

REGULAR DRAINAGE MEETING
Wednesday, April 15, 2020
Large Conference Room
This meeting will was held electronically due to Covid-19 concerns.

4/15/2020 - Minutes

1. Open Meeting

Hardin County Chairperson Lance Granzow opened the meeting. Also present were Trustee Renee McClellan; Trustee BJ Hoffman; Landowners Alvin Clark, Linda Torgeson, Robert Lee, David Fincham, Denny Friest, Brent Torgeson, Leland Coburn, Vince Carson; Lee Gallentine of Clapsaddle-Garber Associates (CGA); 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 Drainage Meeting dated 3-25-20, DD 9 Bid Letting dated 3-25-20, DD 165 Canvass dated 3-30-20, DD 56 Rcls and Eng Rpts Hearing Minutes dated 4-1-20, Drainage Minutes dated 4-1-20, Drainage Minutes dated 4-8-20, DD 102 Landowners Meeting dated 9-4-19. Second by Hoffman. All ayes. Motion carried.

4. DD 25 - WO 01- Discuss W Possible Action - Landowner Input

DD 25 - WO 1 - Landowners were invited to participate in this meeting to discuss the proposed change to the DD 25 Lateral 3 Outlet tile route. Gallentine discussed the history of the current route, in which a 1974 repair was made. Gallentine referenced the light blue line on the map in Torgeson's property, which is the deeper main tile, it switches to the route shown in dark blue, and the the tile enters the railroad's right of way (ROW), and is plugged with tree roots. In 1974, the tile was rerouted, shown in orange on the map. In 1974, they did not realize there were 2 tiles in the area, and they did a reroute along the orange line, instead of hooking up to the deeper district tile, they ended up hooking into the shallower private tile. As of right now there is no outlet that isn't plugged for the deeper district tile, it is still trying to go along the blue line route which is plugged with tree roots and has been for the last 40+ years. Gallentine stated the option we are proposing is that we install a new outlet for the deeper district tile (black line on the map), it would involve 1,300' of pipe, assuming the bid price of \$38 per foot, this is an additional \$49,400, this is an approximate using the bid price. CGA has not gone back out to the site, it was previously stated there was hill there, and was not sure if this would involve deeper digging or not.

Granzow asked for questions. McClellan commented that she likes this idea because it keeps us out of the railroad ROW, and we would not need railroad permission and involved time constraints to work on the tile in the future, and stated we would like to hear from landowners. Brian Torgeson asked once you bore under the RR tracks perpendicular, are you going to start there or wait until you get down to the Torgeson/Fincham fence line and then start with the new 12" tile. Gallentine stated that assuming the existing 12" tile in Fincham's is ok, and the reason that it has always been full of water is that it has no outlet, we would start a few hundred feet north of Torgeson's fence in Fincham's property and then into Torgeson's property. Torgeson asked if it would be laid on the east side or the west side of the tile that was installed in 1974. Gallentine stated we planned on the east side to stay away from the RR tracks. Torgeson stated he is planning on having commercial sweet corn on the property, that will be harvested in August, and knows that we would like to get this done but it is another 4 months to wait to lay the tile, and it would save on crop damages, although it's not a lot. Gallentine appreciated Torgeson's comments. Alvin Clark noted he would like to have his crop out by the first of November.

Denny Friest asked, about the green perpendicular line crossing the RR tracks on the map, that is the one

