

**DRAINAGE DISTRICT 48 LANDOWNERS MEETING**  
**Wednesday, June 23, 2021 1:00 pm**  
**This meeting was held electronically and in-person.**

6/23/2021 - 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); Landowners Kevin Johnson; Marc Broer; Liz Gilbert; Roger Wood; Duane Swart; Mike Broer; Robert Wayne; Mike Reed; Keith Helvig; Richard Gehrke; Alvin Clark; Phillip Broer; Tim Broer; Jody Anderson; Michael Pearce, Network Specialist; and Denise Smith, Drainage Clerk.

2. Approve Agenda

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

3. Introductions/Attendance

Introductions were made and attendance verified.

4. DD 48 WO 274 - Discuss W Possible Action - Investigation Summaries / Preliminary Estimate

Hoffman introduced Lee Gallentine of Clapsaddle-Garber Associates (CGA) and asked Gallentine to walk us through the Investigation Summaries and then we will have ample time for questions, comments and discussions. Hoffman asked that everyone go allow Gallentine to go through his information and then Gallentine, Smith and the Trustees can answer your questions as best as we can. Hoffman stated after the meeting Smith is returning to her office so if there is anything you need information on or copies of, anything like that, please know she will be available in the Auditor's Office following the meeting. Hoffman appreciates everyone coming down and spending some time with us this afternoon, and will try to get you out of here in a timely manner to go home and reset your rain gauges.

Gallentine introduced himself, and will try to speak loudly as acoustics are not the best in this room, if you can't hear, please let him know. On Drainage District 48, there was a small work order turned in for some work on the open ditch of DD 48, when we went out to look at that, we also noticed there was some other issues in the near vicinity that didn't look too good on DD 48, there was some sloughing going on and other things like that, so we brought that back to the district Trustees, the District Trustees said why don't you go out and see how widespread these issues are on the Main open ditch of DD 48. Gallentine stated so we did, we went out and did a visual observation of the open ditch, also did some survey shots along there to determine where it is at grade wise, level wise and that type of thing, so we boiled that down into a little bit of a summary which this map is part of, so Gallentine is going to go through what we found, Gallentine stated this open ditch is a little bit different than a lot of them, a lot of them we see haven't been cleaned out for a long time and they are silting in, they have got silt from one end to the other, this thing has kind of got a bunch of different things going on with it, it isn't just one thing by itself.

Gallentine stated what we found is there is about 6,000' that has some silt in, and that silt varies anywhere from 1/4 of a foot, and that level is that significant in Gallentine's mind, up to about 1-1/4 feet, that is starting to get a little bit more significant. A lot of it depends on whether or not there is a tile outlet where there is 1-1/4', and whether it comes in where that 1-1/4' is, if there is a tile outlet there then it is very significant, if the tile outlet is 2' higher than that, then it is not such a big deal, but that is the area that is in blue on this map. Gallentine stated we have a bigger area of 4,500' there and then up a bit, from the current upstream end to the far north there is about another 1,500', so your siltation isn't just occurring in one

location, it is occurring in two different spots, so we have siltation that is occurring there. We have about 15,000' and actually it is a little bit longer than that, of main open ditch that has actually eroded to the point that it is below the design grade, so at one time, they dug it out to this elevation and instead of silting in, this thing has decided it is going to erode, so it is actually deeper than the original flow was, and that is yellow highlighted on the map, that is a decent portion of it, the majority of this thing is cutting itself deeper, Gallentine stated in and of itself that is good because you don't have to clean out silt, you don't have to worry about that issue, the problem gets to be is when it cuts itself, it doesn't cut itself deeper on an even flow line, it some up and down, up and down, up and down, so you are deeper than what it was originally built at, than it was originally designed for but you are not as flat and smooth as what it was designed for, so that in and of itself does change the drainage flow pattern and it changes the drainage efficiency, so it doesn't drain as efficiently. If it is flat it is going to drain a lot smoother than if you have got these up and down ripples, so that is the yellow highlighted portion of the map.

Gallentine stated along with that, there is about 8,800', where the ditch bottom itself is narrower than it was designed, which it sounds reasonable if this thing is going down and you have a bottom here, as it goes down it is going to make more of a vee, so there is about 8,800', which is the red line on the map towards the upper end. Gallentine stated typically if you are going deeper, that is a better thing for tile outlets because you have more room until they actually get submerged, but as that channel gets narrower down to a point, it also does this snaking within the drainage ditch, anytime you have that, it also slows down drainage efficiency and drainage capacity, whereas a straight flow line is going to flow better, also once you get that first drop of water or first 6" of water, let's say, if there is a vee bottom, there isn't near as much water as it takes to fill up those 6", if you have a 4' wide bottom, it takes a lot more water to fill up those 6", so you have differences in capacity because of that also, those were two of the main things that were happening with the channel itself. Gallentine stated we also noticed that the outlet itself and the main tile at the very upper end, it would be up on the right of the map, there is erosion that is occurring around that, the tile itself is flowing just fine, in long term that erosion could lead to the tile washing out, so that would be more of a preventative thing, to fix that.

Gallentine stated there is about 10' spots where we noticed there is existing tile outlets, that aren't in good shape and are starting to be in disrepair, what that does is once those tile outlets come through the bank and start eroding or the CMP, the metal pipe, comes off the end, it erodes back into the bank and you get sloughing and more siltation can occur. Gallentine stated there is about 20 spots where there is surface drains, and what surface drains are is metal pipes that carry the surface water from the back side of the spoil banks back down into the open ditch, so the tile outlet is for the tile that is underground, this carries surface water. There is about 20 spots that those are in disrepair also, again that just adds to the siltation and the soil that goes in the open ditch. Gallentine stated there are about 15 spots where the bank itself has sloughed off, which really considering how much of this open ditch has eroded below grade that isn't bad, once you start going down below grade, your banks keep getting steeper and steeper and the banks want to slough off because there isn't much support for them anymore so that is what is causing that.

