

**REGULAR DRAINAGE MEETING**  
**Wednesday, October 28, 2020 9:30 AM**  
**This meeting was held electronically due to Covid-19 concerns.**

10/28/2020 - Minutes

1. Open Meeting

Hardin County Drainage Trustee BJ Hoffman opened the meeting. Also present were Drainage Chairperson Lance Granzow; Trustee Renee McClellan; Lee Gallentine of Clapsaddle-Garber Associates (CGA); Taylor Roll, Mayor of Radcliffe; Michael Pearce, Network Specialist and Denise Smith, Drainage Clerk.

2. Approve Agenda

Motion by McClellan to approve the agenda. Second by Granzow. All ayes. Motion carried.

3. Approve Minutes

Motion by McClellan to approve the minutes of Drainage Meetings dated 9-30-2020, 10-14-2020 and 10-21-2020. Second by Granzow. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by McClellan to approve to approve claims for payment with date of Friday, October 30, 2020. Second by Granzow. All ayes. Motion carried.

DD 14 WO 291 - Load of BI Dirt/Clay, Labor/ Equip

Honey Creek Land Improvement, LLC

\$ 1,720.00

DD 55-3 WO 201 - Equip/Labor/Jetting- RR Xing

Honey Creek Land Improvement, LLC

\$13,883.00

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

Smith stated there was a reminder on the Drainage Calendar to review this repair summary, this was the district that had a lawsuit and had funds returned to them, we have a calendar reminder set every October to look at this again. Smith stated we have not had any recent landowner input on this one, and Smith has not received any specific complaints or concerns, we have only had the one original work order and work order 82, which is now closed. Smith wanted to make sure it was brought before the Trustees for review as the district does have a positive balance of \$438,985, and to make sure we are doing our due diligence and reviewing this. Granzow asked what the original work was on this project. Smith asked Gallentine to address the original scope of work as that was before Smith's time as Clerk. Gallentine stated this balance was from funds returned to the district in the lawsuit, originally the landowners were keen to do a replacement but they wanted to see how the DD 22 project went, Gallentine stated he does not know if the Trustees would like to pursue a landowners meeting.

Granzow stated he would like to look at a landowners meeting for sometime in December possibly. McClellan stated that we would be getting into budgets and appointments into Boards and Commissions in December and asked if the Trustees thought there would be time to hold a landowners meeting. Granzow stated he thought we would have time, but it could be a moot point for the meeting or it could be the landowners opt for a project, either way we should try to get something put together, we targeted October for a reason but does not recall why, we do have that balance there, let's see what the landowners want if anything. Smith stated looking back at the minutes of April 2019, Paul Peterson requested the project be put on hold and not do a report until landowner's request, and that was the last notation Smith has in the minutes of talking about this, and a calendar reminder was set. If Smith goes back in the minutes to August 2018, a year prior to Peterson's comments, minutes stated that the tile was flowing and working at that point so a project could be placed on hold and not do a project until landowners request. Smith stated we have not received a landowners request, Smith just wanted to make sure the Trustees would have the opportunity to review it if that is what the Trustees would like to do. McClellan stated if there was a way we could send out a letter with a returnable postcard giving landowners some options. Hoffman stated, or a postcard that states call if you have concerns or issues. Hoffman hates to pay for a mailing out and a mailing, back, it would be easier to say if you have a problem, contact the Drainage Clerk. Hoffman stated that mailing can go out after the Election. Granzow stated a simple reminder of a postcard stating we have not had any complaints on this, we would assume everything is working fine, if you feel otherwise, just contact the Clerk. Smith stated she can put in the postcard that we have done an annual review of the repair summary, and previous minutes, if you have interest in any projects or concerns about how things are working, let the Drainage Clerk know. Granzow stated the

postcard should reflect this will be the last reminder from the County sends out on this, it is on the landowners from this point.

Motion by McClellan to approve the mailing of a postcard to the landowners of Drainage District 26 Lateral 4 regarding Work Order 28 Repair Summary. Second by Granzow. All ayes. Motion carried.

