

REGULAR DRAINAGE MEETING
February 5, 2020 9:30 AM

2/5/2020 - Minutes

1. Open Meeting

Hardin County Drainage District Chairperson, Lance Granzow opened the meeting. Also present were Trustee BJ Hoffman; Landowner Curt Groen; Lee Gallentine of Clapsaddle-Garber Associates; and Drainage Clerk, Denise Smith.

2. Approve Agenda

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

3. Approve Minutes

Motion by Hoffman to approve the minutes to DD 55- DD 55-3 CREP Wetlands Meeting dated 01-22-20 and Regular Drainage Meeting dated 01-29-20. Second by Granzow. Motion carried.

4. DD 86 - Public Hearing On Engineer's Report On Main Tile Repairs To Reconvene

Granzow re-opened the Public Hearing on DD 86. The Trustees had directed Smith to verify date of the last classification for this district. The current classification was done in 1918 for \$\$5,845.25. There was some talk of reclassification in 2003 in the Ryken Study & Report dated December 2003, but the 2004 assessments were based on the original \$5,845.25 classification so the reclassification that was discussed must never have been approved/completed. There was an assessment done in 2018 for DD86 for \$58,750.00 for work done on work orders #150 & #172.

Landowner Randy Jennings had expressed concern in his letter, that the majority of the assessment for this project would have fallen on his parcels, \$15,000 of the estimated \$96,000 costs for this project would be assessed to Jennings. Randy Jennings had objected to the costs, and requested a reclassification. Landowner James Heddens, had requested a less costly option, to possibly include an open ditch option. CGA has submitted a Supplement to the Engineer's Reports on Repairs to the Main Tile DD86. Gallentine stated the cost on the open ditch option is \$81,578.13, which is about \$12,000 less than the partial tree removal, root cutting and tile lining tile cost of \$93,940.63 and full tree removal and partial tile replacement cost of \$93,006.25. Both of those options include full tree removal from Dago Lake up to the outlet.

Gallentine stated that this work order/project began north of Monarch Pond because there was water coming overland and there was a tree there, so they pulled the tree and replaced the outlet. It was discussed at that time, that the trees at Monarch Pond needed to come out, so those trees were removed, there was one tree left with a park bench around it, that the landowner wanted to keep, and the landowner wanted to know why his tree was to come out but other trees within 50' of the tile line were not. There was not an actual complaint on drainage, just on the tree removal being equitable.

Granzow stated the open ditch is along the railroad's property, on which much of the tree growth lies, and a new classification should be done and the expense should be done accordingly, because it will be costly to do anything along railroad property, let alone the difficulty in getting approval to do anything on railroad property. Gallentine stated last assessment was \$58,750.00 for 2 work orders, which involved engineering and construction costs for a small repair to take out trees after it is already plugged, this is \$80-90,000 to take out a larger section and remove trees, it is up to the Trustees on how much they want to spend on preventative maintenance. Granzow stated we should reclassify, as the request was made by Jennings, especially since it has not been classified since 1918, and it may no longer be accurate. A lot of the issues are in the railroads property, so Granzow likes the open ditch option, as it requires less overall maintenance, but that should be reflected in the classification because of the railroads lack of responsibility in keeping tree growth down. Gallentine noted that the recommendations of the Trustees are highly valued by the Classification Committee. Granzow stated he would like to look at reclassification first and then look at work on the project.

Hoffman would prefer to do the reclassification first, and considering the attendance of the DD 86 hearings, with only two letters of communication from landowners, then discuss the project options. Gallentine noted that water is flowing, the water hits the intake where the trees are, boils out of the intake, then goes overland, until it gets to the other side of the railroad tracks, then goes back under, it is flowing but only under pressure, it is not flowing with gravity, and that the Trustees can initiate repairs if needed without a landowner complaint if they so choose.

Hoffman would like to start the reclassification before the tile fails, so it is in place when repairs are needed. Hoffman, asked if we were to do tree removal alone, what would costs be? Gallentine stated without the railroads tree removal, just from their land to downstream, costs may be \$25,000-\$40,000, this would not address the issue in the railroads parcel where the issue with the tile is, but would go from there to Dago Lake. Hoffman, does not want to try to get around breaking a project into several pieces, but we could do the trees and reclassify and then determine down the road if any additional repairs are needed, and the reclassification may put costs to the railroad where they belong and may help the other landowners. Granzow stated that is where we started, and we would need to address the entire problem, and we should begin with the reclassification. Hoffman asked how long railroad permitting would take, Gallentine stated it could take 1 to 3 years for railroad permitting.