Gallentine stated there is about 5 spot +/- where there is some trees are growing and those can promote beaver growth, or beaver activity, and if you get that going on that really increases siltation because back behind that beaver dam, that water slows down if it has got any dirt, it is going to dump that dirt and it backs water up, so we want to avoid those. Gallentine stated there are two spots where there is either quite a few rocks down in the flow line, we are not quite sure how they got in there, or there is a former crossing like a low water crossing, that is down in the flow line of the open ditch. Those in general kind of act like a beaver dam, not to the same extent because they are not as high, but they act like a beaver dam and they can cause siltation upstream as well.

Gallentine stated none of these things individually by themselves, would be maybe anything for concern, when you combine them all together, it is our duty to make sure all of the landowners are aware, so they know what is going on, if I am a landowner out there and one of my tile outlets isn't working and I call up Gehrke, and Gehrke comes out and fixes it, he goes well that is because you have silt in the open ditch, if we knew about that and didn't tell you folks, you wouldn't be too happy about that, that is why we are here today. Gallentine stated we generate a brief summary, and the next step if this were to move forward would be an Engineer's Report would be generated, then there would be a Public Hearing and they would go through all of this again with more detail and we talk about it more. Gallentine stated the District Trustees haven't decided to go that route, they want to get your opinion about this, Gallentine believes, before they

go forward and spend the money on an Engineer's Report, so this is a preliminary step if it goes forward or not.

Gallentine stated all together we are estimating, Gallentine is not the guy in the backhoe, this is based off of previous bid lettings that were had, if you fix all those issues, we are thinking the construction an engineering total together is going to be about \$1,000,000. It is a very, very big end rough number, but it is something to chew on and Smith ran some sheets with those numbers.

## 5. Comments/Discussion

Gallentine asked if folks have questions on what we found or why we think something is at issue or at play. It was asked how we determine what each person pays, people have been adding tile lines to this drainage ditch for years, and the closer you live to the thing the more you get charged, how recently has it been adjusted to equity on who is hooked up to what. Gallentine stated that was a great question, he will try to answer all the questions, and if he misses any just remind him. Gallentine stated so how you determine it gets paid, when this district was established originally, they had a Classification Commission, that consisted of an Engineer, two landowners within the County that weren't interested in the district, they didn't own ground there, they didn't rent ground there, they didn't do anything, they went out and they determined for each forty acre parcel or smaller, how much benefit they felt that each parcel got from the Drainage District improvement, that was the percent benefitted. The most benefitted parcel would be considered 100% benefit and everybody would be compared to that and that schedule generated a report and there was a hearing on it back in the day and it was approved by Supervisors at the time, if they didn't like it they could object, if they still didn't like it, they could take it to a district court and do a lawsuit over it, whenever that was done last, that schedule is still in effect. It was asked by a landowner when that schedule was done last. Smith stated she thought we were on the original classification, Smith stated she thought it was on the original classification when the district was established which would have been sometime from about 1910 - 1920, so it has not been reclassified since 1910-1920. Gallentine stated he it has not been reclassified since 1910-1920, probably 1910, whenever this district was established, Gallentine can tell you that if that apportionment of benefits, that classification is not equitable, the Trustees can order a reclassification. Hoffman stated by the landowners request. Gallentine stated you can do it on your own, Hoffman stated typically we will do it after a landowner request, and hope that landowners would come in and say something has changed, Hoffman is so glad you used the word equitable and equity because fairness is just not the proper word to use, but if there is something that gives you reason to believe that there is not equity there, then you can request that the Trustees do a reclassification. Gallentine stated when you reclassify, it is the same process, you have two landowners who are disinterested, you have got an engineer, Gallentine is not sure how they did it 100 years ago, he is sure a lot of it was done by horse and buggy and that type of thing, technology has changed a lot, we get the USDA soil maps, so based off the soil type, we typically classify the soil as poorly drained, very poorly drained, well drained, excessively drained, so there is a soil factor for that. Gallentine stated we also do a proximity factor, the closer you are to the ditch, the more you pay, again that is still currently how we do it, because the thought is the closer you are to the ditch the less facilities or tile lines you have to pay for to use that ditch, whereas somebody that is a mile a way, they have more stuff that they have to maintain on their own, some people agree with that, some don't Gallentine understands that.

It was commented by a landowner that the 5 people up at the top of the tile line that are getting the big advantage because their tile lines are getting drained faster than yours, because you are at the bottom of the tile line, they are getting as much benefit as you are against it, or more. Gallentine there are some where sometimes we have used a usage or length factor, the farther you are up on the main open ditch the more you pay, that hasn't been used by every Commission but that is an option that they can employ if they choose, and then again, that report comes back and there is a public hearing and it is either approved or modified by the Trustees, and if the landowners don't like it they can, go to the district court level. Gallentine stated the one thing he will say about classification schedules and reclassification is, everything that is paid for, for the district, has to be paid for by the landowners in the district, that is the folks who are in this room,

the folks who are not in this room, the DOT, any of these folks, for instance, if you go down, someone else has to go up to compensate, so at the end of the day, it isn't a practice where you can just lower everybody, the bills still has to be paid by just those landowners, that is only so big, so if someone goes down, someone else goes up. Gallentine asked if he hit all their questions, you don't have to agree with Gallentine's answers, just asking if he answered them.

It was asked by a landowner what reclassification would cost. Gallentine stated reclassification can get interesting because there is probably one schedule for classification with this entire district. Gallentine asked if there was laterals in this district, Smith stated not that were separated out in the classification, it is just one schedule. Gallentine stated but there are laterals, what that means is if work is done on the Main open ditch, it gets billed on that system if work is done on Lateral 1 it gets billed on that system, whether you are on Lateral 1 or not. If your work is done on Lateral 2 it gets billed on that schedule, when you reclassify, the Supervisors have the option that they can reclassify just the Main open ditch and then everything still gets paid through that schedule, or they can say we want to know how Lateral 2 should be paid for and how Lateral 1 should be paid for, how the Main should be paid for, so depending on how much of that goes on, it really affects the cost. Gallentine stated he has done classifications and he has seen them cost \$3,000 and he has done some that have 30 some Laterals and those classifications cost close to \$100,000, it just depends on the extent.