6. Discuss W Possible Action - Drainage Utility Permit # 2018-11

Smith stated this was a Drainage Utility permit issued to Century Link, and Century Link did not respond to any of Smith's previous letters, and did not attend our meeting with utility providers on September 30, 2020, Smith had a note on the September 30th minutes to come back and revisit this in case the Trustees would like any additional action. Smith did send a cease and desist letter to Century Link and has not yet received a response. Smith stated she was not sure how long it would take that letter to filter through Century Link's system. Hoffman asked if this letter was sent Certified Mail, Smith stated she did not send this one via Certified Mail, it was sent First Class to the address Century Link provided on their original application, Smith does have an email address for the applicant, but has been told by one of the contractor's that Sean Hostetter isn't there any more, Smith could try that email address and see if we get a response. Hoffman stated just to cover yourself, and the Trustees, he would send them something, if you don't hear anything in another week, then send them something via Certified Mail. Hoffman asked what the other Trustees think. Granzow stated yes, McClellan stated that sounded good to her. Granzow stated we could put that on the next Drainage Agenda if need be. Hoffman instructed Smith to send the letter.

7. Other Business

DD 9 - Gehrke is laying pipe, up near Tom Roberts place, he does not know the exact amount of the footage, but there may be 1/4 to 1/3 of the pipe laid in the ground. Hoffman asked if the soil types were still good for our spoon installation. Gallentine stated yes so far the soil types look good.

Drainage Utility Permits #2019-5 and #2018-12 - Gallentine stated that the utility had applied for these two permits but after all the dust settled they really did not cross a district facility. CGA has a small amount of work in progress on the books for these two permits. Gallentine stated he was not sure who the Trustees would like these billed to, if the Trustees wanted them to go to the utility even though they didn't cross district facilities or if they should come to the Trustees. Gallentine asked for clarification on where these invoices should go. McClellan stated this is why we need a Drainage Utility Application fee, this could be paid out of an application fee that was collected. Smith stated she has emailed Mike Richards on that as well, and he will get back to us with a draft on the language, and he will get back to us with his availability for a Drainage Utility Permit / CWEC meeting in possible late November or early December. McClellan asked for Granzow's thoughts on the invoices. Granzow asked Gallentine to repeat the information. Gallentine stated there are two permits that these utilities applied for but they didn't end up crossing district facilities, so CGA has some time corresponding with the utilities getting the project set up, to find out the utilities really didn't cross the district facilities and they verified it, there was a couple hundred dollars of work on each invoice, and Gallentine just wanted clarity on who to invoice the work to, the utility or the district. McClellan stated her thought was the invoice would probably have to come here and then come out of the district's funds. Granzow stated he would have Gallentine bring those invoices back to the Trustees. Gallentine will forward those invoices to the Drainage Clerk and the Trustees can review them. Smith asked if the Trustees want those invoices paid with the next batch of claims, or would the Trustees like the two invoices on the agenda as a separate item for discussion. Granzow stated that it should be brought back as a separate agenda item.

DD 143 - Granzow stated Calvin Hiland had shared a concern with him about a pond being built in Radcliffe, Granzow went and looked at it and does not know if it affects our drainage district or not, but it is inside city limits. Granzow stated we as a county do not authorize that, it would be a city issue, but the question is how is that going to affect the drainage if that is going in right next to a drainage district, are they utilizing the water from our district to fill that pond, Granzow does not know. Granzow has that concern and also the concern of trees being cut down on Ionia St and that no trees have been cut and there is no progress showing on the tree removal, Granzow is not sure if trees have or have not been cut. Granzow stated there had been talk about putting a sleeve in the tile when the trees are cut, these are the concerns that Hiland presented to Granzow. McClellan stated that this had been presented to her as well, she had notes on this from a previous conversation with Hiland as well, he had spoken with her about these concerns as well. Hoffman stated Hiland had spoken with him as well over these concerns, Hoffman stated he was glad that Granzow went out to look at it, Hoffman looked at it as well, and would prefer to send CGA out to look at that and see if any district facilities are impacted. Granzow stated that would be the best way to verify all that. Gallentine asked where the pond was located at, Pearce shared the Beacon view of the location with the district tile referenced, the pond lies south of the end of Elizabeth St. in Radcliffe, Mayor Roll stated it was just north of the tractor pull if you know where that is. Gallentine stated he knows where it is at. Roll

