

**AGENDA
REGULAR DRAINAGE MEETING
MARCH 20, 2019
12:00 P.M.**

1. Open Meeting
2. Approve Agenda
3. Approve Minutes
 - March 6, 2019 Regular Drainage Meeting
 - March 6, 2019 DD 167 Public Hearing
 - March 6, 2019 DD 131 Public Hearing
 - March 12, 2019 DD 143 Landowner Meeting

Documents:

[3_6_2019 - DRAINAGE MINUTES.PDF](#)
[DD 131 RECLASS HRG 3_6_2019 - MINUTES.PDF](#)
[DD 143 LANDOWNER MTG 3_12_2019 - MINUTES.PDF](#)
[DD 167 ENG REPORT HRG 3_6_2019 - MINUTES.PDF](#)

4. Discuss, With Possible Action, IRUA Proposal
5. DD 86 - Discuss, With Possible Action, Tree Removal
Jeremiah Silvey
6. DD 143 - Discuss, With Possible Action, Tree Project
7. DD 56 - Discuss, With Possible Action, Legal Opinion Received

Documents:

[2019-03-15 LTR SCHLEMME.PDF](#)

8. Discuss, With Possible Action, Contractor Rates
9. Other Business
10. Adjourn Meeting

REGULAR DRAINAGE MEETING

3/6/2019 - Minutes

1. Open Meeting

Hardin County Board of Supervisors Chairperson, Renee McClellan, opened the meeting. Also present were Supervisors, Lance Granzow and BJ Hoffman; Jim LaPlant and Dan McGinnis with Iowa Regional Utilities Association (IRUA); Lee Gallentine and Zeb Stanbrough with Clapsaddle-Garber Associates (CGA); Drainage Clerk, Tina Schlemme.

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 February 27, 2019 regular drainage meeting. All ayes. Motion carried.

4. Approve Claims For Payment

Granzow moved, Hoffman seconded to approve the claims for payment with pay date of Friday, March 8, 2019.

DD 9 SCANNING	Clapsaddle-Garber Assoc	\$	304.90
DD 14 WO 70 REPAIR	Clapsaddle-Garber Assoc	\$	1,837.20
DD 21 RECLASSIFICATION	Clapsaddle-Garber Assoc	\$	577.40
DD 22 CONTRACTOR COORD & NEW SINKHOLE	Clapsaddle-Garber Assoc	\$	451.00
DD 25 L3 WO 226 REPAIRS	Clapsaddle-Garber Assoc	\$	2,534.60
DD 25 WO 1 PLANS & SPECS	Clapsaddle-Garber Assoc	\$	2,892.00
DD 26 L4 WO 82 INVESTIGATION	Clapsaddle-Garber Assoc	\$	1,134.35
DD 38 WO 231 INVESTIGATION	Clapsaddle-Garber Assoc	\$	1,867.75
DD 48 INVESTIGATION	Clapsaddle-Garber Assoc	\$	490.50
DD 52 LEGAL	The Davis Brown Law Firm	\$	580.00
DD 55-3 L9 WO 224 REPAIR	Clapsaddle-Garber Assoc	\$	904.45
DD 72 REPAIR	Clapsaddle-Garber Assoc	\$	1,216.55
DD 86 REPAIR	Clapsaddle-Garber Assoc	\$	1,711.70
DD 123 WO 188 REPAIR	Clapsaddle-Garber Assoc	\$	1,043.68
DD 131 RECLASS PUBLICATION	Times Citizen	\$	194.11
DD 146 PLANS AND SPECS	Clapsaddle-Garber Assoc	\$	1,309.55
DD 148 ENG RPT	Clapsaddle-Garber Assoc	\$	516.80
DD 148 PLANS & SPECS	Clapsaddle-Garber Assoc	\$	2,685.50
DD 165 WO 232 PLANS & SPECS	Clapsaddle-Garber Assoc	\$	1,639.40
DD H-F 1 TOTAL REMOVAL OF WILLOWS	Clapsaddle-Garber Assoc	\$	1,334.73

5. Discuss, With Possible Action, IRUA Utility Permits

IRUA submitted a response to the engineer's comments. Hoffman moved, Granzow seconded for CGA to review the materials and report back with opinions on how to proceed at the next regular drainage meeting. All ayes. Motion carried.

6. DD 131 - Landowner Concern Regarding Reclassification

Schlemme informed the Trustees that a landowner had concerns with the boundary of DD 131 and if his daughter's land should be in the district. It was agreed that it would be addressed later in the day at the hearing.

7. DD 148, 146 And 165 - Approve Plans And Specifications And Set Hearing Date

Granzow moved, Hoffman seconded to approve the plans and specifications and to set the bid letting date as Wednesday, March 20, 2019 at 1:00 PM in the large conference room of the Hardin County Courthouse. It was discussed that the regular drainage meeting will be held at noon that day. All ayes. Motion carried.

