

REGULAR DRAINAGE MEETING

October 23rd, 2019

8:30 AM

10/23/2019 - Minutes

1. Open Meeting

Hardin County Board of Trustees Chairperson, Renee McClellan, opened the meeting. Also present were Trustee Lance Granzow, Trustee BJ Hoffman, Lee Gallentine with Clapsaddle-Garber Associates (CGA), Becca Junker, previous Drainage Clerk and Denise Smith, Drainage Clerk.

2. Approve Agenda

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

3. Approve Minutes

Granzow moved. Hoffman seconded to approve the minutes for Regular Drainage Meeting 10/09/2019 and DD 25 Landowner Meeting 10/09/2019 as presented. All ayes. Motion carried.

4. DD 55 - Discuss W/ Possible Action, Wetlands Project

Smith stated that Mike Bourland had e-mailed plans for DD 55 Wetland Project, and requested scheduling with the Board to present plans, which may take up more time than available in a Regular Drainage Meeting. Mike Bourland is available to present any day except Mondays and on Thursday, October 24th. Granzow stated that he did not want a morning meeting due to the large amount of info/time needed for presentation. Gallentine offered to review plans and address questions prior to Mike's presentation. Gallentine stated that project is over an open ditch at end of 143, and wanted to make sure it would not backwater into that tile. Landowners are in agreement on the wetland project according to Mike's report. Motion by Hoffman to have Gallentine review wetland project and address questions prior to Bourland's presentation, Gallentine will coordinate schedule with Bourland after review, Granzow seconded. All ayes. Motion carried.

5. Discuss W/ Possible Action IRUA Check

Daniela Talmadge of Davis Brown Law has sent another letter demanding that the IRUA ceases violating permits and in which it reminds IRUA that the issue has not been settled and requests a date for all parties involved to sit down and come to a conclusion per Trustee's last motion. We received an email from Matt Mahler at IRUA if we could send the check back that IRUA had offered the district in dispute over CGA's fees. Matt requested we send the check back as it has been over 6 months since it was issued and a new check would need to be issued. Motion by Granzow to have Smith to mail the check back and have new check issued, to be held in good faith by the Trustees until which time a resolution can be reached, Hoffman seconded. All ayes. Motion carried.

6. Discuss W/ Possible Action, IRUA Invoices

Smith stated we have 3 invoices, 2 from Davis Brown law and one from CGA for IRUA work. It was requested at last meeting that Smith talk with Auditor Jessica Lara, to see if a general fund could be created that would draw funds from a minimum assessment on all parcels in drainage districts in the County. Lara explained to Smith that the minimum assessment per parcel is \$5.00, which would create a sizable fund, which would be more than enough to pay claims from the IRUA dispute, leaving any excess would remain unused in the account. Lara suggested we pay from rural services fund rather than create a general fund. Granzow stated that he would rather see them payed from general fund. Hoffman noted that should this end up in a lawsuit, having those funds to pay fees related to a lawsuit would be a good thing. Junker stated we could go back and have Lara create a line item in the general fund which would be paid back once assessment goes out. Junker shared that Lara had concerns about billing and having money sit on some districts that haven't been or won't be worked on. Granzow stated that we have talked about this for a long time, and he thinks we should do an assessment on all districts for this purpose. McClellan stated this would be a huge process because some of these districts have not been assessed for years. Gallentine thought when we scanned maps 5 years ago that this should have been done/updated and

mentioned that at one time it was discussed that an assessment like this could be used for all or part of the drainage clerk's salary. Granzow said that it has to be done this way because we are charging half the county that is not in the drainage district that shouldn't be charged. Hoffman notes that even incoming calls from inactive districts take the Clerk's time and efforts, and which could result in a large project for which an inactive district would have nothing in their account to cover it. McClellan noted it could take a year or more for assessments to go out. Granzow stated that although these IRUA disputes are about rural water, it has the greatest impact for the county and smaller cities. Hoffman directed Smith to find out how any parcels this would be and what sum of money this would amount to and let Trustees know this info at our next meeting. Junker asked, in the short term, how we are to address these 3 invoices, Granzow stated he they could be paid out of General Services as long as that fund was reimbursed later.

Granzow stated it would be easier to pay out of rural services, but if it will not be reimbursed it should be paid out of the general fund. McClellan agreed to pay from General fund and reimburse with a general assessment, it will take planning ahead to do a general assessment, and to see how much money would be available and if there would be enough excess funds to cover the drainage clerk's salary from the fund. Hoffman stated should we do a loan from the general fund to the districts which could carry on for 2-3 years before we pay it back. McClellan stated Trustees should talk with Lara.

Junker asked how should bill be paid - to pay out of general or hold bill for now. Granzow said it should be a warrant across all districts. Gallentine states if we have 200 districts, the \$700 of invoices would break down to \$2 to \$3 per district, which they should all have on hand. Granzow stated we don't have a line item to put the warrant on, we would need to submit it to a district, we don't have a way to submit it to all districts.

Hoffman stated let's hold the invoices until after Smith reports back next week with info about how much a \$5.00 assessment across all districts would generate and discuss payment of invoices then. Junker stated we will have Mindy go through and figure which invoices were ours for this issue. Granzow moved to table the payment of invoices until next week, Hoffman seconded. All Ayes. Motion carried.

