

## REGULAR DRAINAGE MEETING

Wednesday, May 26, 2021 9:30 AM

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

5/26/2021 - 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 (CGA); Jessica Sheridan, Environmental 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 McClellan to approve minutes of Drainage Meeting dated Wednesday, April 21, 2021. Second by Granzow. All ayes. Motion carried.

### 4. DD 128 - WO 279 - Discuss W Possible Action - Contractor Update

Gallentine stated this was up at Dean Bright's in the waterway that Granzow and Gallentine went out and looked at, the Trustees had requested Handsaker to install a tile in the bottom of that waterway to dry that up. Handsaker had responded that the price of materials had gone up quite a bit so the price has gone up about \$2.00 per foot. Gallentine stated that last week the Trustees had stated that was not really their responsibility as a district, so Gallentine spoke with Handsaker and his compromise or suggestion would be to install 6" tile instead of 8" tile at the bid price of \$10.01 per foot. Gallentine stated he is fine with that just because the sole purpose of this thing is not necessarily to convey a whole lot of water, its sole purpose is to dry up the bottom of that waterway, but it has to be the Trustees official call whether they want to go with the 6" versus the 8", we have still got the existing 8" you have already installed off to the side, so eventually you would end up with a 6" and an 8" parallel with each other. Granzow stated you would actually have an 8" on both sides of it, he came back and did an 8" on the other side as well for half of that distance. Gallentine stated it was a 6", so for half the distance you would have two 6" pipes and an 8" pipe and the other half you would have a 6" and an 8" pipe. Granzow stated he thinks you would have plenty of drainage, you are only draining 20'. Gallentine stated he just wanted to make sure the Trustees were ok with that compromise, he will need official action to make sure you are ok with it.

Granzow asked so what is the bid price on 6" tile if you compare an 8" tile to a 6" tile, is he making money off the deal now. Gallentine stated well interestingly enough, we did not have a bid price per foot on 6" because this was part of his whole solution when he didn't want to fill the waterway all the way in, any tile that he found he would intercept and reroute, so we don't have a per foot price on 6". Granzow asked so what is the current price on 6". Gallentine stated he did not know, he did not ask that. Granzow stated are we paying the current price of 8" when 6" is less. Gallentine stated what you are doing is paying a 3 year old price for 8" and you are getting 6" which probably brings it closer to the current price of 6". Granzow stated his only question is he just wants to know that number, if 6" is less than bid price of 8", then Granzow thinks we should get 6" at current price. Gallentine stated okay, if he is summarizing correctly you are wanting to pay the bid price of 8" to get 6" or the current price of 6" whichever is lower. The Trustees stated yes, that was correct. Gallentine stated with that he is okay to tell Handsaker to find that price out and then go ahead. Hoffman asked if Gallentine wanted to call and get the pricing as Gallentine is kind of the neutral party. Granzow stated he can make any price fly right now. Gallentine stated as wet as it has been it's not like he is going to get out there this week anyway, plus with the rain tomorrow, Gallentine can get out the current price for 6" and let the Trustees know next week. Granzow stated he is not concerned a 6" isn't large enough. Gallentine thinks that is a valid question, and it is a good question to ask

on the front end and not the back end.

Motion by Granzow to authorize CGA to contact contractor for current 6" tile price , if 6" tile is less than 8" use current 6" price, if bid price is less, use the bid price. Second by Hoffman. All ayes. Motion carried.

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

Smith stated that the Trustees had directed her to reach out to the ethanol plant to see if they could get that manhole cover replaced in a timely manner, and Smith had some communication with their attorney, and their attorney referred Smith on to Garland Krabbenhoft and they have agreed to replace the manhole cover in and install a bollard, the landowner has requested a bollard so that it won't be a problem again in the future but they have asked to use the contractor of our choice and they will pay the invoice. Smith has kept Gallentine in the communications on that, Smith has tried to keep the Trustees in the loop, we just need some direction on which contractor you would like to utilize, Smith stated Adam Seward and Paul Williams have been the busiest with our drainage work lately, Gallentine stated they have, and Seward is probably a little more caught up than Williams at this point in time. Hoffman stated he spoke with Seward yesterday, and he is ready for some work if we have it. Granzow stated Paul Williams deals with a lot of manholes anyway, and was not sure if he has better access, but does not care either way. Hoffman stated he knows at the ATV meeting the other night, Williams is leaving town for a week or so. Granzow stated Seward it is. Hoffman stated he does not want to play favorites, he just knew it was mentioned that Williams was going somewhere to ride UTV's for a while. Hoffman asked if we needed a motion. Smith stated you could just make a motion on who the Trustees would like her to contact them. Hoffman stated Honey Creek, Granzow stated he is the one who is caught up. Smith stated she would contact Honey Creek for the repair.

