

REGULAR DRAINAGE MEETING
Wednesday, March 11, 2020 9:30 AM

3/11/2020 - Minutes

1. Open Meeting

Hardin County Drainage District Chairperson Lance Granzow opened the meeting. Also present were Trustee BJ Hoffman; Trustee Renee McClellan; Steve McDowell, Contractor; Lee Gallentine of Clapsaddle-Garber Associates; Angela Silvey, Becca Junker, Linn Adams, Taylor Roll, 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 to Regular Drainage Meeting dated 3-4-20. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by McClellan to approve claims for payment with pay date of Friday, March 13, 2020. All ayes. Motion carried.

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| DD 22 - WO 176 & 192 Comb. Prof. Svcs After 1/25/20 to 2/22/20 | Clapsaddle-Garber Assoc | \$ 413.60 |
| DD 22 - WO 176 & 192 Comb. Prof. Svcs After 12-14-19 to 1-25-20 | Clapsaddle-Garber Assoc | \$3,857.40 |
| DD Big Four Lat C - Exp blowouts ditch/outlet w Locate travel labor | Jensen Excavating Inc. | \$ 797.50 |
| DD 22 - WO 176 & 192 Postage Landowners Meeting Postcards | Hardin County Auditor | \$ 7.35 |
| DD 9 - WO 229 Prof Svcs After 8/23/19 - 2/28/20 Plans/Specs | Clapsaddle-Garber Assoc | \$1,254.75 |
| DD 25 - Hardin Co. Drainage Claim for Damages | Jason Martin | \$ 353.49 |
| DD 25 - WO 1 Prof Svcs 1/31/20 to 2/28/20 Contract Admin | Clapsaddle-Garber Assoc | \$1,343.80 |
| DD 25 - WO 1 Prof Svcs After 1/31/20 - 2/28/20 Cont. RR | Clapsaddle-Garber Assoc | \$ 371.45 |
| DD 34 - WO 189 Prof Svcs After 1/03/20 to 2/28/20 | Clapsaddle-Garber Assoc | \$ 217.25 |
| DD 55-3 - WO 224 Prof Svcs After 1/31/20 - 2/28/20 | Clapsaddle-Garber Assoc | \$ 242.00 |
| DD 86 - WO 252 Prof Svcs After 1/31/20 - 2/28/20 Eng Rpts | Clapsaddle-Garber Assoc | \$ 390.00 |
| DD 86 - WO 252 Prof Svcs to 2/28/20 Reclassification Report | Clapsaddle-Garber Assoc | \$ 654.15 |
| DD 124 - Permit 2018-14 Prof Svcs to 2/28/20 Utility Crossing | Clapsaddle-Garber Assoc | \$ 456.40 |
| DD 160- WO 283 Prof Svcs to 2/28/20 Repair to main tile | Clapsaddle-Garber Assoc | \$1,631.75 |
| DD HS 35-1 - Clearing trees 1/2 mile of open ditch | Jensen Excavating Inc. | \$7,500.00 |

5. DD 25 - WO 1 - Discuss W Possible Action - Contractor Update / Change Order

DD 25 WO 1 - Gallentine discussed the change order for the up-size in casing size on the DD 25 project, now that we have the revised permit from the RR, Gallentine gave the Trustees the change order for the change in price to the larger casing. Contractor McDowell requested a time extension for work on this project and the Trustees had previously stated they would like to take contractor time extension requests, month by month, on an as needed basis, so contractor Steve McDowell is here to present an update on work and request a time extension.

McDowell stated they are in the field working on DD 1 project and should be done with that by the end of the week. McDowell had received the change order, with the revised RR permit and it still had the original completion date of April 1, 2020. McDowell stated it would not be possible to meet that April 1, 2020 deadline, due to all of the weather delays, and the delays in waiting on permitting from the RR, as they did not even know when the RR permit would be approved, with wait times possible up to a year. McDowell has scheduled spring work, as he did not know the permit would be approved so quickly. McDowell stated he bid this job as summer work, as they work like crazy before the crops go in and again when the crops come out.

McDowell visited the site on February 28th, and there was water boiling up out of the tile. When they first tried to televisize it in October, the tile was clear full, they fixed their holes, and channeled the other 8" tile that isn't working into the other tile, so it is very full. It must have had an obstruction the first time McDowell dug it up. There is definitely a problem, downstream in the RR right of way.