we agreed on at the last meeting, which will combine both lines into one crossing. Gallentine stated on each side of the green perpendicular line, both lines would be connected together into one point of crossing. It was asked if the original 12" tile can be used 300' to the north of Torgeson's fence, Gallentine stated we don't know that for certain as we have not been able to televise it, but hopes we can use the tile. It was stated it was unclear if it would work as it has not been cleaned out in so long, Gallentine hopes the tile can be flushed out, until we get an outlet where it can drain out, we have no way of knowing. Clark asked if the branches that come into that tile will be replaced if we have to destroy that tile and come all the way back to the RR, will the branches and the old county tile get hooked back into this new tile. Gallentine asked for clarification if Clark was talking north of Torgeson's. Clark stated yes, that there are branches that are hooked into that old county tile and are not reconnected to the new tile, they will be discarded. Gallentine stated the plan is to provide an outlet for that older deeper tile, on the north end in Fincham's property is where we would connect to that light blue line, and the deeper District tile. Clark stated the original bid was around \$200,000 which included outletting new 12" tile on the Fincham place and new 12" tile on the Coburn farm and going under the RR. Gallentine stated yes, that would be correct, if the tile on the Fincham property ends up being ok, there would be some cost savings there by not having to put all new tile on the Fincham property, but didn't want to count on it. Clark asked if we are originally planning on putting new tile in from underneath the RR to the Torgeson farm anyway, and some on the Coburn side, that would take care of a lot of that 1,300' of new tile that you are putting in down to the 18" crossing. Gallentine stated we will have to put some on Coburn side, and yes if we don't have to put any on the Fincham side, that would help alleviate some of those costs. Clark asked what the total estimated cost of the project would be now, Gallentine stated that we did not come up with a total estimated cost because we don't want to assume that we don't need that tile on Fincham's because we have been unable to televise it, and does not want to make any assurances until we can televise it and know what we are dealing with. Clark asked how many landowners would pay for this project. Gallentine stated the entire district would share the cost on this project, because Lateral 3 has never been separated out, so it would be assessed to everyone in the district.

Clark asked if there was any chance this could be done real soon. Gallentine stated the last time he talked to Steve McDowell, McDowell was thinking of beginning work in May/June, Clark asked if they expected a lot of crop damage, Gallentine stated there will be some crop damage with this project. Brent Torgeson asked if we would be able to plow in/knife in the 12" tile or would be able to track-hoe everything in with gravel. Gallentine stated as this project was bid in concrete pipe, it will not be trenched in, it will be back-hoed in. Torgeson asked if this would be bell tile with a solid seal. Gallentine stated it will be bell and spigot tile with a sealant on the bottom 3/4 of the tile and fabric over the top of it so that it allows some infiltration.

Granzow asked for other questions. Clark asked if that was a requirement instead of using double wall plastic tile, Gallentine stated we bid it both ways, as concrete and as double wall plastic with rock bedding per the manufacturer's recommendation, and there may have been some cost savings with plastic, but it was not significant. David Fincham would like a ball park idea of what project costs are so the landowners can plan for it. Fincham stated he hoped they were treated more fairly on damages than his recent claim for last fall's damages, to say we only had 3/4 of an acre damaged was not accurate at all. Fincham stated we had 14 holes dug and the contractors went back and forth from the north end to the south end, and 3/4 of an acre of damage was not fair. Granzow asked for Gallentine's recollection on the pot holes and the 3/4 acre determination. Gallentine stated this was similar to the west side of the tracks, the 3/4 of an acre was the area of the potholes that CGA shot when the contractor was in the field. Fincham stated that estimate of 3/4 of an acre did not take into account any of the driving back and forth between potholes, on the west end of the farm there was very little left of the beans that they could get out. Granzow stated that we need to review the claim, as the 3/4 of an acre that we based our decision on was the area of the potholes, and the driving back and forth we did not take into consideration. Fincham thanked the Trustees, and was appreciative of their response. Granzow stated it helps when we can hear the whole story behind the claims firsthand. Fincham stated this information was shared with the clerk along with photographs, Fincham stated he wished he would have gotten photos of how much the beans were trampled, but didn't think about photos until he had combined. Fincham stated they were more than holes, they were little trenches, not like a small hole. McClellan stated that may have been part of the problem, that the photos were taken after harvest, Fincham did explain that. Granzow stated Smith is good at explaining, so this is on our end, and we will revisit the claim.

Coburn stated he had quite an area drowned out on his farm, and asked if there would be a reimbursement

for that. McClellan asked if he turned in a claim. Coburn stated he was unsure if his tenant had filed a claim. Gallentine stated Coburn's tenant was Jason Martin, and yes he had filed a claim. Smith stated that Martin's claim was filed, reviewed and paid.

