

REGULAR DRAINAGE MEETING
Wednesday, June 16, 2021 9:30AM
This meeting was held electronically and in-person.

6/16/2021 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson BJ Hoffman opened the meeting. Also present were Trustee Renee McClellan; Trustee Lance Granzow; Curt Groen, landowner; Lee Gallentine of 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 McClellan. All ayes. Motion carried.

3. Approve Minutes

Motion by McClellan to approve the minutes of Drainage Meeting dated 6/2/21. Second by Granzow. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by Granzow to approve the claims for payment with pay date of Friday, Jun 18, 2021. Second by McClellan. All ayes. Motion carried.

DD 9 WO 229 ENG SVCS 3/26/21 - 4/30/21 ComplReport	Clapsaddle-Garber Assoc	\$1,146.00
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DD 9 WO 229 - ENG SVCS 6/26/20 - 5/28/20 Reclass	Clapsaddle-Garber Assoc	
\$6,959.75		

DD 9 WO 229 Final Pay Estimate 2	Gehrke Inc.	
\$16,346.84		

DD 17 WO 308 - ENG SVCS to 4/30/21 Investigation	Clapsaddle-Garber Assoc	
\$1,120.60		

DD 25 WO 1 - 2021-04 Crop Dmg Clm - Torgeson Farms	Torgeson Farms	
\$1,596.00		

DD 25 WO 1 - 2021-03 Crop Dmg Claim Jason Martin	Jason Martin	\$530.67
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DD 25 WO 1 ENG SVCS 3/26/21 - 4/30/21 Compl Rpt	Clapsaddle-Garber Assoc	
\$1,395.40		

DD 25 WO 1 - ENG SVCS 4/30/21 - 6/3/21 Compl Work	Clapsaddle-Garber Assoc	
\$1,631.90		

DD 25 WO 1 - Final Pay Estimate No 7 EngPrjct 6501	McDowell & Sons Contractors, Inc.	
\$25,830.95		

DD 48 WO 274 - ENG SVCS 06/26/20 - 4/30/21 InvSum \$632.30	Clapsaddle-Garber Assoc
DD 56 WO 3 ENG SVCS 3/26/21 - 4/30/21 Bid Letting \$744.90	Clapsaddle-Garber Assoc
DD 56 WO 3 - ENG SCVS 3/26/221 - 4/30/21 ROW Acq \$5,445.45	Clapsaddle-Garber Assoc
DD 56 WO 3 - ENG SVCS 4/30/21 -5/28/21 ContractAdm \$1,352.40	Clapsaddle-Garber Assoc
DD 56 WO 3 - ENG SVCS 4/30/21 - 5/28/21 ROW Acq \$6,092.35	Clapsaddle-Garber Assoc
DD 86 WO 252 ENG SVCS 5/30/21 - 5/28/21 Reclass \$2,026.70	Clapsaddle-Garber Assoc
DD 86 WO 311 ENG SVCS to 6/03/21 - Inv blowout \$1,052.25	Clapsaddle-Garber Assoc
DD 102 WO 265 - ENG SVCS 3/26/21 - 4/30/21 \$5,445.90	Clapsaddle-Garber Assoc
DD 102 WO 265 ENG SVCS 4/30/21 - 5/28/21 Reclass \$2,334.40	Clapsaddle-Garber Assoc
DD 120 WO 298 ENG SVCS 3/26/21 - 5/26/21 Mtg Attn	Clapsaddle-Garber Assoc \$530.95
DD 121 WO 295 ENG SVCS 12/26/20 - 5/28/21 Inv	Clapsaddle-Garber Assoc \$969.15
DD 128 WO 127 ENG SVCS 12/26/20 - 4/30/21 Eng Rpt \$744.30	Clapsaddle-Garber Assoc
DD 128 WO 127 ENG SVCS 4/30/21-5/28/21 ContractCom \$744.90	Clapsaddle-Garber Assoc
DD 131 WO 310 ENG SVCS tom 5/28/21 Rpr tile plug \$1,038.40	Clapsaddle-Garber Assoc

5. DD 167 - Discuss W Possible Action - Landowner Concerns / Landowner Meeting

Hoffman stated he asked the Clerk to put this on the agenda after speaking her, the New Providence assessments, it appears or sounds like there has been a petition circulated, Hoffman is not sure exactly. Smith stated it was a petition for Private Trustee Management, Hoffman asked if Smith had received that, Smith stated she has not received it back, Smith received a phone call Monday afternoon from Sharon Hanson, who told Smith she thought she had the required amount of signatures and would be submitting that to us, Smith visited with Hanson for a little bit so that Hanson understood what that implied, that once that is received by the Supervisors, as Trustees, that you would have to hold a special election, so Smith communicated to her, that she would need to provide three judges and two clerks and a location for the special election at that point. McClellan stepped out of the meeting.