Gallentine stated that west of the tracks we will replace the tile, under the tracks we will replace the tile, east of the tracks we will televisize to determine the condition of the tile. What they did at the end of fairways, was to go out, dig up and were going to televisize, but the bottom of the two tiles, which is district tile, is still surcharged full of water. That bottom tile swoops pretty close to the railroad right of way, there are some trees in the RR ROW, and this is to the south on the neighbor's ground. Gallentine states we are thinking the tree roots are restricting or plugging the district tile. Gallentine proposes going south to the neighbor's ground, which is owned by Torgeson Farms, and do some potholing to determine where the obstruction really is, and get whatever obstruction is out of there, so we can drain out and then televisize to see if any of the tile needs replaced or not. Originally, work was going to be on Fincham's land, but Gallentine feels we will have to do exploration on Torgeson's land, this is more work than was originally planned for.

McDowell states, we need to first dig and televisize then come up with a plan on how the repair will need to be done. McDowell requests an extension of 3 months, until the end of June. McDowell, hopes to get it started by the end of May, and hopes to possibly have it done by the end of June, and would request an additional month only if necessary. McDowell stated that he needs to get through the spring work he has already scheduled. Granzow stated we postponed the contractor by upsizing the tile and waiting on permitting for the upsized tile. McDowell wants to get it done, and do it the first thing after crops are in. Granzow asks if we would be looking at crop damages if we do postpone the work. Gallentine noted that we will probably end up with some crop damage if we postpone it, however in a typical year, we would not be doing drainage work in February and March, so you would probably end up with crop damage anyway. Granzow inquired about the jack and boring company's schedule, and when McDowell expected them in to work. McDowell stated we have to get the tile up to the bore pit so we can get some drainage in there and as soon as we can get the tile to the pit, we will go in and bore it, and hook it up, then we will go around to the other end, and hook up the top end of the tile. Right now, McDowell stated everything is saturated. Gallentine stated the upper tile is clean and flowing, the bottom tile, which is district tile, is surcharged and under pressure. Gallentine stated he needed guidance from the Trustees as to what time frame they can work with, he can prepare a change order, and present that for a vote. Granzow asked if McDowell was asking for any price changes due to the delayed time frame. Gallentine noted the only price change would be for the change to the upsized tile.

Hoffman motioned to approve the change order to be extended to June 30, 2020. Second by McClellan. All ayes. Motion carried.

Hoffman noted he appreciated McDowell's flexibility in light of a bad weather year last year. Granzow stated he appreciates the update, and although they do not like to give long extensions, he understands that there is more work to do in this project with the larger tile and the poor weather conditions. Gallentine asked if the Trustees were ok with going on to the Torgeson's property to do the work. Granzow stated Smith could send a letter notifying the Torgeson's of the upcoming tile work. McDowell asked for notification when Smith hears back from Torgesons so that he could get a backhoe in there for investigation. Gallentine stated we have the RR permit, which has certain notification requirements. Once our drainage attorney notified the RR of work commencing, CGA was contacted by Railpros, the RR flagging company, and Railpros gave CGA a different requirement than the original permit. Railpros are going to require on-track monitoring, the original permit did not, depending on the depth. Gallentine will reach out to Railpros with a copy of the original permit, he just wanted the Trustees to be aware that we are still dealing with these issues. McDowell stated he did not include any rail monitoring in his bid, because according to the plans, it was not required, only flagging was needed. Gallentine stated, according to the permit, if it was shallower than 10', you had to rail monitor, the one that Railpros sent, states if it is shallower than 15' or 20' you have to rail monitor. Gallentine states we are working on getting clarification.

DD 1, 78, 128 - A new Drainage Utility Permit application was submitted from Alliant Energy, they will install new 25,000 volt, underground electric system, consisting of 1-phase & 3 Phase #1AL cable and 2" x 4" duct by means of plowing and boring along and crossing under Co Hwy S55 & D35 in public ROW. This project runs through 3 drainage districts, through DD 78, DD 1 and DD 128, the map shows the proposed area of work from Co Hwy D35 south to Co Hwy D41, running alongside Co Hwy S55, work will be plowed and bored in. We have some district tile in that area, Smith asked the utility to file a Drainage Utility Permit application.

Motion by Hoffman to approve Drainage Utility Permit 2020-4. Second by McClellan. All ayes. Motion carried.

7. DD 100 WO 248 - Discuss W Possible Action - Repair Summary

DD 100 - WO 248 - Gallentine stated this was a blowout reported by Denny Balvanz. It was a simple blowout, with no issues when we went out to repair it. The blowout repair was fairly close to the outlet, and the outlet does have some issues. The outlet is east of the blowout with a headwall, the headwall has a 12" rusty cmp pipe that goes through the concrete headwall. Gallentine noted it needs some grading around the concrete headwall, water is flowing around the headwall, instead of over the top of it. There are also some small trees growing around it. CGA recommends a new outlet be installed, try to salvage the headwall itself, CGA does not think the headwall is in danger of collapse, put a rodent guard on it, remove the trees and treat the stumps, regrade around the headwall to make sure it drains and then put some stone revetment around it, with estimated construction costs of \$10,000 to \$20,000. Gallentine notes it is flowing, it is not impeding drainage at this time, this would be a preventative maintenance. Hoffman stated it will not get better over time, it will only get worse. Granzow asked who's property this lies on. Gallentine stated it was on Dennis Balvanz's land. Granzow stated before we make a motion on this, would a letter to Balvanz be as effective, as Balvanz could go out and cut the trees and treat them himself.