Motion by Granzow to direct the Clerk to reach out to Honey Creek Land Improvement to install the manhole cover and provide a a photos of completed work and to have contractor provide invoicing for the Ethanol Plant to pay the replacement costs. Second by Hoffman. All ayes. Motion carried.

Hoffman asked if we want CGA out there when Seward is doing it. Granzow stated he thought it was just a manhole cover. Smith stated it was just a manhole cover that needs replaced and bolted down. Hoffman stated he does not see any need for CGA to be out there then. Smith asked if the Trustees would like Seward to submit a photo of the cover when he is done with it. Hoffman stated yes, and please put it in the record as such. Gallentine stated that is going to be his question, and didn't really think you needed us out there just to watch someone put on a manhole cover then.

6. DD H-S 35-1 - Discuss W Possible Action - Repair Request

Smith stated we recently had some contact from the Drainage Clerk in Story County and they have an issue that they would like to see addressed. Smith referenced some photos that she shared with the Trustees this morning. Smith stated they have about a hundred feet of tile that they think is at issue. Smith stated they provided us an aerial image, they think that the ditch needs some cleaning out as well as these two holes that need repaired, Smith referenced the photos and stated there is a tile outlet there and a couple of holes in the tile and they suggest that 100' would be sufficient to replace for this. Smith stated they also raised some concerns about communication in the past on DD 25, Smith has separate agenda items foe this just so we can address those separately today, Smith's question is mainly on this work that needs to be done, since we Hardin County, are the control county on this district, they would like to see if our District Engineer can take a look at the issue and hire a contractor to do the necessary work or if the work would be over \$50,000, could the existing Engineer's Report from 2016 be utilized. Their Story County tile foreman thought that the ditch needed to be cleaned first to bring the water level lower so as to bring the water level lower and then possibly 100' of tile needed to be replaced at the outlet.

Hoffman stated when he was reading this, he thought that it would be a good idea to send CGA out, but he can only assume by the time CGA gets out there and gets us some additional information, then we can decide if we need a new Engineer Report, if we can use the old, by that time it will by July 1st, and that threshold increases to \$130,000, Smith stated \$139,000, Hoffman stated he is comfortable today sending CGA out to look at things and provide some feedback on what direction we need to go. Granzow asked did

they send an email stating that they wanted us to hire our drainage engineer to go out there. Hoffman stated yes. Smith stated to see if your district engineer could look at the issue. Granzow stated from what he recalled at the previous meeting that we had in this room, and Granzow does not mean to be rude, but he also read some of their comments that they made, Granzow believes that they should be in this room as we make this joint decision per their request. Granzow stated they are asking us to do almost the exact same thing that we did before that they are complaining about, so before Granzow sends Gallentine out to do something, Granzow believes maybe we need a joint meeting to authorize them to do that together, that was the request that was made, Granzow understands the email was sent but does not appreciate their email that they sent. McClellan stated she did not either. Hoffman stated he is fine with conducting a joint meeting. McClellan stated we can put that on for next week. Hoffman stated or when they can meet. Smith will reach out to their Drainage Clerk and see when their Trustees are available and let them know that we meet every Wednesday. Granzow stated this is per their request. Smith states yes, and she did not know if next week will work for scheduling because we have the DD 9 Completion Hearing right after regular Drainage Meeting at 10:00 AM, Smith will see what they have available and if they think they can make it to this at 9:30 and they think we can get this done next week, that's great, but if not we will try to look at the week after if that is ok with the Trustees. Hoffman stated it will actually have to be two weeks after as we are not meeting next week. Smith stated that's right.

Gallentine stated just for the record there is a 1/2 mile of open ditch downstream from this tile outlet, so Gallentine stated he does not know how far the clean-out would have to go, Granzow stated that is the other reason they need to be sitting in the room, McClellan stated it isn't going to be cheap, Granzow stated he thinks they are going to come into a bigger project coming into this and Gallentine knows that. Gallentine stated it could be. Hoffman asked if this is a Supervisor Trustee district. Smith stated yes, you are the control County. Hoffman stated he is not sure how much their Supervisors are used to dealing with this. Granzow stated exactly, they pointed that out at that meeting as well. Hoffman stated there is new Supervisors there as well, Supervisor Olson is not there any more. Granzow stated all three of them are not if he recalls. Hoffman agreed and stated Marty is not there, and Rick is gone. Granzow stated yes, but it is still per their request that we said we would abide by. Hoffman stated he thinks part of it is educating their new people, and bringing up some history. Granzow stated yes, he thinks we are going to send Gallentine out there to do something and it will be outrageously higher than what they think it should be, Hoffman stated and they are going to panic. Granzow stated and because he thinks it will be a larger project. McClellan asked wasn't there are part of it that is not joint. Smith stated that is what we have on the next agenda item. Hoffman stated Smith will contact their Drainage Clerk, and inform us when we can have a joint meeting, so no other action on Item 6.