Granzow stated that everyone wanted to know about a dollar amount and there was an amount of \$49,400 provided for the tile route change, but there could be cost savings. Gallentine stated there could be cost savings if we don't have to use as much tile as planned on Fincham's property. Granzow asked as we move forward, is there anyone against this proposal. Fincham stated he is not against it, but it would be nice to have some solid numbers, as he feels if he says yes, it is like signing a blank check. Granzow stated we are not reclassifying this district, and numbers can be plugged in and Smith can share estimates, although we don't know if there will be a cost savings, so those estimates may get you pretty close. Smith stated if any of the landowners would like to call in after the meeting, she can share those numbers with the landowners. Gallentine stated that looking at McDowell's bid, we had planned on the Fincham property to replace 1,060' of tile, so if we don't install anything on Fincham's other than this proposed 1,300' of tile, we are only looking at adding a couple extra hundred feet of tile to the project, but we won't know that for sure that we won't use some of that 1,060' on Fincham's.

Coburn asked how many feet were to be replaced on his farm. Gallentine stated Coburn's property was on the west side of the tracks, and we are looking at replacing 780' on Coburn's property. Clark asked if Coburn's tile replacement was figured in to this \$49,400, Gallentine stated no, tile on Coburn's property was figured into the original bid. Gallentine stated this \$49,400 is for the black line on the map which takes you from the main on Torgeson's property and parallels the 1974 replacement and goes a few hundred feet up into Fincham's and connects on. Clark asked if it goes clear back to the railroad. Gallentine stated no, that was the 1,060' that was east of the tracks. Clark asked that on Leland Coburn's side that this would mean working with both the red and blue tile shown on the map. Gallentine stated he does not know how far that the private tile goes up into Coburn's property, but if this proposal moves forward, both of those tile would be connected all the way from Coburn's property down to the main, whereas now only one is connected to the main and that is the shallower private tile which is flowing, not the deeper district tile. Clark asked if both district and private tile would be tied into the bore that goes under the railroad. Gallentine stated they are but the problem is the deeper tile does not have an outlet. Clark stated he understands that and is asking if both tile will be hooked up on both sides of the railroad track so that both will continue to work. Gallentine stated yes, those will both be connected whether this proposal moves forward or not.

Clark asked if we hook both of these tiles up to the new tile what good is the cement tile going onto Torgeson's property. Gallentine stated when we originally talked about putting in one crossing we were not aware of this issue in Torgeson's, so we are just looking at what will be decided today. Clark stated he assumed you would leave the private tile hooked to the cement tile so we get a little more drainage from the tile that goes under the RR by having two tiles that go on for aways. Gallentine clarified if this moves forward, we would not touch the private tile (red line), we would still leave that hooked up and it would outlet all the way to the main, we are just talking about when we hook together that would just be on the east and west side of the railroad tracks. Calvin stated when you hook in the private tile on Coburn's side it would create a new fall, that water will also have to go down the new 12" at a depth that is going to have to be at a depth to go under the RR. Gallentine stated yes it will down the new 12" as long as there is capacity, but once the new 12" fills up then it can back up and go into the shallower private tile and use either of them. Clark stated so it will have some fall back with pressure relief so it will go down the original 1974 tile. Gallentine stated yes, it can do that on the east side of the tracks, it will equalize. It was asked how far the new tile would run east of the RR property. Gallentine stated at the south end we are probably a couple hundred feet away from the RR property, up at the north end where we tie on in Fincham's property, where we tie on to the existing district tile, we are probably 50' or less where the tile already is. Clark stated if you could stay relatively close to the RR property not too far east, you would miss all those tile otherwise you will get the private tile and county tile different places all the way across. Gallentine stated the way it is set up we shouldn't the county tile at all, but as far as private tile, it is possible we will hit them, as we are unsure where they are all at. Clark stated when they fixed the other two spots they missed, the contractor told him the private tile was a 12" and he thought the private tile were all 10". Gallentine stated they vary whether you are on the east side or west side of the tracks. but by the time you get to the east side of the track they are both 12".

Granzow asked if there were any other questions. None were presented. Granzow asked if anyone objected

to moving ahead with the proposal. Clark stated it needs to be done if it is done right, Granzow agreed. Gallentine stated there would need to be an official change order presented, he just needs direction if that change order needs drawn up.

Motion by McClellan to approve CGA to draw up the change order with the contractor. Second by Hoffman. All ayes. Motion carried. Granzow stated that should anyone have any comments, please email them to Drainage Clerk Smith, or call them in. Smith stated she will ensure they are shared with the Trustees. The Trustees thanked the attendees for their participation.

