

REGULAR DRAINAGE MEETING
Wednesday, September 2, 2020 9:30 AM
This meeting was held electronically and in-person due to Covid-19 concerns.

9/2/2020 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson Lance Granzow opened the meeting. Also present were Trustee BJ Hoffman; Trustee Renee McClellan; Michael Pearce, Network Specialist; Lee Gallentine of Clapsaddle-Garber Associates; 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 Hoffman to approve the minutes to Drainage Meeting dated 08-26-20. Second by McClellan. All ayes. Motion carried.

4. DD 14 WO 290 - Discuss W Possible Action - Investigation Summary

Gallentine provided information on the Investigation Summary. This was the work order turned in by Dave Sweeney on Cynthia Ioger's property, there were some sinkholes on the main tile and this is not the first repair done in the area. The Trustees had authorized CGA to go out and do televising, investigation and some temporary repairs and report back. Gallentine stated we televised from one of the main holes, going 900' upstream and 1,000' downstream, and what was found was not pretty. Temporary repairs were done in four locations with dual wall pipe with fabric wrapped collars. Some of the images in the summary show the poor conditions, most of the tile does have enough soil cover but a lot of it is just starting to V down and dislocating to one side or the other, some images were taken right at sinkholes. Gallentine stated in CGA's opinion it needs repair, we have been out there quite a few times in the last few years, and Gallentine knows the farm economy is not good and this will just keep getting worse. We could try to do 6 spot repairs for a total of 570' to 600' altogether, CGA's opinion is that will run \$35,000 to \$45,000 and that is low enough that you are not required to have a hearing or you could try to pursue replacing the entire length that was televised for a total of about 2,000', that would be high enough to be over the bid threshold and would require an Engineer's Report and a hearing. Granzow stated he would like to pull people in for a landowner's meeting, McClellan concurred. Gallentine agreed. Granzow asked if we did do anything would CGA be able to put this together by this winter, to have a report and bid letting back to us. Gallentine stated we could probably get the report back as it is fairly simple and have a hearing over it, but the bid letting would probably be late spring. Granzow stated we would not gain much by trying to hammer through this quickly and it could wait until after harvest. Gallentine agreed and that by waiting until after harvest, we will have a better turnout. Gallentine stated this district is about 500 acres.

Granzow stated we could look at a December landowners meeting as we will not gain anything by rushing through it and we will have already missed our window of winter bidding. McClellan stated harvest may be early this year, Granzow stated he would like to give landowners time to complete their dirt work after harvest. Gallentine stated that some of the landowners that come to mind in this district would be Sweeneys, Ioger's, Ron Vierkandt, Jack Runge, and Kielsmeiers own land in this district. Location of the meeting was discussed as acoustics in the EOC are not great. Smith stated without a landowner list in front of her it looks like there is about 16 parcels in district and it may not be a very large meeting. Smith stated if we looked at after the election, November 18th or November 25th would be open. Granzow stated that would be good to take into consideration. Hoffman suggested the 18th of November would be a good date.

Motion by Hoffman to conduct a landowners meeting for Drainage District 14 regarding work order 290 on November 18, 2020 at 12:00 pm (noon) in the Large Conference Room of the Hardin County Courthouse and via zoom. Second by McClellan.

In additional discussion on the motion, Granzow stated please give the landowners an idea of what the meeting will be discussing and give the landowners the capability to access the Investigation Summary online to view the photos in the summary. Smith stated she will add this to the website under the projects page with a DD 14 tab, even though this is just a work order and not a full project yet, that way the meeting notice is available and the landowners can access the Investigation Summary under the documents section.

All ayes. Motion carried.

5. DD 22 WO 176 - Discuss W Possible Action - Completion Report

Smith stated we have received the completion report on DD 22, and as this was her first completion hearing next week, Smith asked if acknowledgement of the receipt of the report needed to be done ahead of the hearing scheduled for next week. Smith stated she was unsure if that needed to be done ahead of the hearing as it would just be an acknowledgement of receipt, not an approval, this would give us the opportunity to do that if we needed to. Gallentine stated it was the Trustees call, it has been done both ways and code is so big on completion reports it would be acceptable either way.

Motion by McClellan to acknowledge the receipt of the DD 122 WO 176 Completion Report submitted by CGA. Second by Hoffman. All ayes.