Smith stated Hanson stated she would have it into us soon, possibly this week, Smith did not know if she was going to come in person to submit that in person or if she will mail that, in, but Smith wanted the

Trustees to be aware that that conversation has happened, Smith knows that when we talked about DD 167 assessments that went out, that there was discussion at that time, that a petition had been requested, Smith tried to let them know at that time that the petition does not change the assessment that has been received by their district, that those assessments would still stand. Granzow asked if we want to have a landowners meeting, maybe she wants to issue it at a landowners meeting. Hoffman stated this is what he was thinking, and he ran this by the Clerk, Hoffman stated having a landowners meeting in conjunction with their City Council Meeting, something on site down there and get it in front of their people, give them plenty of notice, Hoffman does not know if she submits that petition today, that we need to act on it. Granzow stated until the next meeting. Hoffman asked do we really. Smith stated she thought so and that was per Code. Granzow stated if we have received it we have to act on it. Smith stated to issue a date for an election not less than 40 days and not more than 60 days out. Hoffman stated his thought would be get a hold of City Clerk and Mayor and ask them to schedule a special meeting sooner than later. Granzow stated he thought that would be best. Hoffman stated then we as Trustees of that district now, we ask that Gallentine go to that meeting, and explain and either Smith, Hoffman knows it will probably be an evening and he knows that there will probably be some additional expense there, and he is fine with that, but definitely this is education, and thinks this petition was likely circulated without people knowing what they were really signing. Granzow stated you can do that at a City Council meeting because we can't act on it that point, Hoffman would really like to instruct Gallentine, and it will be at the districts expense, but Hoffman thinks paying Gallentine, and having the district pay Gallentine along with Smith to go down there and educate is going to worth a lot, for them going forward, no matter what their end decision is, at least they will be making an educated decision. Granzow stated right, he does not have an issue with that, it gives the community a chance to speak, we are not there, right. Hoffman stated he does not see any reason. Granzow stated and the reason he says that is we are not trying to get them to keep it, Granzow just wants them to have all the information, and the information will come through Smith, who will still be their Clerk regardless, and Gallentine who is our Drainage Engineer, they may hire another one they may not, that is their choice. Hoffman stated they have to understand that they are going to retain a drainage Engineer and a Clerk and there is going to be expenses with that.

McClellan returned to the meeting.

Hoffman stated there needs to be a consistent message in that you are not going to go backwards in these assessments, and Huen called and was very kind, very professional and very polite, and stated hey I have done some research and we are not going to battle this for \$300, and Huen has more property than he knew he had, he found that out, and he didn't believe the best thing moving forward was them trying to manage it themselves. Granzow asked if he signed the petition, Hoffman stated he could actually sign it because it is not his land, Smith stated she thought it was titled as Honey Creek Exotics, is that the one, where Smith spoke with his daughter. Hoffman stated he thinks it was his daughter that would have had to. Granzow stated he does not want to discourage people from being their own Trustees, but he would also like them to know what they are really signing. Hoffman stated what they are really getting into. Smith stated they need to understand the responsibilities that Code has laid out for them not that you have laid out for them but that Code has laid out for them. Hoffman stated yes, it is really just a mater of educating. Granzow stated that goes both ways, in the same deal, that may be when they want to present their clerks and judges, and location, hey this is the process and now you are going to be responsible, and maybe you can lay all that out for them, this is for a one year, a two year and a three year term, Smith stated yes. Hoffman stated is easier said than done, when it says yes, we are going to have to get these bills paid, you don't realize you are going to have to ask folks who are already stretched thin, some of them go south to Texas or Florida for the winter, there is a commitment here, it is not just here it is. Granzow stated and we are dealing with a town, we are not just dealing with rural residences of 10 to 20 people, Granzow sees Groen is on here, and he has talked to him about doing the same, there are like 7 people in his district, you are talking about a society here with a town, there are people that don't even follow this or have a clue about this. McClellan asked if we can talk with Mike Richards about this at all. Granzow stated he does not want to spend their money on legal. McClellan asked do we know what they can do it because it is in a town. Hoffman stated just to refresh you from when you stepped out, the discussion was to send Smith and Gallentine, and have Smith contact them and say hey you need to have a special City meeting ASAP as like Granzow says, and Smith agreed, if they were to present that petition today, we would have to act on it next week, Hoffman stated he would rather educate them to the furthest extent with the best experts we have in Gallentine and Smith and at that point present you are going to have to have these Trustees, and you are going to have to do this and this. Granzow stated this also educates the Trustees, who apply for the position. Hoffman stated or don't want to apply for the position.

