

REGULAR DRAINAGE MEETING
Wednesday, March 18, 2020 9:30 AM
Emergency Operations Center (EOC)

3/18/2020 - Minutes

1. Open Meeting

Hardin County Drainage District Chairperson Lance Granzow opened the meeting. Also present were Trustee Renee McClellan; Landowner Jason Martin; Angela De La Riva, Hardin County Economic Development Director, and Drainage Clerk, Denise Smith.

2. Approve Agenda

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

3. Approve Minutes

Motion by McClellan to approve the minutes to Regular Drainage Meeting, dated 3-11-20. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by McClellan to approve claims for payment with pay date of Friday, March 20, 2020. Second by Granzow. All ayes. Motion carried.

DD 9 - WO 229 Publication- Rcvg Sealed Bids 1 of 2	Mid-America Publishing Corp	\$ 73.81
DD 9 - WO 229 Publication- Rcvg Sealed Bids 2 of 2	Mid-America Publishing Corp	\$ 49.74
DD 55-3 Lat 10 WO 284 Removal Beaver Dam Debris	Adam Seward	\$ 1,255.00
DD 25 WO 209 Drainage Claim for Damages 2020-2	David A Fincham	\$ 203.87
DD 25 WO 209 Drainage Claim for Damages 2020-2	Alvin C Clark	\$ 203.87
DD 167 - WO 208 Drainage tile repair, parts, labor	Honey Creek Land Improvement, LLC	\$21,640.45

5. DD 1 - Discuss W Possible Action - Claim For Crop Damages

DD 1 - Clifford Kitzman's claim for Crop Damages was discussed last week, and it was motioned to have CGA verify the damaged acres. While in discussion last week, contractor McDowell was present and he stated that they did run into some wet ground while hugging the fencerow during work on the ground Kitzman farms, and they did go out with equipment wider into the field on a couple of passes. So Gallentine sent back a recalculated area based on a width of 45' into the field by a length of 1300', this would amount to 1.34 acres and this is the revised amount that CGA verifies as damaged.

Motion by McClellan to approve the CGA verified total of 1.34 acres of crop damage on Kitzman's claim, and issue payment. Second by Granzow. All ayes. Motion carried.

6. DD 25 And DD 1 - Discuss W Possible Action - Change Order #2

DD 25 and DD 1 - As discussed in last week's meeting, CGA has provided an Engineer and Contractor signed copy of the Change Order #2 for acceptance and approval of the Trustees. This change order extends the completion date from April 1, 2020 to June 30th on DD 25 only, the DD 1 Completion Date remains April 1, 2020.

Motion by McClellan to accept and approve the Engineer and Contractor Signed Copy of Change Order #2. All ayes. Motion carried.

7. DD 52 - WO 215 - Discuss W Possible Action - Claim For Crop Damage

DD 52 - WO 215. Tracy Below has submitted a crop damage claim for parcels planted in alfalfa, NE of Hubbard

on parcels owned by Piel Manufacturing. Work has been ongoing in the area, in which large sections of tree roots were pulled from the drainage tile, and trees were removed from the areas near the tile. Below's claim is for the years 2016, 2017, 2018 and 2019, and Below notes he can't plant alfalfa another year on the parcel as it would be toxic when planted too many years back on the same ground. Below stated the area had been flooded out for 2 years, then was torn up due to construction for two years. Smith requested direction, when reviewing the USDA Crop Insurance tables, alfalfa is not listed, and Smith is not sure how yield would be measured - by the bale or by the ton. Granzow stated that it may be a question for CGA on units of yield measure, but claims can only be made for the years that the ground was disrupted by contractor work, so 2 or 3 of the years will not be allowed. Granzow stated that the owner of the parcels, Piel Manufacturing was part of the problem, as he did not want the trees removed, and it was discussed at that time, that no crop damage claims would be paid, as long as the trees were still on the property. Granzow stated the city wanted the trees to remain in place as it covered some unsightliness on the property. Smith stated if the original work order was completed and a completion hearing was held, any claims from the original work order should have been paid out before the completion hearing.

Motion by McClellan to have Smith review the minutes and the notes, and bring it back with a work order detail report and history on this project, and agenda this for next week for review. Second by Granzow. All ayes. Motion carried.

8. DD 55-3 Lat 10 - WO 284 - Discuss W Possible Action - Update On Beaver Dam

DD 55-3 Lat 10 - WO 284 - Smith updated the Trustees, that she had reached out to trapper Brad Mohr, to have him revisit the site and remove the remaining beavers. Contractor Adam Seward has submitted an invoice for removal of beaver dam and debris. Seward said we may need to revisit this with larger equipment after the beavers have been removed, as the dam was on an open ditch that was quite steep and deep, and the excavator he brought was not large enough to pull itself up and out of the ditch. Seward reported they hauled out two truckloads of debris.