Smith asked how do we get the new tile location and linework to update on the Beacon website, as Smith has had no training on Beacon software, Smith stated she used to have access to GIS, but does not any longer, and asked if this is something that Jessica Sheridan can do. Granzow stated Sheridan should be able to do that, but if not then we can possibly contract with CGA to do that. Gallentine stated to date all we have done is to report coordinates to the Drainage District and it is up to them to have GIS put them on, but does not think that anything has been done with them, but it would be wise to get the Trustees something they can have loadable right away to the GIS since we have the whole route and it would not be just one spot. Smith stated she no longer has access to GIS, Gallentine stated we could have Micah Cutler look at that and put the GIS information in a format that you could just put right up. Smith stated that at one time there had been an issue upstairs with the GIS running slow and the Auditor had said that when the contract renewal was done, only so many users were added and Smith is no longer on that list. Smith stated it was unfortunate she does not have access to GIS any longer because there are GPS locations for all of our previous work orders noted on that GIS drainage layer,. Smith had some basic understanding of that drainage layer, and Micah had shown her what she could on that before she left, but Smith can't access it now. Granzow asked what will it take for you to have access to that now, Smith did not know. McClellan stated if this was access used for Drainage then the Trustees could choose to pay for that additional license. Granzow stated Smith should find out what the cost is for the additional user access and let the Trustees know, Smith can do that and bring it back as a separate agenda item. Smith did not know if the issue at the time, was that there were so many users on it that the GIS was very slow and when the Assessor's office or the Auditor's office went in to make changes in real estate, it really bogs things down when there are so many users on it, that may have been part of the issue, that was what was explained to Smith. Gallentine stated maybe you may want to wait until next week to see how they would like to receive the new tile location information and in what format.

6. Discuss W Possible Action - Drainage Utility Permit Process

Smith stated there was a response received from the IRUA on Monday, this letter basically gives us a status update on outstanding drainage utility permits, which is basically what we requested in our certified letter to the IRUA. Smith states that the IRUA states in their letter that their work is basically complete, Smith added this to the agenda, because we have confirmation from Mike Richards that he is available for our September 30th regular Drainage Meeting at 9:30 am, to discuss issues with the drainage utility permit holders, would the Trustees like the IRUA to have their own time slot or agenda item or do you want to address all of the permits with all of the utilities collectively. McClellan stated her email reply was she would prefer to have IRUA addressed separately. Granzow stated he understands McClellan's position but thinks that everyone else should be in touch with their message to the IRUA, as the utilities may feel why should they have to abide the rules if another does not have to. Hoffman stated if the utilities would just do their job

then none of this would have happened. Granzow stated they should not argue and ask for forgiveness later, they signed the application with all of its requirements. McClellan stated the information the IRUA provided us wasn't correct.

Smith stated you will have Mike Richards on the line for that meeting, Richards is still working on giving us an opinion on all of the language the Trustees requested regarding the drainage utility permit application fee or bond, and we should have an update from Richards before that September 30th meeting. Smith stated she is just trying to figure out how to agenda this meeting so that when she sends meeting invitation letters out to the utilities, she will know what to tell the utilities as to what time they should attend, Richards is available September 30th at 9:30 am, he can have that time blocked off for us, Smith does not know how long this meeting will run and thinks Richards is aware of that.

Granzow stated it is up to the Trustees on how they would like to do this, either way is a winner, McClellan likes the idea of having them all on the line at once, as it may stir some good ideas, but if we have Richards on the line for two separate meetings there is an additional cost for that, this way we would have just one meeting. Hoffman stated part of him wants everyone to hear the same message and get the same scolding at the same time. McClellan stated she retracted her earlier thought and thinks we should do it all at once.

Motion by Hoffman to have Mike Richards be present with all the utilities at one time for the September 30th meeting. Second by McClellan.

In additional discussion on the motion, Granzow stated that is direction for the Drainage Clerk on how to proceed with the meeting for the drainage utility permit process. Smith will get letters out this week to all of the utilities. Granzow asked if there was anything anyone else would like to see in the drainage utility permit process. Gallentine stated that one of the Alliant permits flushed out that they didn't really even need it early last week, and we are working with Minerva Valley right now on a permit they have not yet installed across the district facility yet so Gallentine does not know if those two really need to be included in that meeting. Smith stated that one of the two Alliant permits we had received a response on but the other Smith had not received a response on from Alliant, Smith had communicated with Ali El Zein on one of the Alliant permits but had no response on the other. Gallentine stated that one is up in H-F 1 that he communicated on, Smith stated she thought there was a second permit out there that they had worked on but not responded to the certified letter, Smith will send a letter off on just that one. Gallentine stated he just did not want to disrupt the process if the utility is trying to comply.

All ayes. Motion carried.