8. DD 56 - Discuss, With Possible Action, Landowner Concern

Schlemme updated the Trustees that a landowner had concerns regarding if option #1 of the engineer's report would be selected and the district would be divided into two, how it would be assessed to landowners. Because it's considered an improvement, would a new classification of the whole district need to happen first and then separate classifications once divided? Hoffman moved, Granzow seconded for Schlemme to contact Attorney, Mike Richards, for clarification. All ayes. Motion carried.

9. Other Business

None.

10. Adjourn Meeting

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

**PUBLIC HEARING ON RECLASSIFICATION COMMISSION REPORT FOR
MAIN AND CLASSIFICATION COMMISSION REPORT FOR LATERALS
DRAINAGE DISTRICT 131, HARDIN COUNTY**

3/6/2019 - Minutes

1. Open Meeting
Drainage District 131 Board of Trustees Chairperson, Renee McClellan, opened the meeting. Also present were Board of Trustees, Lance Granzow and BJ Hoffman; Landowners, Tim Broer, Greg Larson, Greg Huebner, Michelle and Greg Stotts, Jeff Heinzeroth and Neil Matin; Lee Gallentine and Zeb Stanbrough with Clapsaddle-Garber Associates (CGA); Drainage Clerk, Tina Schlemme.
2. Approve Agenda
Granzow moved, Hoffman seconded to approve the agenda as presented. All ayes. Motion carried.
3. Introductions/Attendance
Introductions were made and attendance verified.
4. Open Public Hearing
McClellan opened the meeting.
5. Verify Publication
Schlemme verified the notice of hearing was published in the Times Citizen on February 9, 2019.
6. Explanation Of Reclassification
Gallentine explained the classification process as detailed in the commission reports for the main tile, lateral P1, lateral P2, lateral P3 and lateral P4.
7. Written Or Verbal Comments/Discussion
Broer questioned if his daughters land, which lies on the boundary line, is really flowing into the district as there is a ridge in that land. These parcels were identified as tracts 28, 33 and 34. Broer stated he did not want money being spent on a survey, but just using LIDAR would be sufficient. Gallentine stated he could have the information completed in 2-3 weeks.
8. Close Public Hearing
Granzow moved, Hoffman seconded to close the public hearing. All ayes. Motion carried.
9. Possible Action
Hoffman moved, Granzow seconded to direct CGA to use LIDAR and re-evaluate tracts 28, 33 and 34. It was discussed that this item should be placed on the regular drainage meeting agenda for March 27, 2019 at noon and any findings should be emailed to landowners who submitted email addresses. All ayes. Motion carried.
10. Other Business
None.
11. Adjourn Meeting
Hoffman moved, Granzow seconded to adjourn the meeting. All ayes. Motion carried.

**DD 143 LANDOWNER MEETING
AMERICAN LEGION POST #317, RADCLIFFE, IOWA**

3/12/2019 - Minutes

1. Open Meeting

Hardin County Drainage District Board of Trustees Chairperson, Renee McClellan, opened the meeting. Also present was Trustee, Lance Granzow; Landowners, Jim Handsaker, Jeree Olson, Jeff Fudge, Julie Fudge, Donna Ostrem, Aaron Grage, Al Uhrhammer, Terry Swenson, Jon Houck, Chuck Raska, Marlow Peppar, Edna Lee, Taylor Roll, Allen Rudy, L Stanerson, Bryan Drake, Jon Kuhfus, Lee Wykle, Paul & Rebecca Bailey, Dorothy Barnhart for the Gary Kuhfus Estate, Nikki Pals, Brad Fjelland, Daryl Eide, Paul Handsaker, Denny Chaussee, Calvin Hyland, Patty Hyland, Roxanne Gummert, Trev Houck, Phyllis Drake, Thomas Schutter, Merv Granzow, Shane Holdgrafer, Kent Giroux, David Raska, Jeremy Davis, Jim Herrington, Roger Handsaker, Randy Martinson, Mark Gehling, Melanie Eide, Dale Hinderaker and Lloyd Guard.

2. Approve Agenda

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

3. Explanation Of Project

The Trustees explained the project concerning the trees along Ionia Street.

4. Comments/Discussion

Discussion was had regarding the options. The Trustees asked for a show of hands on the following options:

- 1) Remove all trees - 5 hands
- 2) Remove all trees in a series of years to keep under \$50,000 - No hands
- 3) Remove highlighted trees - 2 hands
- 4) Remove highlighted trees in a series of years - 3 hands
- 5) Remove trees where roots are in the tile line - 30 hands
- 6) No tree removal - 2 hands

Assessment options were also discussed.

5. Possible Action

The Trustees acknowledged that the majority of landowners preferred to remove the trees just where roots were in the tile as seen in televising footage. No action was taken.

6. Other Business

None.