It was asked by a landowner, how many years will this fix last. Gallentine stated there are no guarantees for sure, Smith indicated the last time this was cleaned out was the early 1960's, there is some folks in here who have memory, a landowner commented there was one cleanout later than that. Smith stated there is one mentioned in your history summary, maybe it was 1974. Gallentine stated just a second, there are people here older then he is, does that sound about right. Gallentine asked when they thought it was cleaned out. A landowner replied the 1990's, or early 1980's, another stated they had seen it and it was the 1970's. Gilbert asked if it was before are after Highway 20 was put in, Gallentine stated it would have been before Highway 20 was put in and down by the landfill, this ditch was extended and that may have been a bill that come through, but that wasn't necessarily a cleanout of the whole thing, so to answer your question, we have anywhere from the 1960's, 1970's or 1990's. Smith stated she could pull the history of repairs and assessments for you, but cannot access those files from this computer, but could pull that for you later.

Gallentine stated what we could say was the previous repair lasted anywhere from 30 to 50 years, is that fair to say, 30 to 50 years was the last time something major was done, maybe even 60 but that is probably pushing it. Tim Broer stated it was maybe even the 1970's he could remember seeing it, but was not sure what they did, the contractor did a really good job around Highway 65 but it got late in the season, late in November he started to do a sloppy job, instead of pulling soil from both banks, he just tried to work off of one to speed it up and Broer knows that the landowners as you would expect were not happy at all about how he finished up, Broer kind of wonders if part of the problem now is because the top end wasn't done exactly right. Gallentine stated he did not think so, and the reason he says that is if it was done in the 1970's or 1980's, it would have been quite a while ago and really you do not have a whole lot of silt spread throughout the whole thing. Gallentine stated as far as just working from one side or two, nowadays most contractors, especially with only a foot and a half of silt will just work from one bank just because the way the machines are they can get better reach and they don't see the advantage of being on two sides, now if we had 3' or 4' of silt maybe they would be reaching out from both sides, if anything moves forward, Gallentine would be surprised to see them reaching out to it from both sides. Broer stated it wasn't smooth. Gallentine stated that is an issue even today, we always fight with that, it looked smooth when I first went over it with the dozer, and then after the first rain all of a sudden it doesn't look smooth.

Gilbert asked if it was the 1970's when in fact it they put Highway 20 through and that was 175 to 1985 somewhere in there, when they put that Highway through, who would have protected the existing drainage ditch when it went through, what was that process. Gallentine stated Iowa Code is set up so that if a Drainage District crosses a roadway, the road authority has to pay for that crossing, so when Hwy 20 was built, the DOT should have paid for whatever was there, a culvert,

or bridge, whatever was there, at that crossing, same as tile, if they have to replace tile at that crossing they pay, for that tile replacement, the DOT would have done that. Gallentine stated we don't see any evidence that Hwy 20 caused any siltation or erosion, but again this is a very preliminary look, it is not very detailed. Gilbert stated that Dougan complained about it then, it was within several hundred feet of Hwy 20. Gallentine stated it is but he does not think it is related per say, it is like saying there is a meeting in Eldora, every time I am at a meeting in Eldora they want me to spend money, no this meeting is for Drainage District 48, it just happens to be in Eldora, the proximity Gallentine does not think is related. Gallentine stated we haven't dove deep into it, this is a preliminary look, Gallentine would not be comfortable today going to the DOT and saying you messed something up.

It was asked when you left that, that everyone that farms near it left a reasonable buffer strip. Gallentine stated we did not look at usage of spoil banks, because the way these typically work, the Drainage District has an easement right, for the open ditch and the spoil banks, but the landowners still have the right to use those spoil banks as they see fit, so we have all seen some people have nice wide buffer strips, some people farm nice and close, Gallentine did not really take that into account and did not look at that. Hoffman asked if that would be part of an Engineer's Report. Gallentine stated we typically do not look at that usage in an Engineer's Report, we typically look at just the district facility, we don't necessarily look at how people are using that or not using that. Gallentine stated some counties have passed ordinances saying you can't farm all the way up to an open ditch, Gallentine does not think Hardin County has had those, they have left that as a landowner decision. It was asked if they do this project, it would be nice if someone could make a recommendation as to how wide that buffer strip can be, 16' or something. Gallentine stated that is entirely possible, if the Trustees want to implement a buffer strip on this type of thing, they have the authority to do that for as wide as their spoil banks is, which would be where they spread the dirt out originally, wider than that they don't have an easement there. It was asked how wide is the spoil bank usually. Gallentine stated it depends on how wide the ditch is and how much dirt they dug out, it is really variable. It was asked any idea on this one, how wide it was. Gallentine stated he did not know, again we did not get that deep into it.

Gallentine asked if there were other questions for him. It was stated by a landowner that this cost is a huge bite of money. Gallentine stated it was a huge cost and thinks that is why the Trustees wanted to have this preliminary meeting before it went any farther. Hoffman stated he recognized a few faces from other drainage districts and there is a lot of new faces here too, and Hoffman is glad to see so many people showed up, because we have drainage districts where we have triple the landowners but 1/10th of the attendees, Hoffman is glad to see there is actual people engaged in their livelihood of production agriculture. Hoffman stated what some Drainage District Trustees do is say, hey we are going to spend your money and you will get a bill. Hoffman stated the three of us don't believe that is the best way to approach things, that is why we are having a meeting today, so we have the means of getting a feel for what the people who end up paying the bill do or don't want to do. Hoffman stated we have to remember that in that same arena, we by Iowa Code have to maintain the facilities, so if that means bandaging things here and there and that still works, that is fine, or if it means you guys tell us that you want a large scale project done, we will go that direction as well. Hoffman stated here for the next week, Iowa Drainage Code still says the Trustees are allowed to spend up to \$50,000 without having to have a Public Hearing or an Engineer's Report. Gallentine interjected that is \$50,000 for a contractor, if that takes publication, engineering and stuff like that, that is above and beyond, that is just the contractor's cost of \$50,000. Hoffman stated that is a very valid, after July 31st, that number goes up to \$139,000, does that mean we are going to pull the trigger on every fix just because we can up to \$139,000, if it means you are at your leisure to give a good recommendation.

