

REGULAR DRAINAGE MEETING
Wednesday, September 15, 2021 9:30 AM
Large Conference Room

This meeting was held electronically and in-person.

9/15/2021 - 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); Jamie Geissler, Accounts Payable; Michael Pearce, Network Specialist; and Denise Smith, Clerk.

2. Approve Agenda

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

3. Approve Minutes

Motion by Granzow to approve the minutes of regular Drainage Meeting dated 9-9-2021. Second by McClellan. All ayes. Motion carried.

4. DD 56 WO 3 - Discuss W Possible Action - ROW Easements

Gallentine stated they are still working on the right of way easements. Granzow stated he had a question on that one, on one of those easements they just sold the property. Gallentine stated yes we are working through that. Hoffman stated we kind of knew that was coming potentially. Gallentine stated we had potential for that to be coming. Granzow stated okay, and asked this is the person that has the easement, does the easement sell with the property. Gallentine stated yes. Granzow asked if it had been recorded as an easement. Gallentine stated the purchase agreement for the easement was signed before the purchase agreement for the property, so it is effective, our plan is to have both the seller and buyer sign off on the easement. Granzow asked and we don't have that yet. Gallentine stated no, the buyer is from Colorado or Florida. Gallentine stated no, he thought the buyer was from local, the buyer is also going to be the one farming it. Granzow stated that is not what he heard, but could be wrong though. Gallentine stated we could talk after the meeting but does not want to start any rumors, our Right of Way agent talked to the previous owner and has the exact name of the person, that is our plan, the buyer and seller have both sign the easement and then the new tenant, it is Gallentine's understanding who is also the landowner, will get that so much crop damage per acre. Granzow stated okay. Gallentine stated so we are aware of those and are working through them.

5. Discuss W Possible Action - Drainage Utility Permit / Carbon Pipeline Discussion

Hoffman stated he thinks it is probably a good idea to reopen the Drainage Utility Permit and if you want to look at any special considerations that we need to look at adding to the utility permit process. Hoffman knows there is language for wind turbines, maybe we need to look at adding a pipeline addendum. Smith asked if that is something the Trustees would like Attorney Meyer to review or do you want that to go to Attorney Mike Richards. Granzow stated Richards. Smith stated okay. Gallentine stated looking at the Iowa Utility Board policy on private tile he knows that there is no preference to them whether the private tile is above or below their lines, Gallentine stated he would really like to keep pipeline below our tile regardless of depth. Hoffman stated right. Granzow stated he thought that was already in there but maybe that is only for wind. Hoffman stated for their wind facilities. Granzow stated we could change it from wind to any utility. Hoffman stated or just add that separate addendum. Hoffman stated his concern is with we also added the part where we GPS for tracking and stuff. Hoffman stated now that we have engaged, our engineer, who will shoot the location, is that something they will do and provide us. Gallentine stated Code requires, and this

is for private tile, because Code doesn't really provide us what District Tile would be with the Utilities Board, but private tile, both contractors are required to flag it on the edge of the trench with a highly visible flag and that is it.

Hoffman stated something that needs to go into our permitting process is that they need to provide us GPS waypoints, Hoffman does not know what that would look like. Gallentine stated he assumes you would probably treat it like a normal utility, we would go out there and record the GPS. Hoffman stated he wondered if we would need to go out there and look at having an observer there working for the County if there is something we can add to that that they will also be working for the Drainage Districts as well, because when they are there observing, they are observing, if we want to add something on, the waypoints that would probably be something extra that would need to go in a work order for them, but for history, long after the three of us are gone, it would be good to have those records. McClellan asked if that was something we need to pay for ourselves, or would we be able to pass that on to them. Gallentine stated through the Utility Permit process, it all supposed to be the utility owner, Hoffman stated right. Granzow stated our utility process, doesn't really say if it is in the ditch or the field, say you still have to move water regardless. Hoffman stated another thought he had was how many utility permits do they need to get, one for each district or for every crossing. Smith stated we have done multiple districts on one utility permit application in the past, typically we ask to see with the application, we want a copy of their plans and specs for that. Smith stated she thinks you can do multiple districts on one application, it just makes it easier for us to track with one utility permit number. Hoffman stated he just wants to make sure on the language, that we are collecting the data for the waypoints. McClellan stated yes. Gallentine asked for the district facilities. Hoffman stated yes.

