

REGULAR DRAINAGE MEETING

6/24/2019 - Minutes

1. Open Meeting

Hardin County Board of Supervisors Chairperson, Renee McClellan, opened the meeting. Also present were Supervisors, Lance Granzow and BJ Hoffman; Landowner, Randy Madden; Contractor Adam Seward; Jeremy Maas with Gehrke Inc; Lee Gallentine and Heather Thomas with Clapsaddle-Garber Associates (CGA); Drainage Clerk, Becca Junker.

2. Approve Agenda

Hoffman moved, Granzow seconded to approve the agenda as presented. All ayes. Motion carried.

3. Approve Minutes

Hoffman moved, Granzow seconded to approve the minutes of the June 12, 2019 regular drainage meeting. All ayes. Motion carried.

4. DD 148 - Canvass Election

Hoffman moved, Granzow seconded to approve the canvassing of the election for DD 148 as presented by the drainage clerk. Awarding James Bartling, Will Ibeling and Kenneth Smith as Trustees for DD 148. All ayes. Motion carried.

5. DD 22 - Discuss, With Possible Action, Work Order #176 Concerns

Granzow recapped with Maas that August 1 will be the soonest he will be able to get to the worksite pending weather and that right now the only thing he's working on for large repairs is a project in Iowa Falls. The only reason he is able to work the job in Iowa Falls is because he is tearing out concrete as he goes, and they are only digging five feet deep. Maas explained that he couldn't even work at the job in Iowa Falls last week though because of weather. Granzow then asked Madden if he had any comments and he said that there is basically no drainage and it has been nine days since it rained. Madden went on to express his concerns that there is still flooded land and standing water because the tile is essentially completely blocked. There are holes that are several years old that have not been taken care of. He said that as Trustees they must do something to give them drainage as it's costing him an additional \$25,000-\$30,000 in lost crop because there is no drainage. The contract date was awarded a year ago and they've shown no urgency. He said he knows it's a tough district but he's not so sure the work will ever be done if it's not frozen because there is ten-twelve foot depths to the tile and bad subsoil. For some reason it was thought this work can't be done when it's frozen and he doesn't understand that. Water flow, transportation of crushed rock and concrete tile can't be done in conditions like this. Thomas then spoke and said that following a landowners meeting it was requested by several landowners that the Trustees not allow winter construction. In addition, it is a legal record in this district as a result of the lawsuit that this be installed to miniscule specs which requires compaction which you cannot achieve with frozen ground. Madden explained he did not know who those landowners were or what their vested interest was, but he would assume it was landowners down at the bottom. He then said the other consideration is that the old main was severed and put into the new main so all the acres around there have no drainage except for the new main where the lower half is still using the old main and the old main is working. This leaves the top of the district to no access to the old main which means there is no drainage.

Granzow asked Thomas what can be done, and she explained that she is aware that the new line is crushed and there are sinkholes and that the tile is compromised. When the sinkholes were discussed CGA was given direction from the Trustees to not spot repair those and wait until the project came in and add it to the project. Granzow then asked if the two tiles could be connected, even if it was temporary. Thomas said she would have to investigate that but

if it was disconnected at one time there is probably a way to get it re-connected. She continued to say that the area that is being talked about is at a junction structure that is above the project but if they want she can open a new work order or get an emergency repair. It was brought up that if the Trustees wanted a new work order or an emergency repair they needed to instruct CGA on who to reach out to because most contractors are too busy, and the ground is too wet to go out and do tile work. Madden then mentioned that the fields have been planted so they were dry enough to plant which leaves the contractor with no excuse as to not being on the project at all this spring. He mentioned the spot repairs on the old main have been open for over a year and are very accessible. He explained that Randy Silvest has had to plant around sink holes for years now and there is no reason for that. Thomas explained that the sinkhole he is referring to was part of the sinkholes she mentioned before they were directed not to spot repair because it is part of the project.

