

**REGULAR DRAINAGE MEETING**  
**Wednesday, December 23, 2020 9:30 AM**

**This meeting was held electronically and in-person due to Covid-19 concerns.**

12/23/2020 - Minutes

1. Open Meeting

Hardin County Drainage Board Chairperson Lance Granzow opened the meeting. Also present were Trustee BJ Hoffman; Trustee Renee McClellan; Jolene Pieters; Bernie Oleksa, Alliant Energy; Lee Gallentine, Clapsaddle-Garber Associates (CGA); Michael Pearce, Network Specialist; and Denise Smith, Drainage Clerk.

2. Approve Agenda

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

3. Approve Minutes

Motion by McClellan to approve the minutes of the Drainage Meeting dated 12-16-2020. Second by Hoffman. All ayes. Motion carried.

4. DD 42 WO 297 - Discuss W Possible Action - Contractor Update

Smith stated she had a conversation with Gallentine earlier this week, contractor Adam Seward, who was out in the field, had reached out for some direction, and Smith will let Gallentine cover that. Gallentine stated this was a sinkhole on Cindy Ioerger's field, and Seward went out there and started excavating, what Seward found was a collapsed tile at the excavation. We believe it is either 10" or 12", it is hard to tell with the shape that the tile is in, at the downstream end they did find a corrugated metal pipe, which was in ok condition, not great condition but stable enough to connect to. Gallentine stated on the upstream end when they hit 50' Gallentine told them to stop, because it looked like we were chasing this, it is a tile that has quite a bit of silt in it and it is starting to crush down. Seward did some walking around and found another sinkhole about 100' upstream from where they had excavated, and he dug that one up, it was a previous repair that someone had done with plastic tile without a concrete collar, so that joint was sucking in dirt between the two tile in the previous repair. Gallentine stated it sounds like at that spot, it is probably about 1/4 to 1/2 full of dirt, we are going to try to televise it with that much dirt, but if the tile is crushed I don't know how successful we will be, but contractor Paul Williams will be able to do that next week from the sounds of it. Granzow stated do you need a motion to televise. Gallentine stated it wouldn't hurt, this is for the same group of landowners, Ioerger, Ron Vierkandt, Jack Runge, and Gallentine feels bad for these folks, it is all happening at once on their land. Granzow asked do we have a landowner that turned this in, Gallentine stated it was Dave Sweeney or Jim Sweeney that turned this in, and I don't know if they have land in this district or if they manage Cindy Ioerger's land, you would have to look at the work order for sure, a lot of times tenants turn them in not the landowners. Smith stated she could pull the work order and find out. Granzow stated and make sure they are a landowner or that they have ground in the district, Smith stated David Sweeney turned in the work order.

Gallentine stated that is Dave & Annette's place right there on the south of S27, right there across the road. Smith stated that Dave and James Sweeney turned in the work order and Cynthia Ioerger is the landowner. Hoffman stated right across the road is Sweeney's place, Granzow did not want to get into one of these Gary Sindelar programs where a non-owner or tenant is reporting, we take action and didn't have the authority to do that. Hoffman asked, with all the emails, is this the proper time and Paul Williams goes out there and investigates, is this something we need to go out there and authorize Seward to back out and repair up to a certain dollar amount and get this done and over with or is this something we can go back and forth or we are back into March and April before we get anything done. Granzow stated we will lose the work due to weather. Hoffman wondered if we could have two separate motions. Granzow stated he was fine with that.

Motion by Hoffman to instruct Paul Williams to televise the tile as best he can with the circumstances and condition of the tile. Second by McClellan. All ayes. Motion carried.

Hoffman asked do we assign this to the lottery or do we have Seward do the work to maintain the continuity since he was already in process. Granzow stated he would have Seward do it to maintain the continuity otherwise you end up paying someone else to do the work. Gallentine stated, just so the Trustees are aware, Seward is the only one currently doing lottery work right now, Paul Williams will come in when televising is needed, but Seward is the only contractor doing lottery work right now.

Motion by Hoffman to instruct the Drainage Clerk to contact Honey Creek Land Improvements to go out and repair, not to exceed the \$50,000 mark, based on the televising results and Williams and CGA determines are required repairs. Second by Granzow.

