

REGULAR DRAINAGE MEETING
Regular Drainage Meeting
November 6, 2019 8:30 AM

11/6/2019 - Minutes

1. Open Meeting

Hardin County Board of Trustees Chairperson , Renee McClellan opened the meeting. Also present were Trustee Lance Granzow, Trustee BJ Hoffman; Luke Davison, IRVM; Denise Smith, Drainage Clerk.

2. Approve Agenda

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

3. Approve Minutes

Due to Elections on Tuesday, November 5th, minutes will be available at our next regular Drainage Meeting.

4. Discuss W/ Possible Action, IRUA Invoices/Correspondence

Smith received an email back from Matt Mahler at IRUA which states that IRUA will issue a new check and put it to Smith's attention. Smith will hold old check until directed to return, and will let Trustees know when new check arrives.

Smith reports on potential assessments, that she is working on the classification spreadsheets to provide the Trustees with a sample range of what dollar amount the potential assessment would provide if assessed at \$500, \$1,000 or \$2,000 per district, and give the Trustees a grand total for each amount to see how much that would generate. Smith will utilize previous Drainage clerk Becca to work out spreadsheets for districts that have not been assessed in a long time. Smith will reach out to Trustees with any questions.

Granzow directed Smith to make a copy of the old IRUA check for our records and to let apprise Trustees of any enclosures or documents that may arrive with the new check, and to share that information with attorney Mike Richards as well.

Hoffman moved to have Drainage Clerk return the expired check to IRUA upon receipt of new check. Seconded by Granzow. All ayes. Motion carried.

5. Discuss W Possible Action - Open Ditch Brush Control

Smith reached out to B&W Controls Specialists regarding 2016 bid cycle spray logs. Smith spoke with owner Don Refer, and this information was e-mailed to the Trustees on 11/1/19.

Here is the summary of what Don Refer told Smith:

B & W was not notified in 2016 that he was awarded the 3 year bid for spraying in that bid cycle (awarded in Meeting 1-03-17). He did not receive back a bid award notice or a signed copy of a proposed contract. He assumed he had not been awarded the bid. Tina reached out to him with a question sometime in 2017, and that was when he says he was made aware that he was awarded the bid.

B&W has submitted a three year bid in past years, 2016's bid would have ended at the end of 2019, although the actual spraying itself occurs once every 3 years, this being the year for the spraying to occur. It is unnecessary to spray every single year. Don states he sprays after crops are out and with this being a wet year they are set to begin work next week, he uses an oil carrier dormant spray on the base of trees. He says work will take about 2 weeks depending on weather conditions. Once sprayed, the area does not

need another application of spray until 3 years from now. Invoices and spray logs will follow once the work is completed, this explains why I have not received invoices for the current bid cycle yet as work is just now due to be done as this is the 3rd year in that spray cycle.

Don also stated that most counties do not contract for the entire three year period, they only contract for the year in which the spray work is being completed. In 2016, during the previous bid cycle, he did provide Tina Schlemme, previous drainage clerk, with sample contracts and spraying policies from other counties to reference as examples of a one year contract, which Smith has, if Trustees would like to review them.

Smith did reach out to Don Refer after this call to ask him to hold off on any spraying until after the October 30th meeting. Don provided a cell phone number and said he was happy to answer any questions during the meeting via phone. After the October 31 Regular Drainage meeting, at which Smith was directed to reach out to Adam Seward of Honeycreek, Smith did email Seward for an estimate. Seward requested copies of the 2016 bids, which Smith provided. Seward is working on putting together an estimate for the Trustees. Granzow stated he would not like to bid this work and wants to stay with an in county contractor. Granzow would like to contact Luke Davison of IRVM with questions about the types of chemicals B&W used and if this is the right time of year to spray. Granzow stated B&W had 3 years to do the job and he is just now doing it with 8 weeks left on the contract. McClellan asked when did Don Refer say he was notified of the bid award as it will be snowing soon. Smith states Don Refer says he was notified sometime in 2017 when previous Drainage Clerk Schlemme, reached out to him with a question.