Motion to close the public hearing by Granzow. Hoffman seconded. All ayes. Motion carried.

Motion by Granzow to have Drainage Clerk Smith to add these discussion items to next week's regular drainage agenda. Second by Hoffman. All ayes. Motion carried.

5. DD 9 - Discuss W/ Possible Action - ROW Easement

Smith updated the Trustees that the DD 9 right of way easement document had been mailed out to landowner Ron Sailer and his tenant Kevin Vierkandt, via USPS Certified Mail and delivery has been verified. Smith asked the Trustees how they would like to proceed. Gallentine noted that plans and specs are ready, and it would take 4 weeks for bid letting which would hit the first part of March, and would prefer not to do a March, April or May bid letting, but that the project can not move forward until the right of way easement is signed.

Hoffman motioned to have Smith give Sailer and Vierkandt a courteous phone call and see if they have any questions that the Clerk can help them with and to find out a timeline of when it may be signed and submitted. Granzow seconded. All ayes. Motion carried.

6. DD 25 - WO 1 - Discuss W Possible Action - Update Project 6501 RR Crossing

DD 25 - WO 1 - Gallentine provided an update with communication on the amended RR permit we are working on, Gallentine stated that last Friday, the railroad emailed him back and stated "The formal correspondence may be may be signed and processed early next week". Gallentine will provide any new updates as soon as they are received from the railroad. Smith will add it to next week's agenda for possible action if no new updates are forthcoming.

7. DD 25 - Discuss W Possible Action - Crop Damage Claim

DD 25 - The Trustees had received a request for crop damage claim from DD 25 tenant Jason Martin for crop damages done in 2019 during work on the DD 25 crossing project. CGA verified acres of damage as .54 acres of beans and .14 acres of corn. Martin reported 1.5 acres of corn damaged, Smith reached out to Martin for clarification on the discrepancy between CGA's findings of .14 acres and his report of 1.5 acres. Martin reported he has an area near where they have been working next to the railroad tracks that floods out every year to about 3 acres in size, this year he thought the flooded acres looked larger due to the work they were doing so he reported the increased flooded acres. Jason says that the 1.5 acres of corn he reported was his best guesstimate on the size of the additional flooded acres.

Gallentine states CGA reported actual area that the contractor had disturbed, he stated that CGA does not

shoot or report on flooded acres, because they do not have a history of what usually floods out. Gallentine stated the acres of beans reported by Martin matches up with CGA's reported findings pretty close, but the corn is quite a bit off from CGA's findings. Hoffman noted that flooded area can be flooded one day and not two weeks from now, it can be very subjective. Hoffman asked what precedence was, to accept engineer's numbers. Granzow stated we have always paid where we have damaged, but not always areas that have flooded.

Gallentine stated we have been working on this area for 2-3 years now. Hoffman stated he was more likely to accept CGA's findings of actual work disturbance to areas damaged rather than acres for flooding. Granzow stated we know what we damaged, and we must pay on that.

Motion to have Smith review crop insurance prices and tabulate loss damages using CGA totals for acres damaged, and bring back a revised crop loss damage claim for review. Second by Granzow. All ayes. Motion carried.

8. DD H-S 35-1 WO 240 - Discuss W Possible Action - Repair Summary

DD H-S 35-1 - Gallentine stated this work order had been out quite a while, McDowell had been going to do it, they did not get to it, so Adam Seward went out to work on it. It was a simple repair on a wide joint that was previously repaired on single wall tile. Single wall tile was removed and dual wall pipe with concrete collars was installed. After the freeze / thaw cycle there may be some leveling needed in the spring. It was unknown who had done previous repair. If more reports of restricted drainage appear in the area, it may be warranted to conduct a widespread study of the area, but at this time it looks like an isolated repair.

9. DD 36 - WO 268 - Discuss W Possible Action - Investigation Summary

DD 36 - WO 268 - Gallentine stated this had originally been turned in as DD 106 which is a defunct / inactive district. This work order was based on a report from Trustee McClellan, who noted an area of blowout on the shortcut to Hubbard. CGA investigated and it looked like someone had done a repair, if they want more details they could contact the tenant. Granzow stated he is not concerned about it if tile is flowing and we don't have a bill for the work. Landowner Curt Groen noted that area has always flooded, and the parcel just to the east had a lot of private tile installed this fall. Smith asked if this could be reported as complete. Granzow stated it could be marked as complete.