In additional discussion on the motion, Granzow understands the \$50,000, and if you can get that repair done for under \$50,000 as part of that investigation, that is what Hoffman is asking. Hoffman stated yes. Granzow stated which we will repair, regardless, without a threshold, the second we break that threshold, if you investigate it and you know it will be a \$100,000 repair, don't do anything and bring it back. Hoffman stated he does not want to go up to that amount if it is something that CGA determines can be done under that threshold otherwise if it will be a \$75,000 or \$80,000 repair, stop it and bring it back, and we will do an engineering report. Granzow stated he just wanted to make sure he heard that part, Hoffman stated yes, that is the intention. Granzow asked if Gallentine had all that. Gallentine stated let me repeat it so he understands it, after televising, whether it is successful or not, if we deem it can be repaired for under \$50,000 for Honey Creek's bill, we can go ahead and do it. Granzow stated he thinks that is \$50,000 for total project, Hoffman stated yes, \$50,000 for total project, he should have clarified it. Gallentine asked so that is Honey Creek and CGA's fee correct, Granzow stated yes and televising costs. Smith asked if the Trustees want televising to come back first for review before we authorize repair. Granzow stated they may only televise and go 100' and they might be done.

Hoffman stated he did not want to get into supplanting, but does the second blowout, could we get more done if we created a second work order. Gallentine stated no, because code specifically prohibits you from splitting projects to avoid thresholds, and that is essentially what that would be doing. Hoffman stated that is the supplanting part, but didn't know if Seward would not have walked around out there and found it would and the would have done some repairs, and Dave Sweeney went out and found another blowout and then it is another work order. Granzow asked if the intent with or without the televising. Hoffman stated without the televising, and asked does it have to be, is it investigation compared to repair. Gallentine stated the \$50,000 threshold applies to construction cost only. Hoffman asked if it does not apply to investigation costs. Gallentine stated it does not, but on the flip side if we spend \$50,000 in construction for just Honey Creek and then we got televising and CGA's fee on top of that, you are going to have some very unhappy landowners. McClellan stated she thought the results of the televising should be brought back, Hoffman stated that was fine, Hoffman called for the vote.

All nays. Motion failed.

Gallentine anticipates if they get that done on Monday or even Tuesday, we can have that for you next week. Granzow asked about breaking up projects like that, and stated Kossuth County has a huge project like that, if you are doing a repair on one side of the district and another repair on the far other side of the district, are they two projects or one, that is like doing two repairs on Big 4. Gallentine stated if you are doing two repairs on the open ditch of Big 4 and they are both within the same mile, they are one project, if you have one on Franklin County and one in Hardin County on the main open ditch of Big 4 maybe not, if you have one on the Lateral of Big 4 and one that is on the main of Big 4, probably not. Gallentine stated he thinks it is more horizontal separation and if it is on different mains and laterals versus just a main or lateral. Granzow was just curious as it was brought up to him, and was just seeing if he could get some verification. Gallentine stated that is his interpretation of it, but Gallentine is not an attorney. McClellan stated we should not use that as legal advice, we should get our own legal advice. Granzow stated he thinks we and Gallentine should pay attention to see how that turns out, they have already had legal advice on this. Gallentine noted the interesting thing is you can actually spend more than \$50,000 without having a report as long as on the front end we didn't think it was going to cost more than \$50,000, so if someone

thought it would be \$45,000 and you end up spending \$51,000, you are still okay because you thought it would not be over \$50,000. McClellan stated you may run into something else while in the midst of repair. Gallentine stated you don't want to say let's do \$45,000 on the front end and then get a \$200,000 bill, that would be a stretch.