McClellan stated we know we have Larry and June Balvanz over here, McClellan stated she imagined Balvanz would be able to get people together or who is their mayor, Smith stated Ron Reece. Hoffman stated at no point are we pushing this on anybody., and once you find out the roles and responsibilities end everything, you might say we can get one person, but 3, if Sharon Hanson wants to do all this leg work, and people will sign anything, you can go door to door and get just about anything today, because people don't want to be rude and say I am not signing your thing. McClellan stated they will sign it, they don't always read. Gallentine stated he thought a meeting was a great idea because he thinks they need to realize whether it is Supervisors as Trustees or private landowners, they still have to follow Iowa Code, and just because it is private landowners, and we live in town, we are not going to fix that tile because it is out in the country, it is not our problem, we are not going to do anything with it, it is not really feasible or correct. Granzow stated ad the liability that goes with it. Hoffman stated they can be litigated against. Hoffman stated he would accept a motion to have the Clerk get the moving pretty quick. Granzow asked Smith and Gallentine. Hoffman stated yes, Granzow asked if we were going to do this at district expense, Hoffman stated that was correct.

Motion by Granzow to direct the Drainage Clerk to contact the Mayor of New Providence to set up a City Council meeting for discussion of the DD 167 petition for Private Trustee Management, and to direct the Clerk and Gallentine to attend to provide information for the DD 167 landowners at said meeting. Second by McClellan.

In additional discussion on the motion, Hoffman stated he thought we have had really good discussion.

All ayes. Motion carried.

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

Gallentine stated this is the one up at Dean Bright's with Jacob Handsaker where we have this waterway or channel that is still wet, and we talked about putting another tile down the bottom of the waterway, Gallentine stated Handsaker is willing to put in a 6" tile, for the old price of the 8", the old price of the 8" was \$10.01 per foot, but the Trustees wanted to make sure that wasn't more than we would be paying for 6" tile tight now. Gallentine stated if we bid 6" right now Handsaker stated it would be \$10.75 per foot so you are actually getting the 6" for \$0.74 cheaper than you would if you bid it today. McClellan asked but the bid isn't that long. Granzow stated the price increase, Granzow did not want him to put in 6" when he quoted 8" at this dollar amount, if 6" is quite a bit less at today's price. Gallentine stated and it actually is not, it is more. Granzow stated his concern was let's put a cheaper product in and make money on it, that is what Granzow thought. Gallentine stated if you are okay with that can Gallentine go ahead and direct Handsaker to get that done or how would you like to approach this. Granzow stated he would like Handsaker to go ahead and get it done as we are in a drought and this is probably the driest time he is going to have to get it done, if it starts raining he is done for awhile. McClellan stated she agreed. Granzow stated he is fine with it.

Motion by Granzow to have Handsaker install the 6" tile in Bright's waterway at the price of \$10.01 per foot. Second by McClellan. All ayes. Motion carried.

Gallentine stated he would direct Handsaker to put in new 6" tile at the old 8" tile price. Granzow stated yes, which is less than the new 6" price, Gallentine stated that was correct.