Madden then asked why these repairs haven't been done yet. Granzow turned that question to Maas and said he was the best one to answer that question. Maas explained that he wasn't doing any repairs until they move in because they'll be using the same equipment whether they go in for a day or for 60 days. Madden then explained that Maas's statement proves that the contractor was awarded and was given a year to do the work under a failing system. He said he is now questioning if the work can ever be done without frozen ground. Thomas explained that the contract was written the way it was to allow the contractor to get in last fall and at the time that this project was bid, CGA knew all contractors were way behind schedule so if they would have speced a project that had to be completed by last fall there would have been a slim chance there would have even been a bid. She went on to explain that the last 12 months have been the wettest 12 months of record since they started keeping record in 1895.

Granzow asked what can be done to relieve pressure on the top side and how fast can it be done. Thomas said they can go in and look at records they have from when it was disconnected and if the Trustees have a contractor they want to work with CGA can get them all the information. She went on to say that it is going to be a wet muddy mess, so it will be hard to get a contractor out there to get it done but she will do her best if that's what the Trustees want. Hoffman said he is both empathetic and sympathetic to Maddens situation, but contractors aren't doing the simplest of work because of how wet it is.

Hoffman moved, Granzow seconded to instruct CGA to research and figure out how to revert to the old tile and report back to the Trustees as soon as possible. Then CGA is to search for contractors in county or out of county to do the work. Thomas is then to go out to the site and report the conditions to the contractor. Madden said he is willing to do the work in his field if that's what it takes but he wants to know what acceptable conditions are for this project to get started. Madden asked if anyone was buying into not doing any frozen work. Granzow said he remembers the meeting where multiple landowners requested frozen work not be done. Maas went on to talk about a job that was supposed to take 30 days but took 110 because of the weather. Granzow asked if Madden was asking for a change order for this to be a winter job and Madden said he thinks it should be. McClellan then asked when it was decided to not do it in the winter and it was said it was in one of the first or second landowners' meetings. Thomas then said CGA would need direction because legal record said she must follow specific guidelines and miniscule specs in the winter is going to be extremely difficult. McClellan then asked if that was in the legal records and Thomas said yes. McClellan asked how they could deviate from that and Thomas said that is why the specs are done the way they are because how can they come in and go against what the Trustees have per the law suit.

Hoffman then asked to vote on the motion. Granzow clarified that in the discussion Madden has said he can go out and do the work himself on his own land so CGA does not need to contact a contractor. It was then asked if CGA needs to be involved at all if Madden is doing the work, unless he is unable to do the work. Madden then asked if there was any way Gherke would do the spot repair behind Silvest's house before they come out to do the whole project. Maas explained that the bid was made to be efficient. There are around 15 spot repairs to be fixed, so in a perfect world you want to start at the farthest south one

and work your way up and around. He said that he does not want to commit to going out and doing one spot repair. Madden said in the future he thinks it's a mistake to put spot repairs within a project.

Conversation then went back to winter work. Maas explained that he does not want to do any winter work for the best interest of his guys. Maas still wants to get in to do this project as soon as it fit for him to get in and do it. He said he will not do a road crossing in the winter. He explained that the way this project is, he needs to start at the bottom and work his way up. He explained if he has to do winter construction he will, but he really would prefer not to. Thomas said that if he did move to winter construction he would need to get that cleared with the Trustees and Hoffman said that it would need to be ran by Mike Richards.

Granzow asked if they could do a change order today to get the tile fixed on the old main in Madden's field. Madden explained that the lower and top half of the district are basically at war right now because the lower part depends on the old tile and the upper part depends on the new tile. The lower half has good drainage and now the top half is going to connect to the old drainage. He said if he were them he would not be happy about it. There was then conversation had about cross connections. Hoffman suggested that CGA report back with their findings so that they can come up with the best solution, Granzow said he would rather CGA decide and go forward investigating. McClellan asked that Thomas create a report and get it back to the Trustees as soon as possible so that they have the information. She does not want to overload the bottom and have more blowouts and problems on both. She explained that she does feel bad for Madden, but she doesn't want to make the problem worse for the rest of the district.

