

**AGENDA  
REGULAR DRAINAGE MEETING  
SEPTEMBER 19, 2018  
8:30 A.M.**

1. Open Meeting
2. Approve Agenda
3. Approve Minutes  
September 12, 2018 Regular Drainage Meeting

Documents:

[9\\_12\\_2018 - DRAINAGE MINUTES.PDF](#)

4. DD 25 - Discuss, With Possible Action, Updates With Railroad
5. DD 55-3 Lat 9 - Discuss, With Possible Action, Landowner Concerns
6. Approve Resolution 2018-1 Regarding Projects Involving Railroad Entities

Documents:

[2018-1 REPAIRS INVOLVING RAILROAD RESOLUTION.PDF](#)

7. Other Business
8. Adjourn Meeting

# REGULAR DRAINAGE MEETING

9/12/2018 - Minutes

1. Open Meeting  
Hardin County Board of Supervisors Chairman, BJ Hoffman, opened the meeting. Also present were Supervisors, Lance Granzow and Renee McClellan; Lee Gallentine with Clapsaddle-Garber Associates (CGA); Hardin County Engineer, Taylor Roll; Drainage Clerk, Tina Schlemme.
2. Approve Agenda  
Granzow moved, McClellan seconded to approve the agenda as presented. All ayes. Motion carried.
3. Approve Minutes  
McClellan moved, Granzow seconded to approve the minutes of the September 5, 2018 regular drainage meeting. All ayes. Motion carried.
4. DD 55-3 Lat 9 - Discuss, With Possible Action, Landowner Concerns  
It was discussed that landowner, Curt Bunte, had asked the Trustees to look at the waterway. He hired Gehrke Inc to do the seeding, but they stated they had concerns. McClellan visited the area and it did appear to not have a swoop format and didn't look right. The Trustees agreed they had previously informed the landowner that they could seed the area and be reimbursed as a damage claim. If the landowner would like Gehrke's to complete the entire process, then it's at his expense. Otherwise, they will have the project contractor, Hands On, complete the dirtwork portion. It was also mentioned that Bunte feels there are still private tile that were not hooked back up during the project. Granzow moved, McClellan seconded for CGA to contact Hands On and see how they would like to remedy the situation after crops are out. Schlemme is to send a letter to Bunte informing him to halt Gehrke's work. The letter should also ask Bunte to flag any areas where he believes private tile is not hooked up. Roll is to monitor the correspondence between Bunte and Hands On to make sure there is a favorable outcome between the two. All ayes. Motion carried.
5. DD 55-3 Lat 12 - Discuss, With Possible Action, Legal Opinion  
Schlemme informed the Trustees that Attorney, Mike Richards, had drafted an opinion regarding the railroad repair needed because of tree roots in the tile. The summary of the letter stated that the district does not technically need to provide notice to the railroad to remove any trees, but recommends that the railroad be served notice under Code of Iowa Section 468.109 and wait 30 days to do the work. Granzow moved, McClellan seconded for Schlemme to draft a policy to begin providing notice to railroads that would inform them of any project affecting them. All ayes. Motion carried.
6. DD 25 - Discuss, With Possible Action, Updates With Railroad  
Schlemme updated the Trustees that Attorney, Mike Richards, spoke with the railroad two days prior and they are intending to approve the application this week. The Trustees asked that Schlemme agenda this item again for the next regular drainage meeting.
7. Approve Drainage Utility Permit #2018-9 With Aureon  
McClellan moved, Granzow seconded to approve Drainage Utility Permit #2018-9 with Aureon. All ayes. Motion carried.
8. DD H-F 1 - Approve Drainage Utility Permit #2018-10 With Winnebago Coop Telecom Assoc  
Granzow moved, McClellan seconded to approve Drainage Utility Permit #2018-10 with Winnebago Coop Telecom Association. All ayes. Motion carried.
9. Discuss, With Possible Action, Outstanding Utility Permits  
Schlemme informed the Trustees that Attorney, Mike Richards, is producing a letter for Central Iowa Water and Windstream, but there is a conflict to send one to Radcliffe Telephone Company. Schlemme has not received these letters yet, but will use the same format to send a ltter to Radcliffe Telephone from the Trustees.
10. Other Business  
DD 22 - Roll stated that landowner, Randy Madden, had asked to install a culvert under 180th Street, lying west of D Avenue. If this culvert were installed, it may drain land from the north of 180th, which is not located in the drainage district. Schlemme added that this is the area the Trustees talked about annexing Madden's land due to the tile being extended during the 2011 project. The Trustees agreed that Roll should ask Madden if he is okay with having the land to the north be annexed in. If so, the Trustees will hire an engineer to begin the annexation report process.

Hoffman stated Hardin County Treasurer, Machel Eichmeier, had concerns with landowners not being happy with having to pay interest on waivers they signed up for but then paid in full by September 30, 2018. Hoffman recommended asking corporate resources to sponsor a work session to educate landowners on all the different aspects of the drainage assessment process. Schlemme added that she could provide a more detailed fact sheet to landowners when they sign up for payments.

11. Adjourn Meeting

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

**RESOLUTION**

WHEREUPON Drainage Trustee Lance Granzow moved that the following Resolution be adopted:

**RESOLUTION NO. 2018-1  
DRAINAGE PROJECTS INVOLVING RAILROAD ENTITIES**

WHEREAS, Code of Iowa Section 468.109 states that when a drainage district is going to construct an improvement which will cross into the right-of-way of a railroad, notice must be served on the railroad which allows them the option to do the work themselves within 30 days.

WHEREAS, on September 19, 2018 the Board of Supervisors, as Trustees of Hardin County Drainage Districts, approved the herein stated policy regarding Hardin County Drainage District projects involving railroad entities by motion in their regular drainage meeting.

NOW, THEREFORE, BE IT RESOLVED that the Hardin County Board of Supervisors, as Trustees of Hardin County Drainage Districts, hereby authorize the Hardin County Drainage Clerk to provide notice to any railroad entity for projects involving the railroad. The following requirements will apply:

- The notice will be sent for both repair and improvements projects.
- The notice will advise the railroad they have 30 days to do the work themselves for improvement projects only.
- The notice will advise the railroad that any repair work will commence no earlier than 30 days from the date of the letter.

BE IT ALSO RESOLVED that this resolution shall be effective as of September 19, 2018.

The motion was seconded by Drainage Trustee Renee McClellan, and after due consideration thereof, the roll was called and the following Trustees voted:

AYES:                    Lance Granzow; Renee McClellan; BJ Hoffman

NAYS:                    \_\_\_\_\_

ABSENT:                \_\_\_\_\_

ABSTAIN:                \_\_\_\_\_

Whereupon the Chair of the Board of Supervisors declared said Resolution duly passed and adopted this 19<sup>th</sup> day of September, 2018.

ATTEST:

\_\_\_\_\_  
 BJ Hoffman  
 Chairman, Board of Supervisors

\_\_\_\_\_  
 Jessica Lara  
 Hardin County Auditor