7. DD 52 WO 215 - Discuss W Possible Action - Landowner Concerns

Smith stated we had some concerns shared with us from Al Meister in Drainage District 52, Smith asked Pearce to display photos, Meister had concerns shared photos with one of the Trustees with the condition the parcel was left in after we did tree removal on work order 215. Granzow asked if they would mind if we had Meister call in to the meeting. Smith stated she did not mind and thought that was a good idea, Meister had concerns about tree debris that was left behind. Smith stated she had reviewed some previous minutes, and this photo shared by Meister that all of this tree removal debris was left behind. Smith has done some reviewing of previous emails and communications on this work order. Meister joined the meeting

by phone, Smith asked Meister to share his concerns, and noted the photo shared by Meister was up on the screen for the them to look at that shows the tree debris in the tree line that was left behind. Granzow asked Meister for comment. Meister stated that berm of trees and debris is 125' long and is right on the property line between Meister's and neighbors, a lot of the trees that were a year or two old that were cut there, but there was a lot of debris in that area, it is just a big, big pile that was left, Meister thinks that they did haul out quite a bit, but he thinks that they just piled it up, and didn't clean everything up and put that in the big pile, so it's just an eyesore, it would obviously take some effort to get that cleaned up. Smith stated in review of her emails and communications with the contractor at that time and with the engineer, it was Smith's understanding that some of the debris was left by Piel's tree removal service and that Seward had cleaned up all of the tree removal that he did, Smith referenced photos, Granzow asked if Meister could hear Smith's comments. Meister stated he heard a little bit of it, and asked if Smith said that was all left behind. Granzow asked Smith to repeat it. Smith stated she had photos up of an email that she sent to Meister back in June of this year showing what Seward had left the sight looking like. Smith stated that there was comments in there from Seward that noted that the tree debris was left behind by Piel's tree removal service. Smith stated it is in the Trustees ballpark what they would like to do with this, we have a before shot of when Seward cleaned out the trees from the area that he was directed to remove the trees from, and we also have some photos of that area before that tree regrowth occurred and that debris pile. Meister stated he could look back and has some pictures two years ago to see how big that pile is, if there is actually a pile there before. Meister did not think so, there was enough stuff rolled up into, they did a great job cleaning it up, they left that pile there, so Meister will look back into his pictures but he thinks some of that was left by the contractor. Hoffman asked if this was something we could all do our due diligence and look back into this next week. Meister asked if we could look back at the county engineer or whoever was in charge of that project, they didn't come back to the site after Seward's company was done. Smith asked if Gallentine could address that. Gallentine stated he was the drainage engineer and had spoken with Meister on the phone quite a while ago, and we were not directed to be on site while Seward was working, it was tree removal so he was essentially functioning on his own on the sight. Meister stated so no one came to check the site after Seward's company was done. Hoffman asked if we want to check with everyone and re-agenda this next week. Granzow asked if Meister heard that ok. Meister stated he had not. Granzow stated he would like you to go back and look through your pictures, and get a hold of Seward and look at his pictures and we can readdress it next week. Meister stated he was ok with that. Smith stated she would email Meister a copy of next week's agenda on Tuesday next week so you will have the link to join us. The Trustees thanked Meister for his participation.

Motion by McClellan to direct Smith to gather more information and add this to next week's agenda. Second by Granzow. All ayes. Motion carried.

8. Other Business

DD 36 WO 312 - Smith stated she has had some communication with landowner Craig Duncan who had initially contacted Secondary Roads about an issue in a road ditch near his property with district tile, and Duncan feels the district tile was backed up into his field and he had some issues with that. Smith had spoken with Lucas Burton of Secondary Roads and he stopped in the office and shared some photos with Smith, a map and a location. Smith stated unfortunately when Duncan brought this to Smith it was right when we issued all of the DD 167 2021 assessments and Smith's phone did not stop ringing for two weeks, so there is a little bit of delay in Smith getting this into our work order system, once Smith had gotten this into our work order system, Duncan had reached right back out to us for an update, and Smith let Duncan know she had reached right back out to Gallentine for an update, Smith did not think CGA had even had a chance to be in there to look at it, so Smith let Duncan know that we can visit about this and Gallentine can update you with what information we have yet, and Smith asked Gallentine to detail a little bit about his conversation with Mr Duncan. Gallentine stated Duncan called him yesterday and had updated him with the process and Duncan is not at all happy with it, he feels that it had been way too long, Duncan stated he had started talking to the Engineer's office the end of April and Gallentine stated the work order that we got was dated the end of May, so here we are a couple of weeks into June and we have been out to look at it but there is nothing that is real apparent that is causing this issue. Gallentine stated at this point it will probably require some excavation out in his field, and Gallentine stated he was sorry but we can pay crop damages possibly if that is an option and Duncan stated he did not want us out in the field, the beans are too tall, but it didn't get fixed. Gallentine stated he can not change the fact that time has expired, that really didn't seem to satisfy him at all either way, he is still pretty irate at the process, he was going to call the