5. DD 128 - WO 2020-4 - Discuss W Possible Action - Utility Crossing Summary

Granzow moved this ahead of Item 4 on the agenda as we have Bernie Oleksa on the line with us. Gallentine stated he had spoken with Dean Bright, and he did not answer, and talked to the tenant and he did not answer, they both said to talk to landowner Sandy Trampe, Granzow stated he spoke with Trampe this morning and she said she was interested in doing an investigation to see what it was. Granzow asked when Heart of Iowa was out there, did they say the tile was in bad shape or crushed. Gallentine stated if he recalled correctly, where we saw it when it was exposed it was crushed and had silt in it. Granzow stated so it was not flowing, Gallentine stated you might as well consider it plugged because by the time it is half full of silt and falls down and crushed it is plugged. Granzow stated Trampe understands and is ok with an investigation to see what it is, if it is plugged, it may just be the short jog under the road, but she does want to know what is going on before going forward with any large repair process, Granzow asked that was Lateral 1 correct, Gallentine stated no that was Lateral 3 was the one that they found, Lateral 1 the one to the south was the one they never found. Gallentine stated his big question was if there was even anything hooked to them, if there is anything hooked to them, does it really matter. Granzow stated he knows Lateral 3 is a wet spot, Trampe also said she just did a ton of tiling right there on Lateral 1. McClellan asked if that was on the west side of the road. Granzow stated that was correct, it was on the west side of the road, and Trampe said Jeremy Maas did it and did hook to something right there.

Gallentine asked if Granzow wanted Gallentine to reach out to Gehrke for those maps, Granzow stated if they would give it, yes. Granzow stated Trampe pointed out the terraces she put in for Conservation practices, but you can see that wet spot as it goes down hill right to that corner. Gallentine can reach out to Gehrke, usually he is ok giving those maps out to let us know where district tile is. Granzow stated okay, as far as Lat 3 goes, we need to find out why it is crushed and maybe that is why she doesn't have drainage over there, so an investigation she was okay with at this point. Gallentine stated his first step if he were to investigate was to get a hold of Gehrke and see what their map shows.

Motion by McClellan to have Gallentine contact Gehrke, to review the maps for possible location of District tile in DD 120 on Drainage Utility Permit #2020-4. Second by Hoffman.

In additional discussion on the motion, Hoffman stated also gather a history of what work was performed, McClellan and Granzow agreed. Gallentine stated he will gather that information and bring it back to the Trustees to make a decision.

All ayes. Motion carried.

Granzow addressed Oleksa and stated we do not have anything for you yet, and asked if Oleksa had any additional questions. Oleksa stated you will do an investigation on Lateral 3 and Gallentine is going to reach out to Gehrke to get the maps, and review those and see where Lateral 1's potential location is. Gallentine stated yes, and to see if Lateral 1 and to see if anything is even hooked into Lateral 3 or not. Granzow stated and then the investigation will come in later. Gallentine stated we will gather that before we do any field investigation or anything of that nature, we will try to keep it simple to start with, and conserve costs for everybody. Granzow asked for any other questions. Oleksa had none at this time.

6. DD Big 4 Lat 2 - Discuss W Possible Action - Joint DD Work Order From Hamilton County

Smith stated she had received a work order from Hamilton County in this joint district, Hamilton County reports a slough in the side of the road ditch, and they have sent some pictures and the reason Smith brought it to your attention is if you were interested in approving the work order, for Hamilton County to go ahead and send a contractor out, we could include our minutes and send that over to Hamilton County for their records. Granzow stated he was interested, but asked what is the responsibility of their contractors they are going to hire, Granzow thinks they are fine, but it is worth asking. McClellan stated if it is a ditch

slough, would that be their Engineer's Office that would do that. Granzow stated this would be an open ditch repair, Smith concurred it was on the open ditch. Granzow does not have a problem with them doing the work with their contractors, just that their contractors fall under the same guidelines ours fall under for insurance, liability, and can give a rate sheet. Smith stated that may be a question Gallentine can answer for us, he may be more familiar with Hamilton County than Smith is. Gallentine stated he is not familiar with Hamilton County's repair process, as they don't have an engineer involved with that, Gallentine believes they just call a contractor in for repair, and go out and do what feels necessary. Smith asked if the Trustees would like to give a dollar amount guideline on this, this is the first work order we have had with Hamilton County on this joint district, we don't get very many from them. Granzow is fine with them doing it with their contractors, Granzow just wants to make sure their contractors fall under the same guidelines as ours do, insurance is the big one. Smith can reach out to the Hamilton County drainage clerk and find that information out if you would like. Granzow stated he thought we could go ahead and approve it with the stipulation that their contractors fall under the same guidelines as ours do and let them hire, Granzow asked what Hoffman thinks. Hoffman agrees as long as it is a responsible bidder. Hoffman asked Gallentine if that location was in a place he could drive by and take a look on his way into the office as well. Gallentine can do that, Hoffman stated if they are not engaging an engineer, he would like an experts eyes on it, if he is going to drive by there. Gallentine stated he does believe Ingraham has a long stick, and they are in Hamilton County, so it is nice they have a long stick contractor in their county. Granzow stated Ingraham is insured, Smith stated she has a copy of Ingraham's Certificate of Insurance. Granzow stated he would entertain a motion.