Madden explained again that as Trustees there is a duty to make sure that there is drainage within the district, especially when there's no start in site for this project. McClellan explained that this decision should be more in the hands of CGA as they have the education to make those decisions as far as what will not overload the old system. She's willing to do whatever they recommend. Thomas then explained that they already know the old tile was undersized, so anything that is added back to it will overload it, it's just a question of how much they're ok with overloading it. It was discussed that even a new tile at a half inch design standard, if you get an inch of rain you've technically overloaded it because it's only designed to handle a half inch. Granzow said once the new tile is put in it will turn around and should be flowing and shouldn't overload it. Thomas said that it will still be overloaded because it is not designed to handle every rainfall. Granzow said he wasn't talking about that part but once it's flowing it will take water as well where right now it's not taking any. This is a means to get some flow going, they don't want to overload it but if that ever does happen they can stop it. More discussion was had on where to put a cross connect.

McClellan said there was a motion on the floor. All ayes. Motion carried.

Granzow asked if change orders should be done for when Gehrke does start the project for cross connections. Thomas asked if they were going to allow all the old tile drain into the new tile? Granzow explained that the old tile will be a relief tile to the new tile. He explained he's not worried about flooding the tile, he's more concerned about flooding the ground and that shouldn't happen where the tile is deep. There will be a secondary exit plan for both tiles with this plan.

Junker asked if there needed to be a motion for CGA to investigate future cross connections or if the discussion within the meeting was enough. Granzow moved, Hoffman seconded for CGA to investigate cross connections at 200th St and report back to the Trustees. All ayes. Motion carried.

Thomas requested that if the Trustees are going to allow winter construction they authorize non-compaction spec because she does not think it's possible. McClellan asked if they needed to make that decision today or if they can discuss it later and Thomas said they could discuss this later.

Maas then said that he wants to stick with getting on site in August weather pending and do spot repairs first and then move onto the main project rather than going in and just doing **one spot repair now**. Madden said that if Gherke would come out and fix Silvest's blowout that he's had to plant around for years now it would show good faith. Thomas said that if that's what he wanted to do that it would be an independent temporary fix to put a shingle on it and then come back and do the permanent repair when Gherke gets on site. Maas said he would be open to doing that, but he cannot say when he will get there to do the temporary repair. He also expressed concern that if he goes in and fixes one blowout other landowners are going to be asking why he isn't fixing all of them. McClellan asked if the field is already planted why they would send Gherke in before the project when it was bid with the project? Especially when Gehrke is planning on being on site within the next month or two. Thomas said she does not feel it is fair for Gherke to go in and pull a portion of their repair tile to do it now, so if that was something people wanted to do she would recommend it being done as a temporary fix that will come back and get taken care of.

Madden said that Gherke is already asking for an extension so it's all part of the good faith effort, if he were a Trustee and they were refusing to do anything and still want an extension. Thomas went on to say that when she talked to Madden on the phone last week they were both in agreement that it was too wet to get out and do anything. It is not like Gherke is dragging their feet to come out and do something, it is just too wet. Madden said that the field was dry enough to be planted and they didn't show, and he knows they have a lot of contracts. Maas stepped in and said that they could go back and forth all day long but there was no reason to argue. He explained they have only done tile repair for 14 days, the same 14 days that they were farming. He can't pull four excavators for 14 days of work when the project is much larger than 14 days. He said he does have numerous contracts, but he also runs 25 guys and this is a six man job. He clarified that he's not there to debate and he would have loved to be there May 1 because that was the plan all along, but it hasn't quit raining. He apologized and said he understands that this is going to be complicated, but he could go in and fight it and do 100 foot a day or he can wait until it's fit and do 400 foot a day. Madden said he just doesn't know what the definition of fit means. Maas replied and said it's when he can drive loaded rock trucks and pipe trucks. Madden said that isn't going to happen. Maas agreed and said he couldn't tell if Madden was in favor or against his thinking, but everyone knows that they can't drive on gravel after a half inch of rain. Madden mentioned that Maas was refusing to which Maas quickly replied and said he is not refusing. He would go there today if it were fit but it is not. Madden brought the spot repairs up again and said that when the Trustees are deciding on a contract extension to remember that they are holding the spot repairs hostage. McClellan said that being fit is different for farms to go in and plant and for contracts to go in and do work. Granzow said he understands what Madden is asking but he doesn't feel like they are holding these hostages. Thomas stepped in and explained that when a project is bid like it has been, right or wrong, when there are multiple spot repairs it would be a completely different price if it was bid for a contractor to come in and do single spot repairs. There is a big difference in cost.