It was asked how many years can it be put off, 5 years or 10 years, what happens eventually to the Drainage District. Hoffman stated from his perspective, Iowa Code says we have to maintain facilities and they have to be flowing, let's say that Kevin has issues with some drainage in his ground, we can find that he has crop loss damages, and the Trustees can find that everyone pays his crop loss damages, the problem is any time you don't want to pay for the work to be done, it gets worse and goes into another landowners area, and with commodity prices you could spend a lot of money and have no resolution to the problem. Hoffman stated crop losses aren't able to be

claimed through drainage code. It was asked if 2021 was the tipping point whereas 5 years ago it wasn't ready to be fixed or 10 years from now it will still be working. Gallentine stated he does not know, Gallentine thinks you are asking how it is progressing and Gallentine stated the only snap shots he has of it was when i was built, when it was cleaned out most recently and today, Gallentine does not know if that 1-1/4' of silt has been there for 5 days or 5 years. Gallentine stated what you have going for you is this district wants to erode and is going deeper, it is not a plus, for the landowners downstream, they are getting that silt in whatever right of ways, but what it means for you guys is that in those areas it has eroded it is not going to all of a sudden cover up tile outlets, it may but how quick it is going to happen Gallentine does not know. Gallentine stated we have some drainage open ditches, every 10 years they are going to need cleaned out, we had another one just south of the Iowa Falls airport a few years ago, that one had not been cleaned out for 100 years, and there was 4' of silt in it, and there were spots they could take the silt out, and oh look, there is a tile outlet the farmer did not know was there, and you clean that tile outlet out and all of a sudden the water is flowing. You don't want to get in that scenario, but luckily where you are eroding and not silting, the likelihood of getting to it up in those blue areas is probably slim. Hoffman stated he did not think there was one major event where we said holy cow, a lot of times with drainage you get work orders, and someone says we have a blowout and we send out CGA and a contractor, and find a blowout on 100 year old tile and we fix it. Hoffman stated in this situation if you look at the report and the more you look at it, we thought it was better to have you and the landowners here, rather than just say have some fix with no long term viability without a solution. Gallentine stated the biggest thing about this as it erodes, it meanders down in the bottom which isn't as efficient as a straight path, it goes up and down, as it erodes which isn't as efficient as a straight path, Gallentine stated as it erodes the efficiency isn't there, and you are going to run the risk that you are going to start sloughing in the side banks more, those are the biggest problems we are facing.

Gilbert asked given that we are in sever or worse drought, one of the things to worry about with this is you want smoothness is that sand dry, doesn't compact and if we were to do this anytime soon and stay in the drought, that probably would not give us a very satisfactory input. Gallentine stated he is not sure about where she is going as far as compaction goes, there really wouldn't be any compacting on this project, where it has eroded we would fill that back up, what we would do where it is eroded we would establish a new grade along that line, we would widen out the bottom. Gilbert asked how would we keep that grade when it is so dry. Gallentine stated how we would keep that is by scooping up the soil and spreading it out on the spoil bank where it is very flat and spread it back out, you don't leave it down in the channel and you are not compacting anything down in the channel, it is up on the sides, where it is not as steep and it is not going to wash away. Hoffman stated the timeline on something like this, let's say there was to be some type of consensus to do something today, then you are going to need a formal Engineer's Report, to do that, so you are looking around 4 to 6 months for that, then we are going to do another landowner's meeting, then we are going to have to have a bid letting, and then you are going to have to a bid opening and you are going to have to award it, so best case scenario, you are looking at 16 to 18 months from now. Gallentine stated best case scenario, would be if everyone in the room stated oh this is the best thing ever, Gallentine stated he knows you are not going to, you would have that hearing, get your Engineer's Report and have a bid letting next winter, and complete construction next summer if you wanted all this done, that is best case scenario, so it isn't like we have got a guy sitting in a backhoe just ready to go out there and start working by any means.

It was asked if Dougan hadn't reported this we would not have been here, is that right. Gallentine stated he is not saying that. It was asked why the Trustees don't go out and check these open ditches every 5 to 10 years, would this have been filled with mud 20 years ago. Hoffman stated one of the reasons is we don't have a full time drainage manager, someone that just goes out and patrols the drainage districts, we rely on the landowners to be the eyes and ears of the districts, most of these districts, other than a handful, are in production agriculture, there is one that goes through Radcliffe, a couple go through New Providence, so you are seeing those things, so when we have a broken tile that loses a planter in it, we hear about it, or when there is a blowout and somebody puts a grain cart sideways in it, we hear about it, when somebody is out in their land and they see a hole, we hear about. Hoffman stated those are our ears and eyes, Hoffman is not sure it is practical for us to have someone go out and patrol those, for everything that is done in a