5. DD 102 - Discuss W Possible Action - Wetland Project #HAR862018C Rock Alternative Bid Feedback

DD 102- Smith stated that the the Trustees had directed CGA and Smith to come back with more information on the depth of the rock bedding on the alternate bid. Smith provided an illustration from Mike Bourland that explains the additional Rock Bedding, and Bourland's comment to Gallentine was that it would be up to the spring line, Smith asked Gallentine to clarify. Gallentine stated that in speaking with Bourland, Bourland indicated the rock bedding would be up to the spring line which is midway up the pipe, so at least 4" up to the halfway point on the pipe. Granzow stated as Steve Perry pointed out last week, that is a lot of money for not a lot of bedding. Gallentine stated Perry pointed out that it was just under the pipe, and Gallentine was unaware if Perry knew it went halfway up the pipe also.

Smith stated that in last week's meeting, today we are to discuss the depth of the rock bedding and whether the rock bedding would be billed on the current classification or a reclassification. Smith reviewed the minutes from the last DD 102 Landowner's meeting, and in that meeting it was discussed that the reclassification would be done after the project is complete, so that we can determine how the laterals are functioning and if we want to change the status of the laterals or the main, and we wanted to see how the project performed before we did the reclassification. Granzow stated the results of the landowner survey were in favor of the rock, the question was it going to be worth it for the dollar amount. McClellan stated that there was no traffic over the tile, and it was a deeper cut, and if it was necessary for the dollar amount bid. Gallentine stated he did not think we would know that until they get into construction, and see what soil types they encounter, we have had areas where there is no traffic but complete junk soil where you really need rock. Gallentine stated in areas that are traveled on and have really decent soils and you can get by without rock.

McClellan asked if soil type would determine how far up the pipe the rock depth would need to be. Gallentine stated per Bourland, the rock is going halfway up the pipe, no matter what if you choose the alternative. Granzow stated perhaps we elect to not use the rock bedding unless needed according to the soil types. Gallentine stated he was not sure how much observation time IDLAS will have in the field. Smith stated in the DD 102 Landowner Meeting minutes, Bourland stated they would have observation from WHKS during project construction as well. Gallentine stated it was unclear if that was all day observation or to stop in once a day for an hour. Granzow proposed that they would contact our Drainage Engineer as well so that they can get out in the field and determine soil types and explain to us if they need rock bedding or not, as this is a tough answer to say yes, spend \$28,000, but hates to say no if it is needed. Gallentine asked the tally on returned postcards from landowners, Smith sent out 23 postcards with 13 yes replies, one phone in yes from Steve Perry and 2 no replies were received, which was a good response. Granzow stated Perry had legitimate questions as to what we are saying yes to, so really we could consider it 13 yes votes and 3 no votes. Granzow stated if we are doing the rock bedding before the reclassification, a large portion of this \$28,000 is Steve Perry's cost, and Perry was concerned about as deep as the cut is do we really need it. Granzow stated it looks like the soil type will determine if we really need it. Gallentine stated we are getting back to those things that lawsuits can be based off of, do we want to put it into a municipal standard or an agricultural standard, or something less.

Hoffman stated he would like to stay with the precedence that we go with the popular vote, and know the costs will go to one land owner more so than the others. Hoffman agrees with Gallentine that we really don't know what we are going to get into until we get out there either, and is somewhat torn on this. McClellan agreed in being torn, and agreed that she liked having our engineer out there but knows that also increases the cost, and it is unfortunate that Perry's would bear the larger part of the costs. Gallentine stated although the Perry's are a large landowner in the district, Gallentine does not know how they would fair after a reclassification, as he has not looked at that yet. Granzow asked if the bill came in before the

reclassification. Smith stated from the DD 102 landowner meeting minutes in September, the majority of the costs would all be paid by the state, who would then send a 28E agreement to the County, the County would pay the state back for whatever the extra amount for the rock would be, and that amount would be paid by the landowners based upon the classification schedule. Smith stated the bulk of the project would be paid for by the state, the only thing the landowners would have to pay for would be the reclassification, which is something they would have to pay for regardless of this project, and the rock bedding, the rest of the project costs are paid for by the State. Gallentine stated the Trustees are somewhat in charge of that as the Trustees are the ones who order the reclassification, so if they order it and request it be done before the bill shows up, then the costs for rock would be under the new classification schedule, if we wait until after the bill shows up, the costs would be on the old classification schedule.