Granzow then said that he feels Madden is looking for good faith from Gehrke by them showing up for one spot repair they would be showing good faith that they are trying to get this project started. Gherke said he can do what he can within reason and he does not need the extension until he is on site. McClellan then said she doesn't understand the need to go in and do one spot repair when it's been farmed around, it's not flooding, and the water is flowing. Granzow said there is no saving crop this year where the hole is, if it's not dry until November/December, then they should go in and do the repair, so it can be farmed next year.

6. DD 124 - Discuss, With Possible Action, Contractor Update

Seward informed the Trustees that it has been too wet to go and locate the tile. As soon as it is dry he will go out locate the tile and report back.

7. DD H-F 1 - Discuss, With Possible Action, Owner Approval

Junker updated the Trustees and contractor, Adam Seward, that the landowner has replied and said it is ok to move forward mowing in H-F 1 and then spray at a later date. Hoffman moved, Granzow seconded for Seward to mow and treat with herbicide as he deems appropriate. Seward then asked how many times the Trustees wanted him to mow and spray this area. His recommendation was to mow and spray twice this first year and then once a year there out. The Trustees agreed to his recommendation and will follow up in a year to see how to proceed. All ayes. Motion carried.

8. Discuss, With Possible Action, IRUA

Granzow agreed that the red areas of the list submitted by CGA were all areas that IRUA needed to correct, green areas are fine and some of the yellow should be discussed. Gallentine explained that all the highlighted red is highly important, green are areas that have been waived in the past and yellow are items that CGA is required to do when they are on a project which means the district is required to pay them for the work.

Gallentine went on to say his main purpose is to protect the integrity of the tile so at the minimum the tile needs to be exposed at crossings, verify clearance and if any tile is repaired, it is done correctly. He also went on to remind the trustees that it has been in state code forever that utilities need to get an easement from the drainage district.

Under "General Review Comments" the following discussion was had. Items 1 and 2 were dismissed to be a yellow comment.

Items 4 and 5 whether there is a 2017 or 2018 permit, clearance needs to be verified. All depths and clearance need to be verified and the results need to be given to the drainage district.

Under "Specific Review Comments" the following discussion was had. Item 1, DD 56: When IRUA did hit the DD 56 main it had about a foot of soil and rock in it. Gallentine explained he didn't know if that washed in from the hit or if it was already in there. He does not believe this ever got pulled out. Granzow explained that if there becomes a problem in the near future IRUA is responsible.

Item 3, DD 56 Lat 22: IRUA didn't even show this on their plans which is concerning considering they hit the main of DD 56, which isn't that far away, and damaged it. There is no clear indication to whether IRUA hit this lateral or cleared it.

Item 4, DD 14: IRUA fixed and the crossing is now shown but it indicated that the tile was "Damaged repaired with PVC". This type of repair is not allowed without a variance. Gallentine explained that he has no idea what kind of repair they did because CGA was not on site or aware of the repair until they turned in their reports. Granzow said that this PVC needs to be dug up and done correctly to district standards. He went on to say he does not believe that it is plugged but there is a reason the district has their tile policy the way they do so that this doesn't happen.