district, someone has to pay for it, and Hoffman can't tax someone that lives in Eldora proper or Iowa Falls proper, that is not in a drainage district to pay for it. Anything that goes on in this drainage district gets billed to this drainage district, anything that goes on in the drainage district in land that Hoffman owns, he gets a bill for part of it, so at this point it is just not feasible to have someone going from district to district. Hoffman stated we also have someone doing contract spraying for some districts, and we hope that when our contractor is out there if he sees something is not quite right, they will say to the Clerk, can you let the engineer and Trustees know. It was stated by a landowner that may be something we should look into in the future, walking the ditches, because if this was done 10 years ago, everyone's bill would have been cheaper. Gallentine stated he is not disagreeing, but the tough part of this is, that maybe this one needs walked every year but let's say this project moves forward, when do you have that guy start walking it again, year one, year two, year ten. Landowner stated it may need walked every five years, once you start something let's keep it up rather than waiting until it's broke and then we have got to fix it. Gallentine stated he has heard from other landowners that they do not want to spend a penny no matter what, even with a service like that, they would not be happy with that, but again as district Trustees they can decide to that if they want. Hoffman stated we have districts where they have done projects, and after we will have a seed warranty, a two year warranty on materials, we will say in 2 years Smith will put a reminder on the drainage calendar, we had one pop up today in another meeting, and the note will pop up, here is one, do we want to drive it and look at things or do you want CGA to come out and look at it. Hoffman stated most of the time landowners will say we don't want to pay that guy there, we will get on our ranger and our pony and go look at things ourselves, but you as owners can say, from here on out, we want to watch those drainage districts and we can have an owners meeting and make sure there is a consensus and we take care of your investment as best we can, but there are some districts, that have unique demographics in Hardin County, because there are districts that will tell you to spend whatever it takes because that is how I make my living off production agriculture, then you have people that will say don't spend a penny, if it means water is barely trickling through that, that's okay because that means that tile is working, there is that gap of people who are willing to spend a lot and people who aren't willing to spend a penny, it is a hard sweet spot to find that suits everybody. Gallentine stated the other thing he wants to make sure people leave with is Dougan did not request this, he had one thing that was happening on his farm that he turned in a work order for, while we were out there we saw these other things, Gallentine does not want anyone to go out there and go home and say Dougan wants to spend a million bucks, that is not accurate.

It was asked where does this drainage district start, where are the headwater located. Gallentine stated this district's headwaters start just north of Hwy 20 about, a half a mile west of HWY 65 and then it continues southeast over by the landfill and it empties out right past the landfill into that creek, whatever the name of that creek is there. Smith stated we will pull up a map of the district for reference, and stated this is the outline of your district here in blue, it goes from the northwest corner of Ellis township and goes to the southeast and ends just southeast of Owasa. Smith stated the lines reference the actual tile, it looks like you have a main there and a couple of laterals and then it turns into the open ditch. Smith stated if you turn on water labels on Beacon it might or might not tell you the name of the creek. Gallentine stated it might be a named creek but he does not know what it is.

It was stated by a landowner that back when this was put in, the top end was full, they put in a new bridge some years ago, on 190th St. Gallentine stated the County Engineer is responsible for putting in bridges, not Gallentine, but the County engineer, it is his understanding that they do a survey to make sure that they are at the right elevation, beyond that he does not know, not sure. It was asked how many acres were in this drainage district. Smith stated 7,085 acres. Gallentine stated almost 7,100 acres, it was asked if there had been any other complaints in this district. Gallentine asked how far back do you want to go. Smith stated she could pull a history of drainage repairs from the files and put those in a letter, but again unfortunately those files are unavailable here, Smith stated we have a district file that will show every repair that was done since the district was created, we can pull that file and create an outline for you that will show every time a repair was made and what the assessment value that was assessed at that time. A landowner mentioned that we had some washouts previously. Gallentine stated if he remembered correctly on the farm to the west a few years ago, we had quite a few washouts, and went in and did some repairs a few

years ago, we went in and did repairs and put in a few new service drains. It was asked, if the ditch was working like it was supposed to other than washing out her or there. Gallentine stated it is actually working differently than most, it is actually eroding so what that means is you have faster flow than most other ditches. A landowner stated it is actually silting in somewhere, so it is building up. It was stated by a landowner that 3 or 4 years ago, we had some huge rains so you you can expect some sloughing off of the ditches when we have those 6" rains in 2 days, it is not going to be perfect, we had two huge years where we are going to do some damage but you can't say for sure that it has done that much damage. Gallentine stated he would agree that the rain and the volume of water contributes to the damage, what Gallentine would not say is that when you have a flat bottom and the bank sloughs off, the channel has somewhere to go around it, when you go down to the point where you have a vee bottom that sloughs off, there is no where for that water to go when it sloughs off, it has to wait until it goes over the top, so the geometrics of your ditch are changing. Gallentine stated yes, weather does contribute especially heavy rainfalls.

A landowner stated that being lower than the grade and being a vee bottom does not bother him, if it was too high and plugging your outlets then that is an issue, like you said earlier, you are not bringing your grade up in those grayed areas, just making it flatter. Gallentine stated everyone just needs to understand that if it is below grade and it is vee bottomed it is going to function different than any other ditch you look at, it is still functioning, it is just different, and the other thing is, this is just a snapshot. Gallentine stated that blue area where it is silted in, Gallentine does not know if that is moving, it is entirely possible that is being moved downstream, maybe it is stuck there, maybe it has been there for 10 years. Gallentine does not know, he is just telling you that is when we went out and surveyed it that is where it is. A landowner stated he is not hearing any of the landowners in the blue area of the map complaining about tile outlets. Gallentine stated he does not know how many landowners we have here in the blue area, and does not know where the tile outlets are in the blue area. A landowner stated there are three of us here. It was stated by a landowner that it is eating at the bank at the outside of the curve. Gallentine stated that would be one of the areas we labeled as a slough area. It was asked if in order to fix it if it needs to be dredged out so it goes back to where it is supposed to, and maybe put in some riprap, but if you do nothing it won't get fixed. Gallentine stated if you do nothing it will just keep eating away, it is just a matter of how fast it is eating it out, this is not a fast action either. A landowner stated we also had a 6" rain in two days, we are going to have rains like that on into the future. Gallentine stated at the end of the day that is why we are having these meetings, it is your drainage, your ditch, your bill. Gilbert stated it was 5 to 15 years ago, west of Buckeye there was a drainage district west of Buckeye, and asked if Gallentine was familiar with that story. Gallentine stated there is a lot of drainage west of Buckeye so please go ahead. Gilbert stated the estimated bills and the actual bills differed largely. Gallentine stated he is assuming the only story you heard is that the actual bills were higher than the estimated bills. Gilbert stated much greater. Gallentine stated you never hear of when the actual bills are less than the estimated bills. Gilbert stated no. Gallentine stated exactly, those do exist just so you know. Gilbert asked if we are any where near that situation. Gallentine stated let me tell you the situation, this is a very rough cost, if people are interested and they order an Engineer's Report, that will have a more detailed cost, at the end of the day you will still have a bid letting and you will get an exact cost from the contractor, if the contractor encounters something nobody expected, good or bad, you can have change orders, so that cost can go up and down. Gallentine stated then at the end you have a Completion Hearing with that final cost, so along the way those costs will be changed and tweaked, but landowners will be informed if they choose to attend the meetings. Hoffman stated material costs, inflation and everything going on around us in society. Gilbert stated some of that project involved some redrawing or rechanneling of the district and asked if there was anything like that being proposed with any of this. Gallentine stated when we get down to the bottom and you have this little wiggle, yes we will straighten that, now if you have the ditch here and 100; over it would be straight, we are not going to move the ditch over, but you will have some straightening down in the bottom of the channel yes. It was stated by a landowner Gilbert may have been talking about moving the tile, not the open ditch. Gilbert stated she was talking about moving the open ditch more. Gallentine stated that one is not ringing a bell, any of those things we would propose to do would be disclosed in that Engineer's Report and at that hearing if it goes that direction. Gallentine stated he knows we don't have a lot of answers for those questions, the Trustees could have said go do the Engineer's Report, and spend \$10,000 to \$20,000 of these folks money, but they didn't want to do that, and said let's have this meeting instead.