#### 7. DD 25 WO 1 - 6501 - Discuss W Possible Action - Completion Hearing

Smith stated she added this to the agenda today is because the Story County drainage Clerk expressed some concerns about how DD 25 issues were handled in the past, Smith and Gallentine had the opportunity to visit a little bit on this and the district history, in the email from their Clerk it is implied that DD 25 is a sub-district of Hardin-Story 35-1, Smith does not necessarily think that is the case. Smith stated she and Gallentine had discussion and in reviewing the dates the districts were certified, it looks like DD 25 came into existence back in 1914 and Hardin-Story 35-1 came into existence later in 1965, so Smith stated maybe Gallentine could speak to us a little bit on the history of that, and Smith wanted to clarify that notices were sent out to DD 25 landowners for our Completion Hearing on June 2, 2021, and Smith did not include the landowners in Hardin-Story 35-1 because Smith did not believe it was a sub-district of DD 25, so Smith did not want exclude anyone from information that they might need at a Completion Hearing however Smith does not think they are a subdistrict of one another. Gallentine stated yes, so DD 25 was created first before DD 35-1, historically DD 25 has always been treated as a stand alone district solely under Hardin County Supervision, obviously you would have to do some research to verify that. Gallentine stated in his opinion, for a Completion Hearing you send notices out to the folks who are going to pay for the project, and that is the folks who are only in DD 25 not those in DD H-S 35-1. Smith stated that is correct and she just wanted to clarify that today. McClellan stated that makes sense to her. Gallentine stated he did not recall Story County being involved in the bid letting, they weren't involved in any of the approval of change orders, they weren't involved in any of those landowner meetings when we talked about different things that were coming up during construction, Gallentine stated he did not think it had ever been treated as a joint district. McClellan stated to her they need to come up with evidence that it is then. Granzow stated he thought that would be a good discussion item at the same time when we meet again. Hoffman

stated again he thinks it is an education thing where the entire board is flipped. Granzow stated he also believes if they want to make an accusation and if they are going to bring some legal representation then we should have some available, if they don't bring legal representation then we don't need any, Granzow stated he would rather have a sit down conversation than a one sided legal conversation. Smith asked if the Trustees would like her to reach out to Mike Richards for his availability or request if their Clerk to see if legal will be present first. Hoffman stated he would feel them out and if they are going to have counsel then we should probably have the same. Granzow stated that is the best way to put it, if they are bringing counsel to this. McClellan stated it sounds like accusations. Granzow stated it sounds to him like they are bringing counsel. McClellan asked if they still have the same drainage Clerk, Smith stated they do, it is Scott Wall.

Granzow stated that they were upset that with a remonstrance that was sent down that we discontinued any further action on that and the people wanted to hear more, well than you shouldn't have filed a remonstrance yet. Granzow stated a lot of it is just procedures that they don't understand but their accusations are pretty strong, Smith stated she thought so as well so she brought it to the Trustees attention, Smith thanked the Trustees for addressing that. Gallentine added that there is not doubt that the drainage from DD 25 does flow through DD H-F 35-1, but Gallentine does not think that automatically makes that a sub-district especially when DD 25 was established first. Smith will provide the Trustees with an update next week on what she finds out.

#### 8. DD 36 WO 312 - Discuss W Possible Action

Smith stated this is a new work order given to her by landowner Craig Duncan, Duncan reported a plugged intake at the edge of his driveway which is backing up water into a saturated ditch and up into his field. Smith stated when we look at the map, the driveway is a little bit west of where Duncan indicated the wet spot in his field, Smith referenced the map, Duncan is indicating right at the bottom of the acreage drive that he has the plugged intake there in the ditch, and he also thinks there is a wet spot in the field right about where the tile tees, you can kind of see it in this image, with the purple shading, is what Duncan indicates is a wet spot between the main tile and lateral 6 and if you look at our 2nd image without the shading of the drainage district, you can kind of see where that wet spot looks like it kind of drowns out a little bit. Smith thought she would bring this to the Trustees attention and see what you would like to do, Duncan is the reporter and the landowner. Granzow asked if this was near 240th St, Smith stated she thought so. Granzow stated that road is wet and it looks like it could be, only way we can tell is by sending CGA out to look at it,

Hoffman stated he is comfortable sending CGA out there, and if this is something that we can get a contractor out there to remedy, let's do it.