10. DD 154 - WO 277 - Discuss W Possible Action - Investigation Summary

DD 154 - WO 277 - Roger Woolworth turned this in, he is a landowner at the outlet of DD 154, and his biggest complaint was surface water coming upstream from him and flowing across his property, and CGA confirmed that is happening. When CGA was onsite, they noted several trees within 50' of the tile, so it is possible that they can be impacting the tile, it looks like the surface water runs towards the acreage, and not the old creek bank to the north. Downstream of the tile outlet there is a Missouri crossing or a low water crossing that is about 1.2' higher than the flowline of the tile outlet, that it is acting like a dam more than a low water crossing. That doesn't cause more surface water to come his way, but it does cause a continual backup in the tile outlet which could cause more surface water to come his way. The Missouri crossing is outside the district but it is impacting the district tile. After verifying the tile route, CGA recommends that all trees within 50' of the tile be removed and treated to prevent regrowth. CGA also recommends contacting the owner of the Missouri crossing so that it can be reworked and it does free flow, and there is no rodent guard on the outlet, CGA recommends that a rodent guard be installed.

All that said, it may still not alleviate Woolworth's problems with a big enough rain. Gallentine stated while this overland drainage isn't currently a district facility problem unless the district originally constructed this waterway, CGA did not see anything to indicate this on the maps this but could check into it. Granzow stated we could have Roger attend a meeting for an explanation and to answer his questions, because we can reach out to the landowner of the Missouri crossing, but we have no jurisdiction, it would be nice if we can talk with the landowners before we spend money on a project. Gallentine noted that we should send Woolworth a copy of the Engineer's Investigation Report.

Motion by Hoffman to have Smith contact Roger Woolworth to come in for a meeting in the next few weeks to discuss his concerns. Second by Granzow. All ayes. Motion Carried.

11. DD 55-3 Lat 10 - WO 284 Discuss W Possible Action

DD 55-3 Lat 10 - Smith reports that there was an active beaver dam reported by CGA staff working in the area. This was in the same area as previous WO 165, which was repaired in 2017, which included beaver trapping and dam removal at that time. Now there is a dam both north and south of the road, Gallentine noted there is a bend in the open ditch which changes the water velocity and there is an abandoned RR right of way full of trees just north of the road, and it is an inviting area for beavers. Hoffman recommended to send out a trapper to trap beavers, once beavers are removed it can be sent to lottery.

Motion by Hoffman to send out Nuisance Wildlife Control Operator to trap the beavers and report back once beavers are removed. Second by Granzow. All ayes. Motion carried.

12. DD 165 -Discuss W Possible Action - Acknowledge Receipt Of Petition For Private Trustee Management

DD 165 - Smith stated we received a petition for Private Trustee Management from DD 165, Smith stated she pulled the classification to verify that there was a majority of the landowners in the district's signature on the petition. There are 8 landowners in the district, one was the the Chicago Central & Pacific Railroad and one being Etna Township Roads. There were 5 signatures on the petition, establishing a majority of the landowners in the district.

Motion by Hoffman to acknowledge the petition for Private Trustee Election for DD 165 and the verified totals of the canvass of the petition and begin the election process. Second by Granzow. All ayes. Motion carried.

13. Other Business

DD 148 - There were 2 outlet repairs McDowell was going to do that they never got to, one was in DD 165 so that project will have to stop until the election process for DD 165 is over. The other project was on DD 146, and McDowell had bid it at \$10,240 but could not get to it at that time due to wet weather/scheduling, and now he has come back and said he can get to it in March, but his costs have gone up 10% so the cost will increase 10%, Gallentine asked if the Trustees want McDowell to proceed or have it go back to lottery. Granzow stated it should go to lottery. CGA will stop work on the DD 165 project until such time as the Special Election for Private Drainage Trustees has been held. and take DD 146 project to lottery.

DD 56 - Gallentine reports that the reclassification report for DD 56 is ready for review by the Reclassification Committee, which meets next Tuesday, and they are looking at maybe another week or two before reclassification report is ready to present.

DD 1 Gallentine reports that the DD 1 road crossing is ready to start construction within the next couple weeks.

14. Adjourn Meeting

Hoffman moved to adjourn. Granzow seconded. All ayes. Motion carried.