Granzow calls Luke Davison with IRVM and requests he comes into the meeting to ask about when he should spray and what he sprays with, and if it is safe for aquatic spraying. Smith asks if they would like to reach out to Don Refer, and provides the list of chemicals used from the 2016 quote. Granzow says to make a copy to provide to Luke Davison.

Granzow stated he does not know if we can legally cancel his contract. Hoffman says we should contact Darrell Meyer, County Attorney, and see what/if Meyer says we can do about terminating the contract. McClellan asks if we have any information on what chemicals B&W sprays. Smith provides a copy of chemicals listed in 2016 bid.

Hoffman motions to have Smith reach out to Darrell Meyer for review and explanation of terms of canceling the contract with B&W Control Specialists. Granzow seconded. All ayes. Motion carried.

Hoffman motions to recess until Luke is available. Granzow seconds. All ayes. Motion carried.

Hoffman motions to come out of recess. Granzow seconds. All ayes. Motion carried.

Granzow states that B&W had a contract for 3 years to come out and spray open ditches and spray trees with oil based chemicals, and asks Davison if it is recommended to spray this late in the year. Davison says it is way too late for weeds, Davison said they are going to try a basal oil spray that is in experimental stages with it going dormant, but you can spray until the snow flies with that treatment. Davison is not sure how well that works as it is experimental as he has never done it. Granzow asked if it was not recommended for waterways and noted this would be sprayed on an open ditch. Davison stated if it is an open ditch he wouldn't spray it, he would go in with a chainsaw and stump treat as it is more controlled. McClellan stated B&W would only do this every 3 years, Granzow wondered if B&W used a rotation in the 3 year period. Davison stated he would use a rotation in that 3 year period. Granzow stated that basal is not recommended for waterways. Davison said not to use any herbicide on a waterway if it is not rated for aquatic application. Granzow asked what on the list of chemicals provided by B&W is aquatic safe. Davison he would have to go back and research the list before giving an answer.

Hoffman stated he would be more comfortable stating that B&W has missed the window for efficacy, that need to be done before this late in season. Smith stated the only invoices we have received in this bid cycle were paid in June of 2016 for Big 4 district. Hoffman stated we can probably terminate the contract based on the fact that B&W will probably not get it done before the end of the contract, we have missed the window and someone with expertise like Brett Perry or Stan Kullow the chemical sales rep would say this is not prescribed for this time of year, should B&W try to go to court. Hoffman stated we should hold off on

spraying until we get an opinion from the County Attorney's office. Hoffman directed Smith to explain the situation to Darrell Meyer. Smith stated that if B&W was not notified that he was awarded the bid, it may be because other than the minutes that say it was awarded to B&W, there is no copy of a signed bid award notice or a signed contract, we only have a copy of the signed bid. Smith noted that for every year that we have on file, in which the spraying was awarded to B&W, there is not a signed contract in the file, just the original bids, there is sample contracts in the files that B&W had given to Schlemme. Smith said she had found a list of things Schlemme had hoped to accomplish, with this being one of them, was to come up with a formal contract for sign with the contractors, and moving forward, if that is what the Trustees would like to do, we need to make sure we have that in place for whomever sprays next. McClellan asked if there was a signed contract for other years, Smith said, no, going back to 2000, there are no signed contracts, only bids.

Hoffman asked how the invoices from 2016 were paid if he didn't have a contract. Smith stated Refer said he spoke with Schlemme in early 2017 and invoices were paid then. Granzow stated that these invoices from 2016 were from 2015 but he wasn't paid until 2017. Hoffman says we never had a signed contract from him and to let Darrell know it was approved but neither we signed it nor did B&W sign it. McClellan noted that Darrell Meyer needs to review the matter. Granzow stated that if these chemicals were for burn down of weeds, it is too late to apply them now that it has frosted. Hoffman stated that if B&W says it is too late to spray because the Trustees put me on hold, then B&W needs to be directed to the County Attorney.