Item 5, DD 11: Gallentine explained that in Buckeye, IRUA said they could tell that the tile is nine foot deep. Gallentine couldn't find a single intake out there that showed a nine foot depth. Everything is in the three-six foot range, there may be some tile at nine foot but that's at roads. Buckeye is draining as Granzow mentioned previously, however they have only had one large rainfall. Gallentine explained that maybe everything is fine but since IRUA did not dig anything up in Buckeye because they assumed it was all nine foot there is no telling if they broke tile. Granzow went on to explain that he knows of private tile that IRUA went through that they ignored and will not fix. Gallentine explained that DD 11 has spent a lot of money as a district in the last nine years, if there was damage done to the tile the landowners of DD 11 are going to be furious. Granzow said he didn't know how IRUA could correct this without digging up the entire town of Buckeye. Gallentine said since the drainage district tile has been televised or located and there are survey coordinates, so if

IRUA located their utility and reported the depths CGA could go out and verify if tile was crossed.

Granzow moved, McClellan seconded to have IRUA investigate/fix the following line items:

General Review Comments: 4. The clearance between the waterline and the district tile needs to be specifically stated at each crossing. 5. The clearance between the waterline and the flowline of the district open ditch needs to be specifically stated at each crossing.

Specific Review Comments: 3. District 56 (permit 2017-1 and 2018-2) drawing (9-87-22) appears to cross Lateral 22, but said crossing it is not shown. This is especially concerning since the Main tile of DD 56 was damaged during waterline construction. This tile needs **located, and clearance verified.** 4. District 14 (permit 2017-1) drawing (34-88-22) crossing is now shown but it indicated that tile was "DAMAGED REPAIRED WITH PVC". This type of repair is not allowed without a variance. The PVC needs to be dug up and repaired correctly to drainage district standards. Per the permits this needs to be concrete. This work can be done by the drainage district and the bill can be sent to IRUA or IRUA can do it correctly at their own expense. 5. Following district tiles identified as not found. a. DD 11 Lat B (permit 2017-1 and 2018-6) at intersection of Co Hwy S27 and Prairie Ave c. DD 11 Main (permit 2017-1 and 2018-6) at driveway for house at 402 Prairie Ave d. DD 11 Main and Laterals (permit 2017-1 and 2018-6) in Town of Buckeye. IRUA needs to located their waterline with the depth so that can be compared to CGA's survey shots.

Granzow explained that he is not asking for much considering the list. In good faith they are willing to do this if IRUA will comply by their permits. Once the above comments are complete IRUA needs to contact Junker so that she can update the Trustees and forward the information onto CGA to verify. Junker then informed the trustees that in IRUA's email it was said the Trustees may proceed with cashing the \$3,549.95 check it is currently holding and remit the balance to CGA as payment for the work invoiced to date. Gallentine recommended talking to the attorney before cashing the check. Granzow moved, McClellan seconded to have Junker reach out to Mike Richards to discuss cashing the check. Granzow instructed Junker to email IRUA with the updates that were made in today's meeting. All ayes. Motion carried.

9. DD 102 - Schedule Wetlands Presentation

Granzow moved, McClellan seconded for Junker to discuss what date and time works for Mike Bourland and schedule his presentation at that time and let the Trustees know. All ayes. Motion carried.

10. Other Business

DD 9: Gallentine asked for clarification from the Trustees on if he is to be reclassifying just the main tile or the main tile and the laterals. Granzow said his understanding was that CGA was reclassifying the Main and Laterals.

Utility Permits: Gallentine made comments regarding the way utility permits are handled. He said in the future he thinks the utility companies need to pay \$2000-\$3000 up front for the permit, easement and then use that money to have either CGA or a contractor go out and dig up and locate the tile for the utility company. Once the tile is dug up and located for the utility company they are then told the clearance that is required and they can begin their work. Granzow explained that the amount of money suggested wouldn't even cover the costs. Gallentine explained that his problem is that few utility companies actually know how to find tile because they're all either boaring or trenching contractors so they're not used to digging to look for signs of tile. Granzow said he thinks as part of the process the district should locate the tile at the expense of the district. This diminished the argument of the utility company not knowing where the tile is.

11. Adjourn Meeting

Granzow moved, McClellan seconded to adjourn the meeting. All ayes. Motion carried.

