

REGULAR DRAINAGE MEETING

Wednesday, July 7, 2021 9:30 AM

This meeting was held electronically and in-person.

7/7/2021 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson BJ Hoffman opened the meeting. Also present were Trustee Renee McClellan; Trustee Lance Granzow; 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 Claims For Payment

Motion by McClellan to approve the claims for payment with pay date of Friday, July 9, 2021. Second by Granzow.

In additional discussion on the motion, Granzow stated he had a phone call on two of the districts that we are approving on claims, Smith stated that was on the agenda as well as the next item, DD 3 and DD 148 were the two districts in question, and those invoices are not in this group of claims for approval today. Granzow stated okay, Hoffman stated they will be separated for discussion in the next item. Smith stated yes.

All ayes. Motion carried.

DD 72 - Open Ditch Brush Spraying \$440.00	Honey Creek Land Improvement, LLC
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DD 94 - Open Ditch Brush Spraying \$220.00	Honey Creek Land Improvement, LLC
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DD 36 WO 312 - ENG SVCS to 6/25/21 RE:Plugged Tile	Clapsaddle-Garber Assoc	\$439.95
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DD 48 - Open Ditch Brush Spraying \$6,050.00	Honey Creek Land Improvement, LLC
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DD 48 WO 274 - ENG SVCS 4/30/21-6/30/21 \$1,148.50	Clapsaddle-Garber Assoc
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DD 56 WO 3 - LEGAL/Easement Review \$366.00	Dentons Davis Brown PC
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DD 56 WO 3 - ENG SVCS 5/28/21-6/25/21 - ROW Acq \$2,451.10	Clapsaddle-Garber Assoc
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DD 70 - Open Ditch Brush Spraying \$220.00	Honey Creek Land Improvement, LLC
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DD 86 WO 252 - ENG SVCS 5/28/21-6/25/21 Reclass	Clapsaddle-Garber Assoc
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\$1,925.45

DD H-F 1 Open Ditch Brush Spraying
\$550.00

Honey Creek Land Improvement, LLC

DD 167 WO 250- ENG SVCS to 6/30/21 LO Mtg
\$806.10

Clapsaddle-Garber Assoc

DD F-H 1 - Open Ditch Brush Spraying
\$1,650.00

Honey Creek Land Improvement, LLC

4. Approve Minutes

Motion by McClellan to approve the minutes of regular Drainage Meeting dated 05/26/2021. Second by Granzow. All ayes. Motion carried.

5. Discuss W Possible Action - Open Ditch Brush Spraying

Smith stated back in October of 2019, when Smith started with the County, we had some beginning discussion at that time moving from B&W Control Specialists who were previous bidders, and the awarded contractor for Open Ditch Brush Spraying, there was some interest at that time to adding some in-county contractor language to our policy. We received a quote from Adam Seward from Honey Creek Land Improvement for Open Ditch spraying, and in the December 4, 2019 meeting that was approved for open ditch brush spraying for the 2020 year, Seward's quote was based off of our list of open ditches which was in our files, this was the same list of ditches quoted by B&W in 2016, and during the discussion between October and December of 2019 we really did not touch on the fact that there were 3 districts included on that list, which would be DD 3, DD 148 and DD 55-2, that were privately managed Trustee districts so here we are now about a year and a half later, and we have received these invoices for the spraying work done. Smith stated at that time of discussion, Smith was not in full understanding that there would need to be a separate approval from these other 3 privately managed districts for open ditch brush spraying based on the quote that the Trustees approved for all of the districts that you control, so Smith needs some clarity from the Trustees on how to handle that, because we have received two invoices for spraying for \$1,100 for DD 148 and one for \$9,350 for DD 3. Smith does not understand in the past how open ditch spraying was handled in previous years. Smith can only go back to 2018 in the Tyler software to see what was paid, and the 2016 quote was when we last had B&W as our sprayer, so Smith is looking for some instruction on how to handle these invoices.

Granzow stated so on these districts, obviously we can't authorize the spraying of them, Granzow believes one of those districts it was authorized prior to them becoming a landowner Trustee district, Hoffman stated so that one would be grand-fathered in, and asked which one that would be, would it be DD 3. Smith stated DD 3 would be the larger of the two invoices, looking further back in the minutes to 2016, if that was on a three year spray cycle, prior to that it would have been in 2013, and Smith can do some investigation as to how those were handled, Smith stated it was unfortunate in the sense that it did not get communicated better to these other districts. Hoffman stated the one concern he has, and Granzow and McClellan can correct him if this was before their time, B&W we come to find out we didn't get any invoices, because they hadn't been doing any of it, Granzow stated back in 2016 was the last time. Granzow stated he can't authorize the paying of it for the one district, the one was authorized. Hoffman asked if we knew which one that was, Smith stated she would have to go back to the minutes and review that. Granzow stated they got converted after we authorized the spraying of that ditch, they could have contacted us and said no we don't want to, Hoffman stated that would be in the record as well, Granzow stated they probably had no clue it was even coming, but the contractor had it in his books, the other two, why they were in the books, you would have to discover how it was done in the past, if you are upset that it was sprayed too in the past, how come it wasn't brought up, the authorization that maybe they gave us the authorization so that maybe they didn't have to, Granzow does not know. Hoffman stated is the easiest thing here today, Hoffman does not want to take the easy way out here, but is the easiest thing today to request the Clerk do more digging and research into this and have her bring it back. Smith stated she could do that, and can communicate to the