A landowner asked do we get to vote whether we get this done or not. Gallentine stated these are your district Trustees, they are the ones who have the final authority, in the meetings Gallentine has been with them in the past, they value your opinions. Smith stated she brought slips of paper for you to write on whether you are interested in moving forward. Hoffman stated we use a democratic process, and has never been to one of these meetings where we have had each landowner vote and not take their recommendation, because Hoffman hopes if he was in your seat and you were in his seat, you would offer him the same courtesy. Gallentine stated he does not want to brag you guys up too much, but other counties don't do this, the Supervisors just kind of listen to you and make their decision, Gallentine thinks this is very decent of them and kind of nice. A landowner asked if a reassessment was done in 1910. Gallentine stated that would have been the original classification, if you redo that, it would be a reclassification. A landowner stated he would love to see you guys do a reclassification also. Gallentine stated he will let the landowners as that, because if Gallentine asks that it looks like he is trying to drum up business and he is not. A landowner stated he would love to see a reclassification, he is not sure if it would save us any money or not, but would still like to see one done. Granzow stated just ask us to do that. The landowner stated like right now just ask you to do one, okay, I am asking you to do one. Granzow stated we can have that on the agenda for next week. Hoffman stated here is what I would like to do with that, Hoffman stated Smith has papers, and loves democracy in process, so here is how it works, if a husband and wife own a parcel together, you get one vote, or a husband and wife that own multiple parcels, you each get one vote, do you understand, nobody can say I have my wife and I, our 6 kids and 6 grand-kids here to stack the deck. Hoffman stated at this point would you please pass out ballots to verify landowners interest.

It was asked if this is yes or no to do a reclassification, and Hoffman stated yes. Granzow stated we are looking at a reclassification would it be possible to separate laterals. Smith stated she had a landowner question for Gallentine is the cost of a reclassification included in the estimate of \$1,000,000. Gallentine stated no reclassification is not included in the estimate, Gallentine stated he heard someone say why don't we just do a show of hands, we have tried that before and they don't want to tell their neighbor what they are thinking and offend someone, so that is why we use paper. Hoffman stated if the reclassification is yes, then we will vote again to ask if you want to separate the laterals from the main, that is an additional layer of equity, that will be the next question depending on the outcome, then we really need to know, even if the reclassification is approved, do you want to just do nothing and just let things go, do you want to have CGA do an Engineer's Report looking at a large scale project or a third option would be, just come in to those certain areas that are silted in and clean those out and just make temporary fixes. Hoffman stated once we get this, we will get to that in a minute. McClellan stated let's just do one at a time. Gallentine asked if he was correct in that this is just a vote on reclassification right now. Hoffman stated yes.

It was asked by a landowner, if we do a reclassification, do you have a surveyor that will go out and redraw the maps or do you use LIDAR and maps. Gallentine stated if you are reclassifying we can go out and do that, we will not go out and survey each tract, if there is something that is questionable it is possible we will survey it but we will get most of that off of LIDAR and the online mapping. Gallentine stated just so you know, he would echo Hoffman's comments, he appreciates your participation, this is a very hard decision to make. Smith stated she had everyone's sheets back and asked should we start tallying, Hoffman stated he thinks so. Smith and Hoffman tallied the votes. Hoffman stated there were 15 YES votes to do a reclassification and 2 NO votes, so Hoffman would entertain a motion to order a reclassification. Granzow asked with laterals being split out. Hoffman stated that would be a second motion.

Motion by Granzow to order a reclassification on Drainage District 48. Second by McClellan.

In additional discussion on the motion, Hoffman stated he would like the minutes to reflect that there were 15 YES votes for reclassification and 2 NO votes, any other discussion. Hoffman stated hearing none he called for the vote.

All ayes. Motion carried.

Hoffman stated next will be whether to include laterals or to separate the laterals. A landowner asked what the benefit was in including the laterals or separating the laterals. Hoffman stated if we separate the laterals only the people that utilize those laterals would be assessed for that part of it. Gallentine stated only those people in the watershed of that lateral will pay for that lateral, now if something happens to a lateral, everyone in the district pays for that whether they use that lateral or not, Granzow stated if an improvement is ever done, it would have to be done anyway. Gallentine stated that is a good point because Code does say if you ever want to improve this district, like let's say somebody says hey, let's move this ditch to 50' wide, you would have to do a separate classification, so if an improvement project ever comes up you would be forced to separate these laterals. Granzow stated the big thing is, you would hear how much money it is here, and it doesn't affect me at all, but you are still paying for it, it doesn't matter if you are on the main or the laterals, so those people in that watershed or lateral would pay, and everyone else is left alone. Gallentine stated it really divvies up the responsibility of what you pay for is more of what you utilize or what you could utilize.

