

REGULAR DRAINAGE MEETING
Wednesday, September 23, 2020 9:30 AM
This meeting was held electronically and in person due to Covid-19 concerns.

9/23/2020 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson Lance Granzow opened the meeting. Also in attendance were Trustee BJ Hoffman; Trustee Renee McClellan; Lee Gallentine of Clapsaddle-Garber Associates; Michael Pearce, Network Specialist; 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 of Drainage Meeting dated 9-16-20. Second by Hoffman. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by Hoffman to approve the claims for payment with pay date of Friday, September 25, 2020. Second by McClellan.

In additional discussion on the motion, Smith pointed out DD 25 Pay Estimate 5 is included with today's claims, and is also on the agenda as an item for the Trustees review.

All ayes. Motion carried.

DD 22 WO 176/192- Postage for Landowner Mailings	Hardin County Auditor	\$	12.50
DD 25 WO 1 - Pay Estimate No. 5	McDowell & Sons Contractors	\$	143,781.84

5. DD 25 - WO 1 - Discuss W Possible Action - Change Order No. 7

Gallentine updated the Trustees that this is the project near Garden City, and this change order tweaks the contract so that it matches what was actually installed more closely. Overall this is a net decrease in the contract price of \$5,878.25.

Motion by McClellan to approve the Change Order Number 7 on the DD 25 and DD 1 Work Order #1 project. Second by Hoffman. All ayes. Motion carried.

6. DD 25 - WO 1 - Discuss W Possible Action - Pay Estimate No. 5

Gallentine stated this is a pay estimate for work contractor McDowell has done in the amount of \$143,781.84, this is the bulk we will end up paying McDowell's, there may be a few small items we will yet need to agree on but other than that all that will be left is retainage at the end of the completion hearing.

Motion by Hoffman to approve the Contractor & Engineer Signed Pay Estimate Number 5 as presented. Second by McClellan. All ayes. Motion approved.

7. DD 25 - WO 209 - Discuss W Possible Action - Claim For Crop Damages #2020-10

David Fincham stopped in with a claim for 2020 crop damages that he submitted, he had also visited with his insurance agent who provided Fincham with a document provided by his crop insurer that stated he had

2 acres of crop damaged during work on the tile main on this project. Smith stated she does not have a USDA Crop Insurance and Risk Report up yet with the cost of corn for 2020, Smith did not think that comes out until November 1st, Smith put this on the agenda for the Trustees to review and see if they would like to have CGA verify the acres. Smith stated this would be on the same parcel that we paid out claims for the 2019 crop year.

Motion by Hoffman to instruct CGA to verify crop damaged acres and report back to the Trustees their findings, so we can take further action after November 1st, 2020. Second by McClellan.

In additional discussion on the motion, Smith stated that Fincham had asked the Drainage Engineer to call him as Fincham thought there may be one existing private tile that was not hooked back in to the district tile, and Fincham was not sure that had been reconnected yet, Fincham noted Alvin Clark was the tenant. Gallentine stated he would reach out and call them and he has talked with Alvin about three times on that tile, and understands their concern. Gallentine stated that we have everything hooked up that we are aware of, and asked if Clark was aware of anything that wasn't hooked up, and Clark stated he wasn't aware of any but it had been pretty dry. Gallentine will reach back out to them.

All ayes. Motion carried.

8. DD 26 - Discuss W Possible Action - IRUA Service Request

Smith stated we have a request for an IRUA service connection to be made on land owned by Vern Schwartz, Schwartz had asked that this be put on the agenda. Smith provided a map that shows Schwartz's location, and Schwartz stated that there is a service connection available to him at the corner of E Ave. and 220th St and Schwartz is fine with having that run through his parcel nearer the corner to his homesite to have rural water hooked up. Smith stated if they are coming from the corner on the northwest of Schwartz's parcel, it does not look like they would have any impact or crossing on the open ditch nearby.