stated the owner is on their City Council, and she came to City Council to ask what she needed to do first for the pond, Roll stated City Council recommended the landowner talk with the DNR first, and she did. Roll stated someone had asked the landowner where she was getting the water from, Roll could not recall what she said, but was pretty sure the landowner was going to fill it up themselves. Hoffman shared a photo of the pond under construction. Gallentine stated we can go out there look at it and verify where it is in relation to the tile. Roll stated the landowner will have no problem talking to CGA. Smith stated if you look at the aerial view from Beacon, that Pearce will share on the screen, you can see where the tile runs just east of the pond, the blue line represents district tile. Hoffman asked what are the regulations on this, can the landowner tap into that to fill their pond, what are the regulations on something like that. Gallentine will have to check the regulations, most people don't want to take water out of the tile, they want to put water into the tile, so that is a unique case. McClellan stated the landowner would have had to notify us, and would think she would have if they wanted to mess with a drainage tile. Gallentine asked if Roll knew what the intent of the pond was, was it just for recreation. Roll stated yes, it was recreation and something nice to look at. Gallentine asked if it would be stocked with fish similar to Thompson's pond. Hoffman stated when he spoke with Hiland, he made a complaint about this pond, Hoffman thought it was Thompson's pond that Hiland was referencing, we don't want to send mixed signals. Gallentine stated CGA would gladly go look at it and report back to the Trustees. Granzow asked Gallentine to give him the elevations of the pond as well, one of the things he commented to Hiland was it could work as a relief to the district if the City is backing up a little bit, the pond would be a relief to the upper ground, Gallentine stated depending on the elevations that is a possibility.

Granzow did discuss the trees with Hiland, Hiland's concern about the trees was that he wants the liner put in the tile which was quoted at \$400,000, Granzow did not remember, but Hiland's comment was if you procrastinate costs would just keep going up higher. Granzow did not recall why we kiboshed the liner, as Granzow thought we had kiboshed the liner and were going to go with a concrete tile. Gallentine stated there is two sides to that, the cost may go up but if the City gets some trees to come down, the length of the liner may go down. McClellan asked how long does it take for those roots to die. Gallentine stated it depends on the type of tree, usually within a couple of years they should be decomposing and breaking up, they will die as soon as you kill the tree. McClellan stated Hiland wants it done soon. Granzow stated Hiland's concerns were that with a drought year like this, those roots always go for water, and the roots would have been expanding more in that tile. Hoffman stated he can't disagree with the science, McClellan concurred. Roll stated we have one landowner that complains out of a whole district of people so take it as you will. Hoffman stated he explained this to Hiland, and as Hiland explained it to Hoffman, the classification for someone across the street, may be a couple of hundred dollars now, compared to the golf course project which set someone back a hundred, yes it will cost more, and then Hiland explained it was going to cost him a lot more, and so would Handsakers, but maybe if people were aware the lining would be done, and people could budget for that and any assessments over \$1,000 could be paid over time. Smith stated that could be put on a 10 year waiver. Hoffman stated not that anyone wants to be put out on a 10 year waiver for anything, whether it is a dentist bill or a drainage project, but it is an option, and Hoffman agreed with Hiland to a point in that if you know it is coming you can start putting a ten dollar bill away every pay check. McClellan stated that Hiland had explained all of that to her as well.

Hoffman stated he would like to see some progress, Roll stated we have identified the trees that need to go, Gallentine provided Roll with a list. Hoffman asked when will the first tree be removed. Roll stated he did not know, he and city manager Chuck Raska had not set a time yet, Hoffman stated he would like to show that we are making some progress on this. Roll stated the derecho took out some of the trees. Hoffman stated we had joked badly in the past that one good windstorm would take care of the trees and we could get FEMA to come in and pay for it, but no such luck, but if we could show some progress that would help the situation. Mayor Roll stated we get our tree guy to come in once a year. Gallentine suggested if you have trees go down due to the derecho or you take some trees down, Gallentine recommended just sending the Drainage Clerk a note so that she can inform the Trustees and it can be noted in the minutes and that shows progress. Hoffman stated that way we can document it in the Drainage Minutes and keep a running total, and have your Council acknowledge it and send those minutes to the Drainage Clerk.

No other business.

8. Adjourn Meeting

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