Hoffman stated if you vote yes on this question, in the reclassification, we will separate the laterals from the main. Gallentine stated what this means is the reclassification will have one schedule for the main and one schedule for each of the laterals, so if work is done on that lateral only the people on that lateral will pay. It was asked if they worked on the main who would pay. Gallentine stated if you work on the main, everybody pays on the main's schedule. Hoffman stated so somebody is not paying on something that they do not have direct benefit. It was asked how many laterals there are. Pierce stated there is just one, Lateral 1. Gallentine stated it looks like one or two laterals according to this map, but we would have to do some historical research as well, probably a couple at least. Smith stated there have been some questions, if you have more than one company, one trust, one family parcel that you represent, I should have given you that many slips, if those of you are here representing more than one entity, one partnership, one trust or family plot that is titled in those names, you should have that many slips, so if there is anyone else that needs more slips let Smith know. Gallentine stated if your are representing ABC Corp and XYZ Corp you get one slip for each of them. Hoffman stated that was correct.

Smith and Hoffman tallied the votes. Smith stated there were 22 total votes, 21 YES votes and 1 NO votes. Hoffman stated he would accept a motion to include the separation of the laterals in the reclassification order.

Motion by Granzow to include the separation of the laterals in the reclassification order. Second by McClellan.

Hoffman asked if there was any addition discussion on the motion. Hoffman stated he would like the minutes to reflect that there were 21 YES votes and 1 NO vote. Hoffman stated hearing no additional discussion, he called for the vote.

All ayes. Motion carried.

Gallentine stated just from listening to you folks, he thinks there are probably three options with that map moving forward, which would be get an Engineer's Report and do the full thing or look at it, do nothing, or the third option is in those blue areas on the map where there is silt, just take out the silt, do those three sound like reasonable options to vote on or are there other ideas. Granzow asked what was the original request. Gallentine stated the original request was to fix this one little blow out in my field. It was asked if there was an option where we just don't do anything. Gallentine stated that was the second option, do nothing. It was asked which option just takes the silt out. Gallentine stated that was the third option. It was asked if we take the third option, what happens to the rest of the ditch. Gallentine stated the rest of the ditch would be maintained as it is, if there is another report of a blowout, we will go out and fix it, if anyone reports something larger we look at a large scale project to go out and fix it. Hoffman stated those are the three options you can write 1, 2 or 3 on there. Granzow stated the costs on those options, #1 is \$1,000,000, nothing on #2, and the #3 option would cost what. Gallentine stated give him a moment. It was asked #3 where we take out the silt, at the top end where it is narrow at the bottom, is that taking out silt. Gallentine

stated only the blue areas of the map is where we would take out silt, there is some at the very top, and a little bit where you are, it would just be the blue area, let me see if I can get you a rough idea on cost, Gallentine is not sure if that was separated out on the estimate.

It was asked by a landowner, how is that billed if we do the # 3. Hoffman stated he would hope that we would get the reclassification done, adopt the reclassification, and that would be billed in accordance with the new classification. It was asked until we get the reclassification, should we even vote on this. Gallentine stated it is your call. Hoffman stated yes, and asked how far out do you think the reclassification would be. Gallentine stated it would take 4 to 6 months. Hoffman stated so it would take 4 to 6 months and then finding a contractor to do it. Gallentine stated let's put it like this, if you guys just want to do the blue areas as the 3rd option, the cost is high enough we still have to do an Engineer's Report, we would have to have another meeting and then we would have to have a bid letting so it isn't like the vote today would be final to that, it would just be whether you wanted to do an Engineer's Report going towards that option, just looking at his notes, just to take that silt out, Gallentine thinks you would still be in that \$150,000 to \$250,000 range so you would still need an Engineer's Report, so if you vote for 1 or 3 we are going to need an Engineer's Report. Hoffman stated starting July 1st, the threshold for that moves to \$139,000 so you are still going to need an Engineer's Report, anything over \$139,000 will require an Engineer's Report. Gallentine stated but if nobody is interested there is no sense in paying for an Engineer's Report to do that, why pay for the report if nobody wants to do the project. Hoffman stated an Engineer's Report on just removing the silt Hoffman assumes will be a whole lot less intensive than the whole project. Granzow asked if Gallentine had a guess on costs on option 3. Gallentine stated his guess would be \$150,000 to \$200,000.

It was asked by a landowner if we were to vote on #3, how many years would it be before we ended up doing #1 anyway. Hoffman stated that was a good question. Gallentine stated it all depends on how quick this thing keeps eroding at some point it is going to stabilize itself, and it is going to quit eroding and it will hit that grade, but Gallentine does not know what that grade is, nature is telling us, we are not telling it for those eroded areas. Gallentine stated the nice thing is you are going deeper so you don't have to worry about plugging tile outlets, most ditches they get shallower. It was asked by a landowner, that the map does not show the whole ditch, you are not showing the lower end, Gallentine stated no, because that was the piece that was extended in 1974 or 1975, where we stopped was where the district originally stopped, once we got to the point where that was below the site grade, we didn't go any further east. It was asked by a landowner if the stuff that was downstream was okay. Gallentine stated we haven't looked at it, he would assume that most of it is probably deeper like this is, that would be his guess.