County Engineer and complain to him about why didn't they tell me right away in April when I called, Gallentine stated he told them he did not know, Gallentine sent Smith an email with our investigation and does not know if you want Duncan to come in and talk about the process next week, Gallentine stated he thinks it needs to formally be on the agenda that Duncan said not to be out there until fall, because Gallentine gets real concerned that if we get some rain and it drowns something out, he is not going to be happy about that either, he also indicated that he could have had a contractor out there within a day, private landowners seem to have more of a pull with contractors than we do, Gallentine stated he also told Duncan he does not know if that would have been a contractor approved to be used by the District or not if they are insured, he really did not comment on that.

Hoffman stated this sounds like a lose - lose solution and we need to get some input on to what Taylor does or doesn't know. Granzow stated the hard part is when it was brought to our attention, we acted on it right away, and thinks it was two weeks ago at the end of June or in May. Gallentine stated it was the last meeting in May, you directed us to go in and we were prepared to get a contractor right away if it was apparent and that is what we are doing, but it wasn't apparent. McClellan asked if Duncan thought it was in a road ditch or if it was in a culvert or something. Gallentine stated there was an intake in the road ditch because that is where the water is piling up, but the problem looks to be farther out in his field if that is where the plug is, and we really had a pretty circular conversation, as he said well it didn't get fixed, Gallentine said we can go out there and get it fixed now, but I don't want you out there now, well Gallentine stated he was sorry and Duncan stated but it didn't get fixed, so we were really kind of chasing our tail a little bit, Duncan did say he would call Gallentine in the fall after crops were out but he wanted it fixed immediately as soon as that was done, and Gallentine said he was subject to the availability of contractors, we will try our best. Granzow stated and he is assuming that is when he said he can have a contractor there tomorrow or in a day. Gallentine stated that is what he indicated, he just gets concerned when we get much rain that we will drown out more acres than we will disturb if we go out there and repair it. McClellan stated if he won't let us in the field that is his problem but also it is up to you guys, you have the authority to go out into the field if you choose to, Gallentine is not saying you should do that by any means but you do have that authority to access that tile for repair.

Granzow stated it is his complaint and will try to catch up to him, Smith can provide Granzow the phone number. Gallentine stated Smith could provide it. McClellan asked if we could go up the intake to view it. Granzow stated then you have to pay for televising, McClellan stated yes. Granzow stated we could pay for televising. Gallentine stated you could pay for televising but does not think you would see anything at this point, there is a foot or two of water in the road ditch so it is surcharged, no doubt. Granzow stated he would get a hold of Duncan, who is not far from Granzow, and see what he is thinking, if you want someone right after crops, that is when everyone is wanting contractors. we could have a contractor there tomorrow too, but not likely in the fall. Gallentine stated the process is not perfect, it could always be tweaked but he did not think they did too bad overall, we hit the wrong time for growing. Granzow stated he could turn the claim in for the yield and asked if he wants the repair for the frost/freeze for next year and pay for the crop next year. Gallentine stated you might want to feel him out, Gallentine stated he thought this was on Lateral 6, and Duncan stated there is another tile that goes through his driveway and that one does not work either, he may have more than one issue going on, Gallentine is not positive. Granzow will give Duncan a call.

IDDA Membership - Smith has received another invoice for pro-rated dues, they usually invoice in June and we had paid on that previous invoice that was for annual dues, so this is prorated for the last 5 months, so this was for \$1,947.40 and our last invoice from IDDA was paid through Rural Services, so Smith just wanted some direction if the Trustees wanted this to be paid that way. Granzow stated we have to yes, to keep our books straight, we have corrected this already. Smith just wanted to make the Trustees aware we had received this. Granzow stated to keep a tally so we can look back. Smith stated she would.

Hoffman noted next week we have a Regular Drainage Meeting in the morning, and a 1:00 pm Landowner Meeting at the EOC building, Smith stated yes for DD 48, and has issued a lot of copies of that two investigation summaries and district maps for DD 48, Smith has sent those out to 7 or 8 landowners now, so they will have those in their hands before that meeting. Smith noted we do have a joint meeting with Story County on DD H-S 35-1 in our regular drainage meeting at 9:30 to discuss their repair request. Hoffman asked if that would be top of the agenda, Smith stated yes.

9. Adjourn Meeting

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