7. Adjourn Meeting

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

**PUBLIC HEARING ON ENGINEER'S REPORT
ON REPAIRS OR IMPROVEMENTS TO MAIN TILES
DRAINAGE DISTRICT 167, HARDIN COUNTY, IOWA**

3/6/2019 - Minutes

1. Open Meeting

Hardin County Board of Supervisors Chairperson, Renee McClellan, opened the meeting. Also present were Board of Supervisors, Lance Granzow and BJ Hoffman; Landowners, Neil Martin, Tom McDonald, Lloyd McDonald, Larry Balvanz, Jim Martin, Ron Reece and Dave Bernard; Lee Gallentine and Zeb Stanbrough with Clapsaddle-Garber Associates (CGA); Drainage Clerk, Tina Schlemme.

2. Approve Agenda

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

3. Introductions/Attendance

Introductions were made and attendance verified.

4. Open Public Hearing

McClellan opened the public hearing.

5. Verify Publication

Schlemme verified the publication of the notice of hearing as being published in the Herald Index on February 8, 2019.

6. Explanation Of Project

Gallentine explained the project as presented in the engineer's report dated December 28, 2018. The project began with a work order request from April 26, 2018. A repair summary showed a lack of soil cover and tile blockage. A landowner meeting was held on July 25, 2018, in which landowners agreed they would like an engineer's report created with both repair and improvement options. Gallentine presented his estimates for repairs: 1) Dual tile replacement at \$464,456.25. 2) Single tile replacement at \$379,212.50. He then presented the improvement estimates: 1) Dual tile replacement with 1/2" coefficient at \$565,512.50. 2) Single tile replacement with 1/2" coefficient at \$395,312.50.

7. Written Or Verbal Comments/Discussion

Reclassification was discussed amongst landowners in which Gallentine stated a reclass of the main tile would cost roughly \$5,000-\$8,000 but because there are so many laterals, a reclass of the main including laterals would cost over \$20,000.

The possibility of the district being abandoned and managed by landowners was discussed but would be hard to maintain as the city drains into the tile. The estimated amounts of repair were discussed as being too high for city landowners to pay. Landowners agreed they would like to see just spot repairs completed with plastic tile. Gallentine added that because of the low soil cover, the tile will egg shape, unlike concrete.

Schlemme read three objection letters received from Larry and June Balvanz, Neil Martin and the City of New Providence.

8. Close Public Hearing

Granzow moved, Hoffman seconded to close the public hearing. All ayes. Motion carried.

9. Possible Action

Granzow moved, Hoffman seconded to adopt the Engineer's Report for file. It was discussed that the report can stay on file for 10 years and be used later. All ayes. Motion carried.

Hoffman moved, Granzow seconded for CGA to coordinate spot repairs using plastic tile. All ayes. Motion carried.

10. Other Business

None.

11. Adjourn Meeting

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



Michael C. Richards
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Des Moines Office

March 15, 2019

Via Email

Ms. Tina Schlemme
Real Estate and Drainage Clerk
Auditor's Office
1215 Edgington Ave., Suite 1
Eldora, Iowa 50627
tschlemme@hardincountyia.gov

Re: Hardin County Drainage District 56

Dear Tina:

On March 12, 2019, you emailed me regarding a proposal to split DD 56 into two separate districts and install a tile north to an open ditch. You provided an Engineer's Report on Improvements and you indicated it showed that the proposal would be beneficial to both the eastside and the westside landowners. Based on the aforementioned, you posed the following question:

If the District is divided into two, and improvements are installed, who pays for the project, and under what classification?

Chapter 468 gives the governing bodies of districts fairly broad discretion in deciding these issues. Generally speaking, any inequalities in the value of improvements, contribution of lands, and maintenance between divided sections are to be settled equitably by the Board.

In addition, there are a few sections of Chapter 468 that bear mentioning and provide some additional guidance. Section 468.65 discusses when reclassification may be come necessary when a significant repair, improvement or extension is needed in a district. In this circumstance, the board can consider whether the existing assessments are equitable as a basis for the payment of the repair, improvement or extension. *Id.* If the Board finds the existing assessments are inequitable in any particular for the anticipated repair, improvement or extension, they "shall" order a reclassification pursuant to 468.65. *Id.*

Also relevant is Section 468.188, which discusses public improvements that divide a district. Pursuant to that section, if the public improvement leaves two separate portions of the improvement that are still operable and of benefit to the land on each side of the division made by the public improvement, then the Board may divide the district into two separate units,

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leaving each to perform further work on the improvements in their respective parts. *Id.* However, neither district can be charged for work completed on the opposite side of the new improvement that divides them and may only be charged for the work done in that portion of the district remaining on their side of the division. *Id.* In review of the Engineer's report, it is not clear to me whether the new improvement would actually completely divide the district into two, but the intent of the section is relevant nonetheless.

Based on the overall intent of Chapter 468 to deal with property owners equitably in regard to significant repair, improvement or extension, including the code sections cited above, I believe the Board could choose to order reclassification based on how the districts would exist after the improvement is made. This seems to reach the most equitable result, because the cost for the improvement, and the classifications of both sides, should bear some rationality to the benefit that will ultimately be provided after installation of the improvement.

Please call with questions or concerns.

Very truly yours,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.

A handwritten signature in cursive script, appearing to read "mcrich", written in black ink.

Michael C. Richards

MRIC/mjw