

**REGULAR DRAINAGE MEETING**  
**Wednesday, July 14, 2021 9:30 AM**

**This meeting was held electronically and in-person.**

7/14/2021 - Minutes

1. Open Meeting

Hardin County Drainage Trustee Chairperson BJ Hoffman opened the meeting. Also present were Trustee Renee McClellan; Trustee Lance Granzow; Jolene Pieters, Auditor; Lee Gallentine of Clapsaddle-Garber Associates; Michael Pearce, Network Specialist and Denise Smith, Drainage Clerk.

2. Approve Agenda

Motion by McClellan to approve the agenda. Second by Hoffman. All ayes, motion carried.

3. Approve Minutes

Motion by McClellan to approve the minutes of Drainage Meeting dated 07-07-2021. Second by Hoffman. All ayes. Motion carried.

4. DD 167 - Discuss W Possible Action - 2021 Assessment/Waiver

Smith stated we have a signed copy of the Balvanz request for waiver, Balvanz stopped in last week and signed that and we had it on the agenda today for official approval.

Motion by McClellan to approve the 2021 Drainage Assessment Waiver for Larry and June Balvanz. Second by Hoffman. All ayes. Motion carried.

5. Discuss W Possible Action - Open Ditch Brush Spraying

Smith stated in your packet, you have a copy of a timeline here that goes backwards, you can start at the bottom and work your way up, Smith went through and briefly reviewed the minutes from DD 3 and DD 148 to try to track down where we were at on prior approvals to open ditch brush spraying in those Private Trustee districts. Smith stated, DD 3, the earliest electronic minutes Smith could find in the computer were from Private Trustee elections in 2012, so they have been a private Trustee district for quite awhile. in 2014 we paid a claim for DD 148 for B&W that they sprayed, and we paid \$513.78, it would have been from the 2013 bid cycle. Smith stated the packet that she has is kind of sparse that we had on some of this for the open ditch brush spraying and in 2016 Tina had emailed Wright County regarding joint districts that had open ditches, Tina had some hand written notes on her list of districts, next to DD 3 she had written Gary says yes as of 10/2013. DD 18 which is a private Trustee district is noted as a yes, DD 55 Div 2 was a yes, DD 110 is noted as a no, a couple of days later in that communication, Gallentine had communicated with Schlemme, and she had asked how to find out more information on which districts were labeled as open ditches, when Schlemme noted that B&W spray had their information listed the other ones that Schlemme was asking for help on, and asked if Gallentine had any background information on about those private Trustee districts. Schlemme saw that DD 8 had B&W spray in the past but other landowner districts had spraying done and if not Schlemme would send them an informational letter on it. Smith could not find any copy of a letter sent to private Trustee districts in any correspondence sent between 2016 and 2019. Smith stated Gallentine's recommendation at that time, which was a good one, was that CGA recommends spraying on all open ditches to prevent tree and beaver issues. Smith stated we move on to October of 2016, there was a list of all open ditch locations in the file, that list included DD's 3, 18, 55 Div 2, 118 and

148. In November of 2016 those districts were also included on the bid notices that Schlemme generated and sent out, those private Trustee districts. Smith stated in 2016 those bid awards were awarded, including DD'3 3, 18, 55 Div 2, 118 and 148 to B&W, that bid was awarded for a total of \$118,000, of that \$41,000 were noted as Trustee Districts and \$77,000 were noted as County districts. In January of 2019, in DD 148 there was a Hearing on an Engineer's Report, on improvements to the main open ditch and in discussion at that meeting, the minutes state that Schlemme should let B&W Control know that the drainage district facility extends 400' east of T Ave and to be sure that they are spraying it. Smith stated that is the last reference she has for DD 148 in open ditch brush spraying and they held their elections in June of 2019. Smith stated her issue really comes down to the information in the file for the bid process, that we bid these open ditch spraying districts on was sparse, Schlemme did not have any references to bidding done prior to 2016, Smith could not find record of that. Smith stated she thinks when we bid it, she used the same bid list that Schlemme used in in 2016, so if there was an error in communicating that to Smith, that this was different for private Trustee districts, Smith had simply followed what had been done prior, and that is probably where we have had some miscommunication. Smith thinks there probably needs to be some approval by these districts for the open ditch brush spraying and Smith is open to some instruction in how the Trustees would like her to handle these invoices. Smith apologized, and this was a tough situation. Gallentine asked what districts do we have invoices on. Smith stated she has one on DD 148 for \$1,100 and one for DD 3 for \$9,350. Gallentine stated if you would like his opinion, from before they became private Trustees, the Trustees, you the Supervisors, committed to a contract, that contract was still in effect regardless of who the Trustees were, they should have researched when they became Trustees what they were obligated and bound to do, so in Gallentine's mind DD 148, that is their bill, Gallentine is sure those guys won't like that but they don't care for Gallentine anyway.