Hoffman stated those were just a few of his thoughts, Hoffman thinks we have done really well over the last several years creating a better historical record for those that follow us someday, but this is even more in depth. Gallentine stated he does not know if there are any other regulations but thinks this is something we should maybe task someone. Hoffman asked if Gallentine has anyone in their office that has worked with pipelines a lot, Hoffman is not saying that everyone doesn't have a little bit. Gallentine stated he can check, the problem is that, Hoffman stated Heather Thomas has a little bit, Gallentine stated he does not know how many drainage districts are down there is the problem. Hoffman stated she might be able to correlate something, hey we ran into this, this might be something worth considering adding to a utility permit because of what happened. Gallentine stated talking to Thomas just on the edges of this, the biggest problem down there was topsoil more than tile, but you have a lot different topography in Greene County than in Hardin County. Hoffman stated the other thing that was interesting in the discussion was the 240% up front, their damage claims they pay 240% plus the value of the ground. Gallentine stated plus the value of the ground. Hoffman stated and they are using a different schedule, they are not using a CSR II, Hoffman does not recall the name of it now, but used something different. Gallentine stated it was Iowa Land Sales, but they had CSR II in it. Hoffman asked as a factor. Gallentine stated yes. Hoffman stated as a factor, there is a multiplier, but again that is kind of interesting in that this is a little different than the wind turbines, they just kind of went down and over in that side of the County, this one they had to line things up with the ethanol plant and it puts them in line with railroads, and rivers and wetlands and stuff like that, they are going to battle this isn't going to be an easy thing. Gallentine stated the other thing too is that on the County inspection, it is Gallentine's understanding that is on agricultural lands, so your drainage district if you go through something that is not agricultural, your County section wouldn't cover it. Hoffman stated there are some weird delegated authorities in there. Gallentine stated there is.

McClellan stated they should still pay for it. Gallentine agrees, but your authority as District Trustees extends a lot farther, than your authority does as County Supervisors. McClellan and Granzow agreed. Gallentine stated he can talk to Thomas and see if there are any issues she recalls. and you guys can send it to Mike Richards and see if he has any thoughts. McClellan stated she thinks we should. Smith stated so we have two key points for Mike Richards to look at, your GPS waypoints to collect the data for the DD facilities, and you would like to make sure the pipeline is below DD tile. Smith asked if there was anything else you would like Richards to look at. Hoffman stated before we send this off to Richards let's let Gallentine and Thomas and anyone else at CGA look at it as subject matter experts, once we compile it and then send it to Richards for review. Smith stated okay. Gallentine stated one last comment, Gallentine stated he found it very interesting at the meeting that they are stated if you have a private tile system, we would just as soon relocate it, and we would like to work with you ahead of construction to relocate it. McClellan asked how would you do that. Gallentine stated he thought maybe if you are crossing the end of

a string you could do that but if you have pattern tile how would you do that, Hoffman stated Darwin Miller showed Hoffman his maps, and there is a 30" district tile that goes up along the railroad right there that they will have to traverse or go around. Smith asked if their proposed route would impact any current drainage projects that we have in the works right now. Hoffman stated he didn't think so. Gallentine stated he didn't know, he hadn't looked that close. Smith stated she didn't know if there would have to be any changes made to projects in the queue. Gallentine stated the only thing we have going is DD 56 and that is so deep. Smith stated and DD 3. Granzow stated he did not think about that, if he has a tile outlet in his field and they want to reroute it a parallel that tile, you have at it. Gallentine stated it depends on what their route is. Hoffman stated he thinks to make you feel good about the whole thing, they might just do it. Gallentine stated and they may. Granzow stated and what would I complain about.

Gallentine stated they have Ellingson, that is their contractor and Gallentine does not know where they are out of, or you can hire it done or do it yourself. Hoffman stated after the meeting he talked to Justin and Jake and told them you are going to make more friends along this route, if you reach out to some local contractors, you can reach out to our Drainage Clerk, we have a list, their insurance information, put some money into the local economy, you are going to get a lot better response, they were more than happy to do that, you have some of these contractors that know more things about what is under ground before they even did. Gallentine stated some local contractors will put the landowner at ease just by being there, because it is someone they know. Hoffman stated that is what Justin said, Justin agreed having your local guy come to your door rather than some guy from Lincoln, Nebraska is probably going to set better, they are open to that and we are going to discuss that in coming weeks. Gallentine stated he would talk to Thomas and get back to you with some issues, but now is the time to start especially as far out as they are.

6. Discuss W Possible Action - New Work Order Requests

No new work order requests at this time.

7. DD 3 - Update - Engineer's Report On Repairs & Improvements To Main Tile Of DD 3 & Supplement To Engineer's Report

Smith stated Drainage District 3 met on Monday in a Continuation of their Public Hearing and they approved to move forward with the project on the west side of the railroad tracks replacing 4,745' of the Main tile with an open ditch, and they approved tabling the Supplemental Engineers Report, and any work on the east side of the railroad tracks, they directed CGA to locate the crossings at JJ Avenue and 150th Street and to have CGA look into the NRCS to move the road crossing slightly south so that we would move that road crossing to just one time, CGA will get back to them with the cost of the road crossing and adding one additional landowner crossing on the east side of the railroad tracks, so once we have that information for the Trustees, they will meet again November 1st. Hoffman asked if County Engineer Roll was there this time. Smith stated yes, he participated via zoom. Gallentine stated he was online and had a letter he filed ahead of time. Hoffman stated good, and asked if Granzow had anything else on that. Gallentine stated he spoke with Roll, and he is working on doing some sizing of the culverts because the estimates we got in the culvert section of the report because those are at a little bit of a swag, he is working on what those looking at sizing for what he would want in a road crossing so we can get a better defined cost. Granzow stated he is looking at more straightening of the ditch. Gallentine stated we are looking into if that is possible with the NRCS if they will let us.

8. Other Business

No other business.

9. Adjourn Meeting

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