other districts that we are researching and trying to review the minutes and history. Hoffman stated right, but the one that is grand-fathered in is because we were in this agreement before they became a private district, Granzow stated he believes that happened before they became a private district and that is the one up in that direction, Smith asked DD 3 or DD 148, Granzow stated the one up in that direction, he believes it was 3, Smith asked south of Iowa Falls. Granzow stated it was the one where they took the district over where we were going to do an open ditch, and they took the district and we canceled the contractor's bids. Hoffman stated we had that group from up by north central Iowa, and we had a really great contractor that came in and gave us a great quote, and when they wanted to cancel it, it wasn't worth the logistical efforts. Granzow stated and then they went to a landowner trustee district, that was an open ditch and he believes that was what we were spraying, that one got converted after the fact. Smith stated she can do some research on that. Hoffman asked if it was amicable to have the Clerk do some research and then bring it back. McClellan stated that would be a good idea. Granzow stated unfortunately they can come to the Trustees meeting as their Trustees, and we can have a conversation about this, this was ordered long before and we didn't cease and desist, it was ordered and we didn't do anything beyond that is his problem, and how do you tell a company they did something wrong when they didn't. Smith stated B&W was our sprayer since 1993 so that 3 year cycle has been in place for a very long time. Granzow stated but this was the district that changed to private Trustee management. Smith stated DD 55-2 Smith has not received an invoice for yet, Granzow stated that can be in question as to why are we even doing it and they are not, because they asked us to. Smith stated she will do some research and bring it back to the Trustees. McClellan stated that sounds good.

Motion by Granzow to have the Clerk do some research on history of spraying in the minutes and bring it back to the Trustees for review on the next agenda. Second by Hoffman.

In additional discussion on the motion, Granzow asked if DD 55-2 we have not gotten an invoice yet. Smith stated that was correct, and asked the Trustees if would like to have Seward hold off on spraying DD 55-2, Granzow stated yes. Hoffman stated when you build your timeline and you find that there are other ones, hold off on those, but if you find in your research that the one that had converted was after we entered the contract, let them know that we are going to pay the contractor. Granzow stated that they would have had to cancel the contractor at that time, it is their responsibility to cease and desist, we were ceased and desist. Hoffman stated they knew the ramifications when they were taking on this district. Granzow stated that they needed to look at that. Hoffman asked for any additional discussion, hearing none, Hoffman called for the vote.

All ayes. Motion carried.

6. Enter Closed Session To Discuss Drainage Clerk Performance Review

Hoffman stated Item number 6 is to enter into closed session for a performance review. Hoffman asked if McClellan would like to hold off until next week when we can do that in person. McClellan stated that is up to Smith on whatever she prefers. Smith stated whatever is more convenient for the Trustees. Granzow stated it is not about convenient, just courteous. Hoffman stated courtesy, if you would rather have her here in person. Smith stated that is fine. Hoffman stated he has Smith's paperwork he will give back the copies until time of review.

7. Other Business

DD 167 - Smith stated she received a request from Larry & June Balvanz, who stopped in yesterday to talk to Smith about their drainage assessment in New Providence. Smith directed Pearce to the DD 167 documents. Granzow stated he spoke with Balvanz yesterday. Hoffman asked if we could get Balvanz on the phone, he would like to talk with Balvanz so that he could request it in a public forum, so that it is not done outside of regular business so that it will not sound well. Smith stated she had copies available of the Balvanz assessments. Hoffman stated he had printed some out as well. Granzow called Balvanz, Balvanz joined the meeting by phone. Granzow stated we would like Balvanz to make his request in person in the meeting. Balvanz asked what he needed to do. Hoffman stated he understands there is a hardship, and he does not want to know anything about that, Hoffman stated so it doesn't look like you called the Trustees behind closed doors, which parcels did you want to the loan program for. Balvanz stated just the big one.

Hoffman stated he is going to read that parcel # off, it is 862003351001. Hoffman asked if the Clerk had that number. Smith stated yes. Hoffman stated that was all he needed. Balvanz thanked the Trustees, Hoffman stated we haven't approved it yet, so at this point, Hoffman has talked to Treasurer Eichmeier, and Granzow has talked to Treasurer Eichmeier, Hoffman would accept a motion from the Trustees granting the request from Larry Balvanz for parcel 862003351001.

Motion by McClellan to approve the Balvanz request for waiver on parcel 862003351001. Second by Granzow.

In additional discussion on the motion, Granzow stated this is something we don't normally do, we shouldn't normally do, in this case we understand, and does not want it broadcast out there that we will do this just because somebody asked, that is not the reason we are doing it, there is more detail into it. Granzow stated to Balvanz, don't run around saying we did this for you just as a favor because you asked. Balvanz stated he would not. Smith stated she would have some paperwork ready for Balvanz tomorrow if he would like to stop in sometime in the next day or so and sign that. Balvanz stated he would.

All ayes. Motion carried.

8. Adjourn Meeting

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