Granzow stated as he said the previous week, he believes it should be the new classification, because when we get done reclassifying, he does not even know what the main will be anymore. Granzow stated who is tied to the main and who is tied to laterals. Gallentine stated the wetland in the middle will act as a buffer and we may end up having separate districts and whole different classifications. Granzow stated he thinks we need to do that as we are changing this whole entire district prior to charging, and wants to make sure we did not make that decision ahead of time. Smith states no, the September minutes do not reflect that. McClellan stated this would be a benefit to the entire district as it saves them millions. Granzow asked stated the entire main is being turned into a wetland, so does the lateral now become a main. Gallentine stated we have some options, you can continue to use it as a lateral and make it all one district, or you could make lateral 7 a subdistrict on its own, we can do it either way. Granzow stated they still all outlet into the wetland, Gallentine stated yes, so if lateral 7 is a subdistrict, it would still pay on the main, only the main downstream of the wetland, it would not pay on the main upstream of the wetland. Gallentine stated either way we are looking at a reclassification sooner or later. Granzow stated we are looking at a reclassification to determine what we are doing, to Granzow this looks like a total destruction of the district as it is currently, we need the reclassification to determine who will be getting the benefits. Granzow stated we it seems strange to say upstream and downstream of a main, if we broke that with the wetland it is no longer a main. Granzow stated he would look at the top side as a lateral and this is what is left of the main, just this portion. Gallentine stated we are brainstorming, what is now considered the main is upstream of the wetland could become its own lateral, either way it needs to be on its own schedule.

Granzow stated we should have to reclassify prior to billing and he does not have an answer on the rock bedding, and the rock bedding sounds expensive but when we look at \$100,000 attorney bills for something going wrong, it is cheap insurance. Gallentine stated if the Trustees have CGA to determine when to use rock or not to use rock, and accumulate a \$5,000 bill, then your rock really didn't cost you \$28,000. Hoffman agrees, it is not a situation we want to be in but there are so many variables here, Hoffman would be more comfortable reaching out and talking to Perry, and coming back to a decision. Granzow stated it sounds like Bourland did not have that fast of a time line and we can table it. Granzow asked if are going to reach out Perry, are we going to reclassify before billing. McClellan stated the landowners are not paying the entire project bill, and it is in expense but it's marginal compared to the total project cost. McClellan stated this is not just of benefit to the Perrys, but all the landowners. Gallentine stated when we reclass, he is only one of the three commissioners, the area that Perrys land become permanent wetland, it would certainly be of different benefit than normal farm ground.

Granzow called Perry, and explained we are discussing if we will reclassify before or after the wetland is complete, and the answer to Perry's question on how much rock bedding we are getting is halfway up the pipe. Gallentine stated that is correct, the rock bedding will be halfway up the pipe. Granzow asked Perry if he had any questions or concerns beyond that. Perry stated he did not think so, from what he observed in the previous meeting and researching, that this is more rock than is necessary considering the location this is going into as it will have hardly any traffic over the top of the pipe. Perry stated there may be other factors that this would improve performance on, but it may just contribute to a longevity factor of the pipe, it seems \$28,500 is a lot of money to spend to go halfway up the pipe. Hoffman stated when we spoke before, there was quite a difference between contractors on the price of the rock bedding, Hoffman asked if Perry know what the price difference was, Hoffman thought the bid sheets had McDowell bid the rock really low. Perry stated he thought McDowell had bid the rock at \$6,500. Hoffman stated there is quite a difference between the bids, and had discussed with Perry how some contractors will build things into different line items to cover themselves, which left Hoffman skeptical. Gallentine stated price differences may be attributed to how a contractor obtains the rock, for instance Gehrke has their own quarry, they haul it themselves, McDowell

would haul rock themselves, Rogness is from Lake Mills and typically they pay someone to haul it in. Perry stated the markets are not doing well right now and wonders how upset anyone would be if we don't bed this pipe in rock, Perry would not be upset, even if we do get reclassified into a whole new classification. Gallentine asked if Perry was aware of the postcard results. Perry stated yes, they were in favor of the rock bedding. Gallentine stated they were in favor, but he would bet none of the respondents had put as much thought into it as Perry had, Gallentine appreciated that Perry is such an involved landowner. Perry does not want people to be upset if we do not use the rock based on his input, it is the Trustees call, Perry asked how long we have to decide on the rock bedding. Perry stated they will need to know within a few weeks.