McClellan stated they need to be sprayed one way or another. Hoffman stated he would talk to Seward, they need to be brush cut and remove the junk otherwise. Smith stated Seward had noted on his invoices in several districts that we have paid on and there are notes that there are some remaining issues that there are some trees and brush that needs removed. Gallentine stated the big thing is when you brush cut them, you have to treat the stumps or you are going to spread them, depending on what they are, and Gallentine would agree, you go on some of those out there and look around and ask if nothing has been done. Hoffman stated he thinks we should instruct Smith to send the claims to the districts, and let them know that contracts have been entered into before they became private Trustee districts and it is their obligation. Gallentine stated that is for DD 148, for DD 3, that has been a private Trustee district since the 1980's, but Gallentine cannot believe those guys wouldn't want it sprayed. Smith stated that is where she got confused, because on Schlemme's notes in 2016 on the 2016 bid she had noted that Gary in DD 3 said yes, if they sprayed in 2016 and that was changed, and their stance on that changed maybe they could have communicated that to us as well. McClellan asked if this was something that has to be done every year. Smith stated it is on a 3 year cycle. Gallentine stated it rotates. Hoffman stated when we get reports back from Seward or whoever is spraying, that additional stuff is needed, we should probably let the landowners know somehow that hey, this needs to be done, because some of the stuff he assumed B&W may have neglected prior. Gallentine stated he thinks the problem is on a 3 year rotation if you have something that grows pretty aggressively, after 3 years, the best you are going to do is stun it. Hoffman stated yes. Gallentine stated and then B&W just kept doing their thing, Gallentine thinks there was one year that B&W skipped all together didn't they. McClellan stated yes. Gallentine stated they didn't even show up. Smith stated we didn't even have invoices, it was in 2019. McClellan thought it was a different year. Smith stated we awarded to Seward in December of 2019, in October of 2019, you had asked me to look into that and we realized we hadn't had any invoices from B&W. Gallentine stated that is because they didn't show up. McClellan asked if it was this year they said they weren't going to come and they didn't make it. Smith stated it was in 2019. McClellan stated but then Taylor Roll hired for it. Hoffman stated but that was for roadside vegetation, McClellan stated then Roll hired another guy. Hoffman stated they didn't have the manpower and the time to commit to coming down and doing it. Gallentine stated they used to be johnny on the spot and they did a ton of it. McClellan stated so she is thinking of the roadside spraying. Gallentine stated it was interesting. McClellan stated to her it would be that this is part of the maintenance of the district and they are required to do, and if they aren't going to do it, should we be doing it and just charging them to do it she thinks. McClellan stated the only thing is if we include them in our spraying, we don't want to double spray either. Smith stated maybe she can ask for a copy of their minutes in which they elect not to participate in the County wide spraying, maybe Smith can ask them to agenda that in one of their meetings. Hoffman stated some of Seward's other comments is hat some of this stuff is close to tillable, maybe he is surprised that some of these people don't take a little more pride in their property as well, maybe they think it is drainage district so they are not going to go out and spend \$100 in chemical and \$50

in fuel. Gallentine stated the thing is on DD 148, they still have wooden surface drains, and they didn't want to spend money to replace them, they just took boards and made a square tube and replaced the surface drains and they still don't want to pay to replace them. Gallentine stated he would agree, it does not take much on landowner effort to get to take this stuff out long before the district does it.

Motion by McClellan to have the Clerk contact the private Trustees, let them know and send them the invoices. Second by Hoffman. All ayes. Motion carried.

McClellan stated going forward for future years, are we going to include them or leave them out. Smith stated she has it separated now so that all of those private Trustee districts are off of the open ditch brush spraying bid and Smith will send a letter out that indicates prior to our bid process that if you would like to be included, that we need to know that and I will add them back into the list. Hoffman stated maybe give them a hard deadline. Smith stated yes, Hoffman stated it will be cheaper to do it as a bundle than it will be to do it individually. Smith stated she thinks as we look ahead, you will be looking at doing the bid cycle for spraying again in 2022, so if we send a letter out the first of the year and let them know our bid process will begin in April, we need to know if you are going to participate or not. McClellan stated she thinks that is a good idea.

Hoffman left the meeting to bring in Granzow. Gallentine asked if we still record during closed the closed session. Smith stated she records and then the audio of the closed session has to go into a sealed envelope in the vault along with the minutes. Gallentine asked if we would continue with the online portion of the meeting. Hoffman returned and stated you can end the zoom portion of the meeting as we have no participants. Smith stated we do not have anyone else joining us via zoom.

6. Enter Closed Session To Discuss W Possible Action DD 56 ROW Easements

Motion by McClellan to go into closed session to discuss with possible action the DD 56 Right of Way easements as allowed under Code of Iowa Section 21.5 (1) (c). Second by Granzow. Roll call vote as follows: McClellan - Aye; Granzow - Aye; Hoffman - Aye. All ayes. Motion carried and closed session entered at 9:46 AM.

7. Enter Closed Session To Discuss Drainage Clerk Performance Review

Pieters joined the meeting. The meeting remained in Closed Session to discuss the Drainage Clerk Performance Review as allowed under Code of Iowa Section 21.5 (1) (l).

Motion by Granzow to exit Closed Session. Second by McClellan. All ayes. Motion carried. Closed session exited at 10:06 AM.

The Trustees thanked Pieters for joining the meeting.

8. Other Business

9. Adjourn Meeting

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