Granzow stated he spoke with Schwartz and IRUA is telling their clients that they cannot work in Hardin County, Granzow explained to Schwartz that it is the drainage districts that they cannot cross, but the request can be made by IRUA to the County Engineer and the Drainage Clerk, and they know the process, if it doesn't cross a district tile or facility, we usually don't have a problem with that. Granzow stated that he wanted to point out what IRUA is telling people, which is unfortunate. Granzow stated if it does not cross a facility then he does not have a problem with that as we have already received a legal opinion on this. Smith asked if the Trustees would like a letter directed to the IRUA with the caveat that they have to apply for a Drainage Utility Permit that Smith expects would be approved as they would not be crossing a tile, this permit would help clarify that even though they are not crossing a tile we are aware of their work in the district. Granzow stated he told Schwartz that the IRUA would have to apply for the permit and not the landowner himself, Schwartz asked it be added to the agenda but we do not have a utility permit to review at this time. Granzow stated his response to Schwartz would be to have the IRUA submit the permit application and if it does not cross facilities, we don't have a problem with that.

Hoffman stated if their work would come in close proximity to, over or above a district facility, we would need to know, we just have not had that effective communication in the past, Granzow stated he asked why Schwartz was trying to get the utility permit for the utility, they need to apply themselves, through the Engineer's Office and the Drainage Clerk/Trustees. Granzow sees no reason why it can't be approved but we have no permit in hand. Smith pointed out that would be correct if the utility comes in to Schwartz's land from the direction that he states. McClellan asked if Smith could send them a permit form and a letter.

Hoffman stated if we have educated the landowner it is in the IRUA's hands to file a permit, Hoffman has no problem with this as long as they follow the process.

Motion by Hoffman to direct the Drainage Clerk to send Vern Schwartz a letter that states the Trustees have no problem with the service connection but IRUA will have to file a Utility Permit application with the County Engineer and a Drainage Utility Permit Application with the Drainage Clerk and copy the letter to the IRUA noting the locations as Schwartz presented it. Second by McClellan. All ayes. Motion carried.

9. Discuss W Possible Action - Drainage Utility Permit Process / Language

Smith provided an update on our meeting scheduled for next week, Smith has heard back from some of the utilities who will attend, Smith noted she has not heard back from everyone. Smith received a reply from Ryan Meints of Olsson Associates, they do the engineering for Aureon, Meints will attend out of curiosity as he wants to see what this process looks like but will not be representing Aureon in his attendance. Aureon has not replied to Smith's letter, and does not know if they will attend the meeting. Smith spoke with a representative from Alliant Energy, Bernie Alecks, Alliant has two open Drainage Utility Permits, one has reached out to us through Gallentine for some oversight on a crossing, but the second permit we got no notification of construction or request for observation of the crossing, Alliant will attend regarding the one permit. IRUA has responded and they will attend, they have four open drainage utility permits with us. Century Link has not responded, but Smith did get a response from Nick Killion of Killion Communications, Killion stated they did a crossing for Century Link in 2018 on 170th between N and O Ave's and reports no damage. and that Sean Hosteter, the Century Link rep that filed original permit is no longer with Century Link in that location, he was replaced by Robinson DePenning, so Smith had addressed the invitation to both DePenning and Hosteter just in case he was still there in some capacity, Smith has heard nothing back from Century Link and does not know if they will attend the meeting. Smith received a reply from Casey Huff at Midland Power, Midland has 10 open utility permits with us, Huff stated she has jury duty scheduled for that week, Huff though it was this week, Smith pointed out that our meeting is next week, and is waiting on another reply from Huff. Huff did ask if another date was available, and Smith replied to Huff that she would update the Trustees with this information and let them decide. Smith stated UPN had done work in DD 143 in the north road tight of way, on HWY 175, where Unite Private Networks had a telecom line go through DD tile, this was reported in work order 261, UPN never filed a drainage utility permit application. Smith sent a letter to Charlene White of UPN stating that UPN never filed a drainage utility permit and we really need your attendance at this meeting to discuss that, Smith had sent White a letter in May also and received no reply, White wants to know if we would like an update on the completed scope of work or the scope of work on the repair they did poorly to the tile they damaged. Smith stated she was open to feedback to draft a response to White, Granzow asked if they did poor work on the repair. Smith stated they did work on the repair that was not acceptable to district standards, Smith stated Gallentine has been in contact with Price Electric that was the contractor that did the original installation and was involved in the repair. White would like clarity on how those repairs should be done, and Price had reached out to us to get on a drainage meeting agenda and we never got another response from Price to schedule that attendance. Smith states White will attend the meeting with Clark Lundy of UPN. Smith can give White some clarification and let her know her attendance will be appreciated or we can clarify that action on the 30th, White did attach a partially filled out drainage utility permit application, but does not cite the DD facility involved, and may want clarity before she completes the form.