7. DD 25 Update On Lat 3 And Main Split

Gallentine provided an update, for the hearing for DD 25 Lat 3, CGA had created a map that provided a breakdown of the percentages of land in the parcel, unless they are wholly in the track the no percentage was noted, that would be affected by the extra crossing costs. The map provided the information that the Drainage clerk needed when the assessment comes in.

8. DD 124 - Update On WO #259

Landowner Steve Kjormoe notes that the problem has gotten worse and is 1/4 mile long in his field. He has out of county contractor Justin Ross (Grundy County) ready to do the work. We received his Liability Insurance which does not denote that he has Worker's Comp insurance. Smith stated that Justin had signed and submitted the wrong form, and we have reached out to have him sign the correct form (Waiver of Liability Insurance). Gallentine needs Justin Ross's contact info, and stated that we need to let him know he is not to begin any work until CGA is on site to provide direction.

9. Approval Of Out Of County Contractor

Granzow stated that he prefer we always offer work to in county contractors first, Hoffman concurred. It was noted that due to high volume of work and wet fall, most of the local contractors have full schedules. The Trustees acknowledged that Gallentine will check with local contractors again, and should they all be unavailable, then offer the work to an out of county contractor (Justin Ross).

10. DD 22 LAT 1 - Approve Work Order 276

Randy Silvest stopped in to report a sinkhole in center of his wetland area, directly north of his home site. Sinkhole was 6' to 8' wide and 3' deep in center and was dry at the time of his report. Lat 1 runs directly through the middle of this wetland area. Hoffman motioned to have CGA investigate and report back their findings and what needs to be done if repair is needed, Granzow seconded. All ayes. Motion carried.

11. DD 38 - Approve Work Order Request #231

Justin Huebner called in to report issues with Lat 4 tile. Neighbor's parcel had repairs to Lat 4 that were expected to resolve his issues downstream. Huebner still has 7-8 acres that are flooded out and not resolved by neighbor's repair. Verified with Huebner current wet spot locations are the same as noted in DD 38 Lat 4 Observation Report, dated 5-16-19. Gallentine stated upstream of him was dry and it looked like the tile did not go through some of the wet spots, and it was left that if it was District tile, the District would pay for repairs, if it was private tile the landowner would pay for repairs. Hoffman stated for us to find a contractor and get to him soon may be tough, and would extend to Justin that we can send CGA out to verify if it is District or private tile issues and determine who is liable for repairs, what repairs, if any, are needed.

Huebner would need to schedule with CGA once tile is exposed, so CGA can determine if it is District or private tile. Hoffman motioned for Gallentine to contact Justin to coordinate investigation of tile issues, Granzow seconded. All ayes. Motion carried.

12. DD 48 - Approve Work Order Request #274

Larry Dougan came in to report a the open ditch is meandering from the current track into the field, and requested repair. McClellan said she spoke with him, and he says the ditches have been dug out deeper and wider, and they are wandering quite a bit now. Junker noted a previous work order that stated if any further problems we would investigate. McClellan also noted that Larry told her he dug several holes in the field to find an empty beer can wedged in a tile that had gotten in the tile from an open tile in the ditch, and she said Larry would need to fill in the holes. Hoffman made the motion to go out and investigate the meandering ditch, Granzow seconded. All ayes. Motion Carried.

13. DD 131 - Approve Work Order Request #275

Greg Huebner called in to report a blowout on DD 131 Main Line, 100 yards directly east of building site, blowout is 8' to 10' across. Hoffman made motion to send CGA out to investigate, seconded by Granzow. All ayes. Motion carried.

14. DD 154 - Discuss W/ Possible Action, Landowner Concerns

Roger Woolworth e-mailed photos with concerns of ponding on his property, in which he references flooding out of the drainage ditch after recent 1-1/2" rain. Mr. Woolworth questions if the ditch/ ground is cut the wrong, creating ponding of water. DD 154 has had no recent projects/work orders in Tyler/Access, and has not had work done in a very long time. Possibly related- There is an open ditch noted on Open Spraying Bids for DD 154 that is not reflected on GIS/Beacon. Gallentine said he reviewed the maps and this is an entirely tiled district, so there are no outlets into a ditch, and the nearby ditch would be out of the district. Gallentine said the District is only responsible for issues related to the district tile. Junker stated that Woolworth had built his house close to the district tile and noted previous conversation with Schlemme and the landowner. The open waterway noted in photos would not be district waterway and could be on neighboring Brandt's ground.

Granzow made a motion to send CGA out to verify location of ponding issues in relation to district tile, Hoffman seconded. All ayes. Motion carried.

15. Other Business

Gallentine gave update on DD 22. Work recently has been east of C Ave., where old and new tile cross, they have been using the old tile as outlet, they had blocked off the old tile and never pulled that out, so there was lots of water backed up. Plug was removed, and hopefully they can get back to work tomorrow.

Smith stated that Davis & Brown Law, Mike is working on DD 55 Lat 9, WO #259, we received an update from Mike Richards and has cleared his conflict checklist and he will get to work on this, this week.

16. Adjourn Meeting

Granzow motioned to adjourn, Hoffman seconded. All ayes. Motion carried.