Motion by McClellan to approve the work order for the Joint District from Hamilton County as it appears.  
Second by Hoffman.

In additional discussion on the motion, Granzow stated he would include that Hamilton County hire a responsible, licensed and insured contractor, and we are giving them the authority to do the work. Granzow asked do we want a record of what a responsible contractor they hired is. Hoffman stated it would be nice if they would provide proof of insurance and all the requirements that we require and what Iowa code says a responsible contractor is, and provide that to our Clerk to put in the file on our side. Granzow stated it is great that they are going to do it, he just wants to make sure we are on the same playing field,s because we are giving up our authority to them to do it. Smith can communicate that to them. Granzow is sure they have that, it is just a lot of paperwork.

All ayes. Motion carried.

## 7. Other Business

Granzow stated he wants Gallentine's opinion on Senate File 2175, and asked if Gallentine has looked at that. Granzow gave the summary of the file: that this Bill amends provisions requiring a County Board Supervisors to provide Notice of a Hearing regarding a report to classify tracts of land within a drainage or levee district as established or proposed to be established by the board. The notice is required to be delivered to each owner of land within the district and also by publication in a newspaper of general circulation in the county where the district is located. Granzow stated Gallentine should look this one up. Hoffman stated Gallentine may not be able to find it, Hoffman will give a copy to Smith who can scan it and send it to Gallentine, Smith stated she would do that. Hoffman stated this ia a pre-filed bill. Granzow just wants a review, is this good/bad, or is Granzow missing something. Gallentine will take a look at it and give Granzow his thoughts on it. Granzow stated if Gallentine could give him a call back on it right away that would be great, it is not a Board action on our side of it, Granzow is just after anyone's opinion. Smith asked if the Trustees would like this on the agenda next week. Granzow stated no. McClellan asked who introduced this, Granzow stated Annette Sweeney did, Granzow is just looking for information if this would/would not hurt us in our process. Gallentine stated he does not know if this involves that, but some counties really like the \$50,000 threshold and they like to keep landowners informed and other counties think that the threshold is too low and they would like to be able to do \$100,000 worth of work without telling any landowners. Granzow stated that was in there too, Gallentine stated that seemed a little excessive to him, but he is basing that off of the calls the Drainage Clerk gets after assessments for even \$20,000. Granzow stated they just changed from \$20,000 to \$50,000 to do the same type of repairs, it didn't jump from \$20,000 to \$100,000 due to inflation, it is just a way of saving a lot of publication costs. Granzow stated we do landowner meetings and does not know if other counties do that, some have never even heard

of it or calling landowners in. Hoffman stated we are overly open and transparent with landowners because spending the kind of money we are spending anymore is kind of a slap in people's face if you are not asking them for input, as long as they know you are ordered to maintain the facilities. Hoffman stated something has to be done, and would rather know something is going to be done up front and that there is going to be a bill, and can plan accordingly, whereas some counties just spend and ask for forgiveness later, Granzow stated or just dictate.

Gallentine stated part of the other issue starts to become that publications in newspapers are not cheap, and there is a real question with the amount of people that read newspaper, what value comes out of that anymore, not just for hearing notices but for bid lettings, and that is something the legislature is going to have to tackle long term to figure out how we do something a little different because if I am doing a million dollar water main project in Ackley, Iowa and I publish a bid notice in the newspaper in Ackley, Iowa I may pick up one contractor that may be interested, it is not like it was 100 years ago where there is a lot of these guys around local. Granzow agreed, and just wanted to get some eyes on it. Gallentine stated he would look at it and let Granzow know his thoughts on it.

8. Adjourn Meeting

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