Gallentine stated trees are just terrible on tile, headwalls, and revetments. McClellan asked if Balvanz's original complaint mentioned the headwall. Granzow stated he would send a letter to Balvanz, with CGA 's recommendations and asking if he could take care of the trees, otherwise we will come in as a district and take them out. Gallentine stated if it only needed stone revetment, he would not mention it, but with the trees in place he felt he should mention it.

Hoffman motioned to direct Gallentine to contact Mr. Balvanz and see if he could take care of the issues, and if we need to we can go to contractor lottery. Second by McClellan. All ayes. Motion Carried.

8. DD 118-232D2 WO 281 - Discuss W Possible Action - Investigation Summary

DD 118 - 232D2 WO 281 - Gallentine stated that this work order was turned in for a joint district with Hamilton County. There were a couple of issues reported, when CGA investigated they found that there is a road culvert that goes underneath AA Ave. that is plugged, but that is not a district facility, it would be a secondary roads issue and Gallentine recommends we direct secondary roads address this. The second issue is there are some blowouts and sinkholes that appear to be on the 2C branch and the main tile, one of the them is west of AA Ave. and one is south of D25. CGA recommends digging them up, with the lottery system, and see what the cause is.

Hoffman motioned to assign the work order to the lottery system, and have Smith direct secondary roads to their issue. Second by McClellan. All ayes. Motion carried.

9. DD 119 WO 249 - Discuss W Possible Action - Investigation Summary

DD 119 WO 249 - This WO was up by Ackley, and a 6' to 8' sinkhole was reported by James Willems. It is located in a waterway and was a pretty straightforward issue. Gallentine stated the tile was bad, that going upstream and downstream the top of the tile appeared to be cracked pretty significantly. CGA recommends that if we are notified of issues in the area again, we may need to look at this as a larger scale issue, but for now he recommends letting it sit to see if we get any more reports of problems. Gallentine noted it was in a waterway and he was unsure if the site was seeded as work was completed in December and with weather, it was difficult to tell if the contractor had seeded the area.

Granzow stated the tile has been repaired, and the landowner may seed it himself. Gallentine did not want to hold up the work order for lack of seeding in winter. Hoffman states we should let it sit for the time being. It was agreed by the Trustees, no motion was needed at this time.

10. DD H-F 2 - WO 286 - Discuss W/ Possible Action

DD H-F 2 - WO 286 - Smith states that landowner Landon Aldinger came in and reported that the tile is not draining as it should, and has had standing water at odd times of the year and excessive water this past season unlike years past. Landon included a crop yield map, and is requesting investigation. Smith references the crop yield image and states without a defined or specific claim on a blowout or sinkhole, it was unclear to Smith whether it needs a repair or not, so the work order was written for the Trustees to review the reported issue. Smith referenced the map, showing that the field is located on the Hardin-Franklin County border, and notes the tile line mimics the shaded area of lower yield on Aldinger's crop yield image. Smith stated Franklin is the control county, we write the work orders as the parcel lies within Hardin County. We then send on all invoices for payment to Franklin County. Franklin County requests that the landowner or requestor signs a waiver prior to any investigation or work being done, the waiver states that if the issues found in investigation are not district tile, but private tile, that the landowner agrees to pay all costs of the investigation. Smith stated that this form is not something we use in Hardin County, and so has brought it for review to the Trustees.

Granzow states that Landon Aldinger needs to see the waiver, and understand that this is Franklin County controlled, not Hardin's, and that it was wet everywhere this last year. Granzow states without a specific area of complaint on the tile line, where would we investigate. Gallentine stated the only thing you could do would be to go in and start potholing the tile, and check for differential flow, or televise, neither of which are inexpensive. Granzow stated that before we do anything with the work order, it would be nice to have Landon come in to a meeting and understand all of these things before any investigation is done. Gallentine asked if the waiver form came from Aldinger or Franklin County. Smith stated she received the waiver from Franklin County, as she had called them to determine which county should write the work order, as she has not processed many work orders in joint districts yet. Granzow stated he is not comfortable moving forward with the work order, if Aldinger does not understand the work will be done at his expense. Gallentine stated without a specific area to look for a sinkhole, it would take more investigation, Granzow states it would be Aldinger bill then.

Motion by McClellan to have Drainage Clerk Smith reach out to Landon Aldinger and make him aware of the waiver. Second by Hoffman. All ayes. Motion carried.