7. Discuss W Possible Action - Outstanding Work Order Status Update

Smith stated that the Trustees had asked us to come back to them with some outstanding work orders that we were waiting on a legal response. Smith and Gallentine had a chance to review some work order notes together, Smith reached out to legal on the pond on Thompson's property in DD 55-3 on Lat 9 and Mike Richards says he need to look at his files again but believes there was further communication on this and he thought his recommendation on this was that the DD cannot allow this to continue and creating a release would not be sufficient, and the DD has an obligation to maintain the ditch unless the ditch is officially abandoned. Richards will check his files and get back to Smith, that was the one that the Trustees requested the most information on. Granzow asked if there were other work orders out there still that he does not recall. Smith stated we do, Smith and Gallentine communicated on a list of work orders. Gallentine provided an update of the list they worked on. Granzow stated as Gallentine reviews his file, did legal recommend action on the Thompson pond issue. Smith stated Richard's most recent communications on that had been with previous clerk Junker and had emailed back and forth on that one, and when Richards gets back to Smith she will have more information on that one.

DD 120 WO 298 - this was the work order with landowners Kent Picht and Kevin Vierkandt near Ackley, on the intake that was on private tile 3/4 mile away from ponding created on the neighbor's parcel, this was found to be a private tile not district tile, Gallentine gave them both Vierkandt and Picht this information and has not heard a whole lot back from either of the landowners. Gallentine stated there was signed landowner petition on file asking for an Engineer's improvement report, and the Trustees have not authorized that, and

just to follow up it would be nice to get that cleaned up if the Trustees still want that report or we can put a cancel on all of that. Granzow stated does Picht want to continue with the report knowing that the originally reported issue on the work order was found to be private tile issue not a drainage district tile issue, Vierkandt is not the landowner, so Granzow can take Vierkandt's recommendation on that. Smith stated Picht was the petitioner. McClellan asked how would we proceed if the issue is not with district tile. Granzow stated we are still looking at upgrading the district tile, Gallentine stated if you just read the record, the petition got filed and we did not take any action, it would just be nice to get it cleaned up. Granzow stated a petition has been filed and asked if we the Trustees feel we should still go ahead with an engineer's report for an improvement on the tile. McClellan asked if we need a landowner's meeting to see what they want to do. Gallentine stated that is how we got the petition, we had a landowner's meeting and Picht signed it afterwards. McClellan stated that was before we knew this was a private tile issue. Granzow stated yes it is a private tile but the problem remains that it is still undersized, and that was what Picht's petition was trying to address, do we want to go ahead and look at doing and improvement.

Motion by McClellan to proceed with instructing CGA to prepare an Engineer's Improvement Report. Second by Hoffman. All ayes. Motion carried.

DD 160 - WO 283 - This would be the work order south of Ackley that runs on the open ditch on the west side of the Iowa River Railroad, during the investigation we found some silt in there, which we had decided to let set at that time, but there were some crossings that were not in good shape that look like they could collapse into the open ditch. Gallentine sent a letter to the Railroad back in May as we assumed they were the Railroad's crossings, but we have not received a response. Smith has received no response on Gallentine's letter. Granzow asked if we have legal send a letter. Smith asked if this was a public railroad or if this was owned by the ethanol plant exclusively, Gallentine stated there are shareholders with the ethanol plant being the primary shareholder, but they are separate entities. Granzow stated he thought they were both owned by IAS, and we can look into it to see who we need to contact to get this addressed. Granzow stated let's have the Drainage Clerk reach out to Iowa River Railroad, if they do not response have the Clerk reach out to the Ethanol plant as to why they are not doing this, if they do not respond, reach out to IAS and explain our next step is to reach out to legal to spend district money to get this addressed. McClellan asked why can't we just send a letter to all three. Granzow stated that is fine, this is our last attempt to get this fixed before reaching out to legal. Smith will reach out to Gallentine for contact information.

Motion by McClellan to direct the Drainage Clerk to send a letter to the Iowa River Railroad, the ethanol plant and IAS to request repair of the crossings. Second by Hoffman.

In additional discussion on the motion, Granzow stated in the letter we would like to see discussion of this is our last attempt to contact them requesting repair before going on to legal. McClellan and Hoffman concurred.

All ayes. Motion carried.