Gallentine stated as far as what's an acceptable repair is spelled out right in the Drainage Utility Permit form, Smith asked Gallentine if this was the repair that UPN had provided Gallentine with pictures of showing fabric draped over the tile and then filled it in and wheel rolled over the site to compact the soil. Gallentine stated it was plastic rather than concrete and we never got answer as to if it was single wall or dual wall tile. Granzow states this may answer White's question. Smith asked if the Trustees would like her to send a reply to White stating that we want the form filled out for your original scope of work and we will discuss the repair on our meeting on the 30th. McClellan stated that would be acceptable.

Smith stated she will try to put together a spreadsheet for the Trustees before the meeting so that they can see what each utility has for open permits. Smith asked if any other utilities have reached out to Gallentine regarding ongoing construction or completed work with these permits. Gallentine stated he had not heard from any of the utilities other than Minerva Valley, and that has been some time ago and they would let Gallentine know when they get closer to DD facilities. Smith asked if that contact had been with Spud from Central Cable, Gallentine replied it was. Smith stated she did not send Minerva Valley Telephone a letter inviting them to this meeting as they are making some effort to reach out to the drainage engineer. Gallentine stated as far as he knew Minerva Valley was in compliance, Spud had reached out before hand, and Gallentine expects an update as they get closer to that DD facility.

Smith asked if there was anything else the Trustees need her to add for review prior to the September 30th meeting, drainage attorney Mike Richards will be in attendance, and Smith has provided the utilities with the zoom option for the meeting and really did not expect any local in-person attendance, that it would

likely all be via zoom. Hoffman asked if RWE would be in attendance, Smith replied they would not as we do not have any Drainage Utility Permits that have been filed by RWE.

Granzow stated we do not have any further action at this time.

10. Other Business

DD 9 - Gallentine had updated the Trustees last week on the project near Tom Roberts' place that Gehrke would be starting in the next couple weeks. The day after last week's meeting Gallentine received an email from Gehrke that they will be more into the middle of October before starting work on this project as Gehrke got pushed back on a couple of things.

DD Big 4 Main WO 247 - Smith updated on this work order in which a bank was washed out about 350' yards east of C Ave. on the south fork of Big 4 Main. The Trustees had directed Smith to reach out to Hands On Excavation for confirmation of seeding/grading as CGA was not onsite when that work was completed. Jacob Handsaker reports the area was smoothed out and seeded, Handsaker has not been back on-site to see how the seed took hold but the dented in culvert has been repaired. Smith asked if this work order was bundled with other small projects or not, and Smith has checked on expenses and only has engineering fees received so far, we have not received any invoices from Hands On thus far. Gallentine stated that Hands On has done the work, and it is likely in the contractor's bookkeeping waiting to be invoiced. Smith stated she was just trying to clean up some of the older work orders, and asked if the Trustees would like her to leave it open for now awaiting invoices. The Trustees concurred this work order should remain open at this time.

DD 14 WO 290 - The Trustees had called for a landowner meeting on November 18, 20, Smith has created a tab on the website Drainage District Project page with a link to the Investigation Summary and the Investigation Report so that the landowners can access that to see the photos in the reports of the poor condition of the tile. Landowner meeting notices are prepared and Smith will send those out on October 1st, as she did not want to send them too early to be forgotten.

11. Adjourn Meeting

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