Smith stated she will reach out to Aldinger and if he wants to proceed with the work order, she will bring it back on the agenda.

11. DD 1 & DD 25 - Discuss W Possible Action - Claims For Crop Damages

DD 1 & DD 25 - Smith stated there are two claims that were filed for crop damages, one by David Fincham and one by Clifford Kitzman. David Fincham is on DD 25 on the east side of the tracks, Fincham turned in a claim for crop damages for last year, crop year 2019, Fincham reported 3 acres being disturbed, when CGA went out to investigate, they verified .76 acres were damaged. It was requested by Fincham, that payment be split between David Fincham and Alvin Clark (tenant). Hoffman acknowledges the request be split between Fincham and Clark. Gallentine stated he was unsure if Fincham had a larger area that was drowned out, but CGA's images verify .76 acres of actual damage.

Motion by Hoffman to approve the CGA's verified total acres of .76 acres, and authorize payment of the claim at that .76 acre rate. Second by McClellan. All ayes. Motion carried.

The claim for Clifford Kitzman was discussed. Gallentine stated that this damage claim is from DD 1 where contractor McDowell is working right now. Gallentine states that Kitzman claims 2 acres of damage, from contractors accessing the worksite through the field which would amount to 67' wide into the field from the fence row. Gallentine stated that when the contractor was in the field, they tried to hug the fence, and he believes a measure of 20' wide would be more accurate than what Kitzman reports. Gallentine spoke with McDowell before the meeting, to make sure they had hugged the fence, McDowell reported the field got a bit greasy, so they had to make a second pass, so we might be wider than the 20', but does not think they took up a width of 67' at all.

CGA had verified a total of .6 acres at a 20' wide strip the length of the field. Gallentine referenced the photos from CGA taken during construction, Gallentine noted these images are from the first few trips in the field, and CGA did not get images of later trips when the contractor started going wider. Gallentine stated when they combine, they tried to hug the fence as much as possible when combining.

Hoffman asked about Kitzman's original claim, as Kitzman is asking for \$250.00 in other damages in addition to the crop damage for having to haul everything across the field to west drive to load out, and when Hoffman reviews what CGA calculated, he asks if that would be an area of contention. Gallentine stated he did not know if the Trustee's had paid a claim on an inconvenience fee before, he went on that the east driveway was open, but he was unsure if you could swing a semi truck in the drive because of equipment and supplies stacked to either side of the entrance. Gallentine stated he was unsure if Kitzman was entitled to the whole 67' feet of damage and the \$250.00, that was up to the Trustees. Granzow stated he had a hard time paying the \$250.00 if Kitzman just had to use another driveway, if it was a detour of miles away, he could understand it better. Gallentine stated it was a driveway on the other side of the field, on the west, that Kitzman used. Granzow stated this tile repair is to benefit the field Kitzman custom farms, we fixed the broken tile in his field so that he can continue to farm it. Granzow stated he understands the crop damage, but does not want to pay for an inconvenience.

Hoffman motioned to have CGA recalculate the acres damaged using a width of 45' wide in the field, and resubmit an adjusted crop damage form in the next meeting. Second by McClellan. All ayes. Motion carried.

12. DD 55-3 Lat 10 - WO 284 - Discuss W Possible Action - Update On Beaver Dam

DD 55-3 Lat 10 - WO 284 Smith stated that trapper Brad Mohr, reports that the beavers were trapped out of the dam site this fall by a local trapper, who reports trapping 5 beaver out of the site. Brad Mohr observed the site over a period of a couple of weeks, and reports no signs of activity or occupation of the dam site. Smith inquired if the Trustees would like to have a contractor go out and remove the dam and debris. Taylor Roll suggests equipment will be needed to remove it, as it is large and has debris on both sides of the road.

Motion by Hoffman to have the beaver dam removal assigned to the lottery system for immediate removal. Second by McClellan. All ayes motion carried.

13. Discuss W Possible Action -Wind Turbine Ordinance And Drainage Utility Permit Language & Process

Smith stated she has reached out to attorney Mike Richards to see if he can attend the DD 143 and DD 56 Hearings as well as a work session on the drainage utility permit process. Richards is working on rearranging his schedule to attend the DD 143 hearing and proposed work session, but will not be able to attend the DD 56 hearing in person, but may be available by phone. Smith will provide Trustees with an update from Richards as soon as one is available.

14. Other Business

Smith provided an update from Heather Thomas on DD 22, Thomas stated Gehrke did not end up working last week on overflow connections due to wet weather, Gehrke is planning on waiting a bit longer to start work and will try to address both some punch list items and the overflow connections.

15. Adjourn Meeting

Motion by McClellan to adjourn. Second by Hoffman. Motion carried.