DD 143- WO 261 - Gallentine stated on DD 143 in the north ROW of 175, there was a sinkhole reported by Calvin Hiland, that the fiber optic company had their contractor come in and fix, but they didn't fix it to district requirements, the last contact Gallentine had the contractor was supposed to get a hold of the Drainage Clerk to get on the agenda to discuss how they did the repair to see if we felt that was adequate, with plastic pipe and no rock bedding, but the Clerk never heard anything back, so the Clerk needs direction on how to reach out, Gallentine stated we would have addressed this on the utility permits, but they never actually filed one so we felt this work order was a separate piece. Granzow asked what company we were dealing with, Gallentine replied that UPN was the fiber company we were dealing with and Price Electric was the subcontractor. Granzow asked if UPN was the owner of the facility. Gallentine stated yes, UPN was the utility owner. Granzow stated we need to reach out to them one more time and it is Granzow's opinion that otherwise we should proceed with legal, and in allowing them to know they did not follow the permitting process we can do a cease and desist order in our drainage districts. Hoffman stated that sounds like a great way to handle this. Granzow stated we need to resolve this, and a letter with that information is enough otherwise we will take legal action. McClellan concurred. Gallentine asked if the Trustees would like the Drainage Clerk to draft that letter, Smith stated the UPN also has one outstanding drainage utility permit as well so they will also receive that letter with the invitation to the September 30th meeting. Granzow stated to remind the Trustees of that at the December 30th meeting as the cease and

desist with UPN may be on all their work and permits. McClellan stated they may better understand why we are having this meeting if they get this letter ahead of the meeting. Hoffman stated that will give UPN some context when they come in.

Motion by Hoffman to direct the Drainage Clerk to send a letter to UPN explaining the issues and that the consequences could lead up to anything and everything including a cease and desist on work in Hardin County Drainage Districts. Second by McClellan. All ayes. Motion carried.

DD 38 WO 231 - Gallentine stated this work order was from Justin Huebner over by the Alden area, he felt the district tile was not functioning properly but the landowner who lies upstream of him who has lower ground, has drained out. Gallentine stated the Trustees had given Huebner permission to go out and dig up the tile with his own contractor to dig up the tile and if there is an issue with district tile Huebner can let us know so we can come out and take care of it. Gallentine never did hear anything back from Huebner, and asked if the Trustees would like Smith to reach out to him again or just consider it closed. McClellan stated if nothing else we can have Smith contact Huebner by phone or email to see where we are at with this.

Motion by McClellan to direct the Drainage Clerk to contact Justin Huebner for an update on that project. Second by Hoffman.

In additional discussion on the motion, Granzow stated in the contact with Huebner, the Clerk should ask if Huebner is no longer willing to pursue this so that we can close our books on this work order.

All ayes. Motion carried.

DD 55 Div 3 Lat 10 - WO 284 - Gallentine updated that this would be the open ditch between Radcliffe along the north side of Hwy 175 there is a reoccurring beaver damn popping up. Contractor Seward went out and removed part of it and stated the beavers need to be trapped again prior to the contractor doing any more removal. Smith has contacted Brad Mohr to come back and look at trapping the beavers, as soon as Smith hears back from Mohr, she will provide an update.

DD 34 WO 206 - Gallentine provided an update that after we had constructed the open ditch, Craig Johnson felt that some of his tile hadn't been out-letted as he had some wet spots back behind the banks on the spoil. Gallentine recalled that the Trustees had directed Johnson to get a contractor of his choosing, probably Hall Backhoe, to go out and see if he could find those and again contact us and get back to him. Gallentine never heard anything back from Johnson or Hallback. Granzow stated we should send an email out to Johnson to see if this has been resolved and ask if we can close the books out on this one as well.

Motion by McClellan to direct the Drainage Clerk to Reach out to Craig Johnson via email or mail for an update on the project. Second by Hoffman.

In additional discussion on the motion, Granzow asked if the Trustees would like the contact on this email and the one to Huebner to reflect the fact that if they do not respond within 30 days, the work order will be closed, they could resubmit it again, some people may say out of sight, out of mind and not respond back, however we ran into this with the Piel situation too, we need some closure on this. Gallentine stated some people may believe if they don't respond the work order will automatically close and that is not the case. Granzow stated the letter should reflect we want closure on these work orders, perhaps 10 days would be better. McClellan stated 30 days may be too long. Granzow stated we don't expect the work to get done in 10 days, just that they need to notify us if they want to continue with the work order. Hoffman concurred, if we are sending a letter we may as well put a deadline for response on it. Smith will ask for that response within 10 days.

All ayes. Motion carried.

Smith created a spreadsheet with the most recent work order updates, Smith has a few questions for Gallentine on this list, and will review it with Gallentine to determine if it is something we can close out or if it needs an additional action. Granzow would like to review these monthly. Smith stated we can do that, some of these were work orders that were opened before Smith began as Clerk, so she just does not have

the immediate back history where they left off at, so for Smith this is important to keep track of for her to stay current.

8. Other Business

9. Adjourn Meeting

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