Motion by McClellan to authorize CGA to investigate and assign a contractor from the lottery system for repair. Second by Granzow. All ayes. Motion carried.

#### 9. Other Business

DD 167 - Hoffman asked if Everett Huen had gotten a hold of the Clerk, Smith stated she has not spoken with Huen. Hoffman stated Huen is a New Providence landowner, and has property there and he is afraid one of the parcels he owns and Hoffman does not know if we could pull that up. Sheridan asked where the parcel was located. Hoffman stated that it was near the Post Office in New Providence. Hoffman directed the map to the parcel, and there was concerns that the parcel was divided. Smith stated she did speak with Marilyn Reinertson of Honey Creek Exotics on this one, next to the post office that this one was divided, Smith stated she had raised some concerns as to why her assessment was a larger portion than the others, and her other concern was at that the time, when they did the split on the parcel, the address was not updated, so we will make sure that is corrected, but that is the only person Smith has talked to about that particular area. Hoffman stated that is his daughter, and in trying to explain that the classification was from 1954, and that we send out these postcards for the meetings, Larry Balvanz has been here so Hoffman can tell him that they are getting sent out, then he thought maybe the address was incorrect, Hoffman stated that may be and he is not sure who's responsibility, it may be his responsibility, to update his address when things are split like that and so Hoffman gave him the same four options that Hoffman gave Mayor Reece heard that he gave people, you can take the district back, we can give it back, it can go as-is,

or we can reclassify but that does not negate the previous assessment and classification, that is a done deal, so again, Hoffman presented all options to him and he said he would try to come in and see the Clerk and do some of this on his own, but Hoffman is not sure what more we can do to educate people on the drainage district situation. Hoffman stated he did tell Huen that he is frustrated if the Sanitarian, he sells a piece of property, that he has to disclose there is a septic system, well Hoffman is frustrated that you have to disclose that you are in a drainage district, because all of a sudden you get this assessment, a big or small assessment, you don't know what is going on, the archaic drainage code was put into place for a good reason then, has evolved, and he understood but he wasn't happy with it, there is really nothing Hoffman can do but he said he would bring it up, and encouraged Huen to look at the other meeting where we really did an educational presentation, but the drainage classifications if you don't change them or aren't engaged in it, they are not going to change. McClellan stated it is like this one with New Providence, by the time they find it out, it is already too late and has been assessed, like this whole situation. Granzow referenced the map and the location of the County shed and asked why we do not own our driveway, Pierce showed the correct location on the map, Granzow stated he was off a block. Smith stated she thinks that the Trustees have done a good job educating, that is the difficult thing, and Smith said McClellan was right, it is too late once they have received the assessment, we have had some super good discussions with a lot of folks from DD 167 that have come in the office and that have called, if Smith can reach out to him if they have a phone number they can share with her, that would be great. Smith thinks that is the tough thing, you are in a district that hasn't had a lot of assessment over time and the hasn't seen a lot of assessments through recent history that were any large amount at all, and that makes it a difficult situation because these owners feel taken by surprise, it is unfortunate that when we do all of our mailings, we do our best that we can, we use the address on file with the Treasurer's office for taxes, and if for some reason that hasn't been updated by the landowner or there is an error, it is tough to get that communication out there, there is not a lot of good education out there. Granzow asked if we use the same place we would send property tax out to, Smith stated yes, Granzow stated tell me why we would even assume it went somewhere else if the taxes are getting paid. Hoffman stated somehow you are getting the information, Granzow stated because you are paying your taxes. McClellan stated she does not know how this would get implemented but it goes back to that it should be on every deed that this property lies within a drainage district, so on your tax statement this property lies within a drainage district, McClellan stated it does not now unless you have delinquent drainage tax, that needs to be a standard operating procedure, so people know when they purchase property. Granzow stated Reinertson is a realtor, it would be a good time for them to push this as well. Smith stated she thinks that would be a great piece of legislation the IDDA could look at as well is requiring disclosure at the time of transfer of a piece of property, because you are asked to disclose if your property has lead based paint, asbestos, a well, all these little check boxes that say yes or no, this could certainly be added to that if it were required by law. Granzow stated he thinks realtors should be pushing for this as well. Smith stated full disclosure is important. McClellan stated she agreed, it will not help the current situation with landowners, but there has to be a starting point. Smith stated absolutely. Hoffman stated that is all he had. Granzow asked if it was under Reinertson's name,. Smith stated Honey Creek Exotics and she was the one who contacted Smith. McClellan asked who is Honey Creek Exotics, Smith stated it was their LLC, whatever they choose to title the property in.

#### 10. Adjourn Meeting

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