Hoffman and Smith tallied the votes. There were 12 votes for Option #2 do nothing and 10 votes for Option #3 to remove the silt in just the blue areas of the map. Hoffman stated the consensus was to do nothing, as long as the people have spoken that brings Hoffman great joy to Hoffman's heart today and what we can decide to do today is the reclassification, and once that reclassification report is finalized, we will have another meeting and we will come back together and talk about how life is great and grand and then we will rehash all that data and then we will move along. Hoffman stated he has to remind you we have to maintain the facility, and what that means is we have maintain not just the physical pipe and the open ditch as well. Hoffman stated he will be honest with and tell you if things don't get better in one spot or get worse, we may have to do a little bit of cleaning. It was asked by a landowner if Senator Grassley is saying the clean water act will help, is this project available or eligible for any of these funds. Hoffman stated he likes the way this person is thinking, in Hardin County we have two CREP water projects, Steve Perry did one by his place and the Stolees did one over by Radcliffe, so Hoffman thinks it is something worth looking into, and when we have the next meeting, remind Hoffman of the State's engineer on this project. Smith stated it was Mike Bourland. Hoffman stated we could ask Mike Bourland if this will be an option for a clean water project or a CREP wetland. Gallentine stated he would throw this out there, this is clean water money, so that means slowing the water down and doing some kind of treatment, that is why you are seeing a lot of CREP wetlands, they are very big in funding that not necessarily as excited in funding something that send water downstream faster, so just remember the stuff we are talking about is about efficiency, getting water out of this district as fast as we can, they are more interested in retaining water, getting the nutrients out of it and releasing it slowly. It was asked by a landowner if we are talking about silt that might include buffer strips and so forth. Gallentine stated he couldn't agree with you more, those in field practices are great, just saying whenever we talk with those folks, just remember that from their point of view, it is about water

quality, not necessarily making sure your field drains, but if they have money we will sure talk to them. Hoffman stated if it is something you are okay with contacting Mike Bourland and he can get the information months ahead of time and he can get the feasibility study and look at it, if that is what you guys want to look at, then let's look at it.

Granzow stated we had a question brought up about how many years should we revisit or visit this this if people are interested later, or if we feel that someone should report issues, Granzow stated currently it is the landowner's responsibility to document issues. Hoffman asked if there was any interest in contracting with someone to look over this district on an annual basis. Gilbert asked if we are going ahead with the reclassification even if we said do nothing. Hoffman stated correct. Gallentine stated we have already said we will do nothing. Hoffman stated he can guarantee you, he does not have a crystal ball but in 5, 10 or 15 to 20 years, your kids, grand-kids or nephews/nieces are going to have to deal with this, so to bring equity to those kids, grand-kids, nieces/nephews, doing the reclassification now is probably a good thing now to find out where that equity is now for later, you are doing your lineage a favor. It was asked by a landowner, of all the drainage districts the Trustees are involved with, how many have been reclassified, maybe half or 3/4ths. Hoffman stated maybe 10%, we have over 200 districts. Gallentine stated we typically do 2 to 4 a year, and there are 200 districts. Hoffman stated you guys and gals are here today discussing something that most or a lot of people don't even know they are in a drainage district, they don't know they are in one until they get an assessment, Hoffman stated he had to read through his grandmother's diary, who passed away almost 10 years ago, and he read through it because she kept track of things like this, there was never an assessment, so it was one of those things that was odd. Hoffman stated as the other Trustees would tell you, if the legislators wanted to do us a favor they would make this something you would have to disclose on a deed or a title, so when someone is buying it, you would have to disclose I am in a drainage district just like you would have to disclose I have a septic system, because there are some projects going on in the County, where if you wanted to get rich quick, you could sell 40 acres for premium dollars and the new owners would be stuck with possibly upwards of a \$200,000 bill. Smith stated it is possible. Hoffman stated I wouldn't even have to disclose that to you, I could sell you land in a drainage district knowing that there is a big project that just went on and you were going to get a big bill on the next tax cycle. It was asked by a landowner, even though you own the land when the vote was made to say for example do option #1, and six to 18 months for the project to get completed, you would still not be liable for that. Smith stated Iowa law does not require disclosure at the time of sale for the fact that your land is within a drainage district, we do not have to note that, the owner does not have to disclose that nor does the realtor, so you could full well know there is an assessment coming for a work that is in process, and sell before that project is assessed, and that assessment stays with the land, so that next owner will be responsible for that assessment. Gallentine stated the worst example of this was we had a project 5 to 10 years ago where we had an 18" and a 24" tile parallel to each other, they were in bad shape, so we were going to pull them out for 1/2 a mile and put in an open ditch, the place where we were putting them was owned by a little old lady, she was in a nursing home, she didn't attend any of the meetings and low and behold after they approved the project before the construction starts she dies, the farm gets sold, the auctioneer does not disclose this fact, and we show up with a backhoe on a guy who thought he bought this big farm that was wide open and we are going to take and put an open ditch in it for 1/2 a mile. Gallentine stated this is probably the worst example of this, because the Auctioneer is not required to disclose it, and she is not alive any more and her heirs are out of state and they don't care anymore.

It was stated by a landowner that they would still like to see if there is an Engineer or Extension Service come up with a drainage designed buffer strip for this. Gallentine stated those are the folks that would do this. The landowner stated he knows it is not mandatory, but we need advice. Hoffman stated it is a service provided though. Gallentine stated sure. Hoffman stated we don't have those resources but the folks at the Iowa Falls Extension Office and the DNR, we can enlist their help. Smith stated we can ask for some guidance on best practices and distribute that information to you. The landowner stated he thinks that they do a decent job. Hoffman stated he agrees with him, and anything we can do to utilize from the state above and beyond, they may not always give the best advice but it is something to go on. Hoffman stated that Smith can ask for that information. Hoffman asked if there were any additional questions before we adjourn today. A landowner stated that he would like to thank the Trustees for running a quite adequate meeting.

## 6. Possible Action

Action taken today was: Trustees approved a motion order a reclassification of Drainage District 48 and the

Trustees approved a motion to include a separation of the laterals in the reclassification.

7. Other Business

Hoffman asked for any other business for the Trustees. Hearing none, Hoffman stated Smith will be back at the office shortly. Smith stated if you have any questions after the meeting to please stop in or call the Auditor's Office, and she would be happy to answer any questions. The Trustees and Gallentine thanked the landowners for their attendance.

8. Adjourn Meeting

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