to do, if they don't want to do it, they can just tell us and we will go an find a manhole. Gallentine stated all is really,. it just needs a new casting and it

needs to be drilled and bolted down so it does not happen again, it is a pretty simple fix. Granzow stated he thinks it is going to continue to happen if they don't get it fixed if they continue to farm it. Gallentine stated yes, that is why if we bolt it down to the actual concrete we should not have an issue with it again. Granzow stated he thought you would have a lot of issues if you continue to farm it, Granzow thinks the landowner needs to farm around it. Gallentine stated it is pretty shallow there. Granzow stated nothing is going to grow on it, and thinks the landowner needs to be notified too that is not a spot for tilling. Hoffman stated it is definitely a hazard area. Granzow stated it is one you can drive over it and wouldn't advise it, it should not be farmed and apparently they signed an easement for it. Gallentine stated yes, there is a recorded easement on this to the drainage district for this line, but Gallentine believes the line is under the jurisdiction, per that agreement, is under the ethanol plant. Gallentine stated he thinks it is a great idea to record this agreement because there is an earlier agreement from 2005, that is recorded that this 2008 agreement negates, so it is kind of good to get this '08 one in so everybody is aware the '05 does not apply anymore.

Granzow moved to have the Clerk get the 2008 agreement with the ethanol plant recorded and to direct the Clerk to contact the ethanol plant to see if they have a manhole cover and are willing to repair/replace cover, with their reply to the district due no later than Tuesday, May 25, 2021. Second by Hoffman.

In additional discussion on the motion Hoffman asked if we knew who was doing what here. Granzow stated the Clerk is doing it all. Smith stated she is contacting the landowner to let them know that that area should not be farmed and we recommend that that area not be farmed over, and Smith will contact the ethanol plant attorneys to get the manhole cover replaced and drilled and bolted down, and Smith will also get this agreement recorded with the Recorder's Office. Granzow asked within so many days. Smith stated they need to have their manhole cover in place by next Tuesday, and if not the district will take care of it. Granzow stated and charge them, Smith stated and charge them. Granzow stated maybe they will be fine and take care of it right away.

All ayes. Motion carried.

5. Other Business

DD 9 - Smith stated she had a phone call from George loerger about DD 9, he had a couple of questions about the Completion Report, and he wanted to know if we would be assessing this before or after the new Reclassification is adopted, Smith stated that one was started before Smith came on and was hoping that Gallentine could help us answer that. Granzow asked what did we decide. Gallentine does not remember, and we are working with the commissioners on the reclass and we are hoping to get that wrapped up here in the next couple of weeks, so that is the status on the reclass but Gallentine does not remember how it was going to be assessed. Granzow directed Smith to review the minutes, and Granzow remembers we talked about it if we were going to assess it to the new, because we are splitting the district. Gallentine stated we are splitting the district and splitting off the laterals. Granzow stated we have to go back to the minutes to see what we decided that day. Smith stated she could do that.

Smith had another question she was hoping Gallentine could shed some light on, Smith visited with Engineer Roll briefly this morning and we received two invoices from Gehrke for work done at the Hardin County Home farm, one was for \$3,500 for a waterway access, as per bid, and the other invoice was for 5" tile per bid for \$3,000, and Smith is not sure if this is Drainage District 78 Work Order 246. Granzow stated one of those was a County issue and not drainage and was not to exceed \$500, that one is tough. Hoffman stated he thinks it is, review the minutes again. Smith does not have any record of this being Drainage District work, Hoffman stated he does not think it is. Granzow stated the first one was to construct a waterway, what was the second one. Smith stated waterway as per bid - \$3,500 and the other one was 5" tile as per bid - \$3,000. Gallentine stated that is not any Drainage District that he is aware of because Gehrke is not working on any Drainage District projects. Hoffman stated we set that up in December or something so we could get right at the top of the list. Granzow stated we did and then we notified them back in the spring and he gave a bid quote, so it is not drainage. Smith asked if it was not drainage does this go the Engineer's office then. Granzow stated no, it goes to the Board of Supervisors. Hoffman stated somebody will have to check the minutes and verify the bids. Smith stated she could get with the Board Secretary for that.

Smith provided the Trustees an update on assessments, assessment notices were all out and distributed, and Smith has gotten a lot of feedback, as the Trustees are well aware, most of them from DD 167. Smith wanted to let the Trustees know she is still receiving phone calls and working with landowners to provide them with as much information on their classification schedule and district history as possible. Hoffman stated we will go over this a little more at noon today. Hoffman asked if Gallentine had any additional follow up from New Providence. Gallentine stated he has not heard anything from New Providence.

6. Adjourn Meeting

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