McClellan stated that if B&W wasn't notified that they received the bid until Refer spoke with Schlemme in 2017, why did he not reach out in 2016 to ask if he was awarded the bid. Smith stated that it was probably early 2017 when Schlemme requested the sample contracts that Refer learned of his bid award, Smith can't speak for what Schlemme did or did not do.

Hoffman motioned for Smith to contact B&W to let them know that they are still on hold to spray.

6. DD 128 - WO #127 Landowner Concerns

DD 128 - WO #127 Dean Bright stopped in to report an area that had been previously repaired and is now leaking again in parcel #88223400005 in the West section of the NE corner. Dean reports seeping where it was repaired a year ago and is seeping into an area that is 20' wide by 100 yards long, the area is harvested all around so access is not a problem. Handsaker is currently working on the parcel #882024300003 to the east on the main line Update from previous meeting on this WO, Gallentine stated that the tile had been put in but contractor has not completed dirt work yet.

Granzow noted that it was previously repaired and it may be the next section of unrepaired tile has failed.

Motion by Granzow to send CGA out to investigate. Second by Hoffman. All ayes. Motion carried.

7. Update - Beaver Trapping

Smith stated we did not have a current form for Beaver trapping, so Smith created a form that lists the all the info for the trapper including location of beaver dam and landowners contact info., and notes a place for landowners to sign off that the beaver has been trapped before payment to trapper is issued, along with verification of beaver tail at County Engineer's office. Jeremiah Andrews has been given the form and is licensed to trap beaver in season, which runs from Nov. 2, 19 to April 15, 2020, Jeremiah has a trapping license but not specifically a Nuisance Wildlife Control Operator's Permit, which would allow him to trap them out of season. Beavers are in season now, so Andrews is ok to trap now. Smith noted that she informed Andrews he can't trap ANY beavers he finds in county, just the ones specifically noted at the location on the form, as there needs to be a check and balance to make sure he has landowner verification that these are the beavers in question.

Jeremiah Andrews will trap the beavers on Randy Madden's land, and Smith notified Madden that Andrews would be contacting him and he would need to verify the trapped beavers. Once beavers are trapped, Smith will write a work order for the removal of the dams.

Smith stated we now have an updated list that includes Andrews (in season only) and Brad Mohr, who is a Nuisance Wildlife Control Operator. Granzow noted that Stan Kullow also traps and could be added to the list, and he can do Hubbard / Radcliffe area. Hoffman asked who pays the bounty on the beavers. Granzow stated it is the district that pays, Smith noted she would be sure it gets charged to the district.

8. Other Business

McClellan received a voicemail from David Fincham inquiring when we should turn in crop damages for digging done on his farm. and wanted to make McClellan aware that McDowell has not come back to his farm to fill in holes and repair tile, McDowell broke tile in every hole that he dug, and they have not been repaired. McDowell's window to get that done will close soon and Fincham has not seen him. Fincham leaves his contact info. McClellan said she did call back and told him he can turn in damage control anytime to the Auditor's office. Granzow stated he had to have the crop damage request in by the closing of the hearing. Granzow stated we gave an extension on this at last meeting. Granzow stated we are still dealing with the decision to go from a 12" tile to an 18" tile under the tracks, but the holes should be dealt with while we await a decision. Smith stated we are waiting on legal with Mike Richards who is working with Norma Reynolds of the UPRR, Reynolds stated in communication last week we are not to proceed with the size upgrade until she gets confirmation from the railroad's engineering department.

McClellan stated these holes won't be on the top side, they will be on the bottom side of the crossing, but we need to determine tile size before repairs can be made. Granzow said he potholed tile to investigate, and this may be a question for Gallentine. Smith will reach out to Gallentine for clarity on whether tile is ready for repair. Smith states she thought that at the DD 25 landowners meeting, that McDowell stated he would go back and repair those potholes made during investigation, but was unsure if that requires a change in tile size, Smith thought it was wet and he was just behind.

Smith will reach out to Fincham with deadline for crop damage and will reach out to Gallentine for clarity as to where McDowell is at with backfilling the holes, if not Gallentine can reach out to McDowell for more information.

9. Adjourn Meeting

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