Granzow stated the largest concern we have is when they start digging down to the base, what types of soil will they be into, will it be stable or unstable ground, and that is the deciding factor on the rock, and we don't know what they will find but need to make the decision before they dig. Perry stated he hated to delay but was unsure if we should get more opinions, Perry stated that halfway up the pipe seems like a lot of rock, and was unsure if another contractor would have charged the \$28,500. Gallentine stated the contractors play games with their numbers and probably neither number is accurate. Hoffman stated that seeding, transportation, logistics and things like this rock bedding are a good place to cost shift from one to the other. Granzow stated it may be possible the contractor does not want to do it, Perry stated he is unsure how to read the situation. Perry asked if we could bring it up again next week.

Motion by Hoffman to table this item until the Regular Drainage meeting on Wednesday, 4/29/2020. Second by McClellan. All ayes. Motion carried.

Gallentine asked if the Reclassification would be discussed next week also, as it takes a little time to get the reclass report put together. Granzow stated yes it would be part of the discussion next week, as we are destroying a district and basically starting over, and thinks it needs to be reclassified. Hoffman agreed, and stated we should think about whether we want to reclassify on the front side or the back side of the project. Granzow stated he was more comfortable doing it on the front side. Perry asked if anyone would be observing on the site if we choose not to bed it in rock. McClellan stated we can talk about the possibility of having CGA do observation, but that will be an added expense. Perry stated he would contact the Trustees with his added thoughts via email.

Smith asked if it would be appropriate to have the contractor Rogness attend via phone at next weeks meeting if they are available, so that Rogness could answer any questions the Trustees may have. Granzow stated yes, that would be great.

6. DD 26 Lat 4 WO 28 - Discuss W Possible Action - Revisit Of WO 28 Repair Summary

DD 26 Lat 4 WO 28 - Smith stated this was on our Drainage Calendar as a quick revisit for this project. Smith spoke with Heather Thomas of CGA, and Thomas has had no further discussion or input from landowners on this, Smith has had no input from landowners on this project. Smith stated it was on the Drainage Calendar as a reminder to check and see if we have had any feedback. If we have had no feedback at this time, it is up to the Trustees to decide if they would like to set an additional reminder in the calendar for review six months or a year out. Granzow stated we can set the calendar for review in six months.

Motion by Hoffman to instruct Drainage Clerk Smith to set a calendar reminder for six months to revisit DD 26 Lat 4 WO 28. Second by McClellan. All ayes. Motion carried.

Gallentine stated it was about more than just the work order, but also about DD 26 Lat 4 having money in the bank, and if they want to do a whole system replacement.

7. Other Business

DD 9 - Smith stated we received the agreement on the DD 9 Main Tile Diversion project, between Gehrke and the Hardin County Board of Supervisors acting as Drainage Trustees. The bid was awarded to Gehrke, Inc. at the Regular Drainage Meeting on April 1, 2020, Smith presented the Trustees the Agreement for

signatures.

Jim Sweeney spoke with Gallentine and reported Ron Vierkandt was having issues with DD 14 tile, Vierkandt has hired Sheldahl Brothers to come out and have a look and see what they could find. They are on Vierkandt's aunt's property, and Gallentine told him they would need to turn in a work order. Smith stated she spoke with Sweeney just before the meeting, and did not have time prior to this meeting to get the work order entered into the system, and will have it on next week's agenda for Trustee review.

Hoffman asked how we are coming on work orders and lottery assignments. Gallentine stated Seward has taken a week or so off but we are really getting our work orders pared down, and have 4 to be assigned and two we have to look at. Gallentine stated we only have about a half dozen that are waiting for contractors. Hoffman stated that was great news.

8. Adjourn Meeting

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