9. DD 102 - Discuss W Possible Action - Set Date For Landowner Meeting For Wetland Bid Review

DD 102 - Steve Perry had contacted Trustee Hoffman and reports the Wetland bids are complete, and they would like to conduct a landowner meeting to discuss the rock alternative portion of the bid. Granzow stated we are not scheduling any new landowner meetings at this time due to Covid-19 concerns. Granzow suggested we do a mailing detailing the rock alternatives on the bid, and ask the landowners to select an option and return the postcard in the mail for the results to be recorded by the Drainage Clerk, and this would provide the landowners an opportunity to provide feedback.

Motion by McClellan to have Smith create a mailing to DD 102 landowners with the rock alternative options for landowners to make a selection and return to the Drainage Clerk. Second by Granzow. All ayes. Motion carried.

10. DD 106 - Discuss W Possible Action - Landowner Request To Locate Tile

DD 106 - Mike McCartney is requesting permission from the Trustees to pothole and locate a tile to determine if it is private or district tile in Stan Kulow's property. McCartney is having a drainage issue on the northeast corner of the property and he would like to locate it and repair it himself, to avoid the expense of engineer investigation and repair. McCartney states he has his own equipment. McCartney is seeking a letter from the Drainage Clerk, addressed to the NRCS, that he has permission to pothole and locate the tile. Granzow states NRCS will not allow McCartney to go and pothole the tile without a letter from the Drainage Clerk. Granzow stated if it is not a district tile, we do not have the authority to grant permission, if it is District tile, he would need to have CGA present anyway, and that is what McCartney is trying to avoid. Smith states there are 3 district tiles that run through the parcel. Granzow stated he has a hard time sending a letter to NRCS that we don't have authority to send if it is private tile, we could state we have no issue with a tile repair as long as it is private tile, otherwise it is out of our jurisdiction. McClellan stated how do we know if it is district or private tile when it is dug up without having CGA there to locate it to their GPS coordinates. Granzow stated we need more information to make a decision.

Smith stated Mike McCartney could be brought in via conference call to answer any questions the Trustees may have, in order to make a decision on preparing a letter.

Motion by McClellan to direct Smith to contact Mike McCartney and convey their concerns to McCartney, and revisit on the next agenda. Second by Granzow. All ayes. Motion carried.

11. Discuss W Possible Action -Wind Turbine Ordinance And Drainage Utility Permit Language & Process
Smith stated that attorney Mike Richards will only be available by conference call for our March 25th DD 143 hearing. It had been previously discussed on having a drainage work session immediately following the hearing. Smith inquired if the Trustees would like to proceed with a work session on the 25th, in light of recent events, or if the Trustees would like to pick another date for the work session. It was discussed that the drainage work session is needed, in order to move forward on the ordinance, however a date and time have yet to be selected due to the pressing Covid-19 concerns. This will remain an ongoing agenda item until such time as the Trustees have had the opportunity to discuss, and work through the Wind Turbine Ordinance and Drainage Utility Permit Language and Process.
12. Other Business

DD 25 - Landowner Jason Martin came in to discuss the Drainage Claim for damages that he submitted in February. Martin had submitted a claim for .5 acres of beans and 1.5 acres of corn damaged. When CGA did the verification on acres, CGA submitted .54 acres of beans damaged, and .14 acres of corn damaged, CGA's verified acres included only actual acres damaged by contractor equipment. In Smith's discussion via email with Lee Gallentine of CGA, Smith stated Martin reported he had about 3 acres that had flooded out in 2019 and it looked larger than the contractor damaged acres, so he reported those flooded acres. Gallentine stated in email, it would be up to the Trustees if they wanted to pay drowned acres vs acres just destroyed by contractor work. Granzow stated when we spoke about this in the meeting, we only spoke about construction acres, we did not speak about drowned acres. Granzow asked Martin why the acres were drowned. Martin stated there had been a pond there for a long time, and the acres he reported have been drown by the issues with the tile that goes under the railroad tracks south of Garden City, and this has been an issue for the last couple of years. Martin stated he did not report all of the drowned out acres, as there is probably 4 or 5 acres there. Martin stated when contractor McDowell came in there, he opened up the tile lines, and did not close the holes up, and the tile was under pressure and the water came up as geysers in the field, causing the ponding issues. Martin stated his pond got bigger as his field took on all the water from the upside of the RR track crossing, instead of staying in the ground and slowly working its way out through the tile and moving the water eastwards out of his field, Martin estimated his acres. Granzow stated he was glad that Martin came in and explained that it was not excess water because of potholes, as that was how we were interpreting that, and we don't do that. Martin stated it was better for him to come and explain this in person than to try and explain it on paper. Smith asked if Martin was on the west side of the tracks. Martin stated he was. Smith stated that in discussion at last week's meeting, it was brought up that the east side of the tracks was plugged, and we were seeking permission from Torgeson's to do some exploration on their property to determine where the tile was plugged, there are trees in the RR right of way on the east side and it is speculated that those tree roots are plugging the tile on the downstream side of Martin, and that we know the tile on the west is still surcharged and full of water. Martin asked how the crop price was figured. Smith stated we use the USDA's prices from the Common Crop Insurance Policy & Area Risk Protection Insurance tables, since this was for 2019 crops the prices used were from the 2019 Crop Year statement. Smith stated Martin had beans reported at \$9.00 per bushel and we actually paid it at \$9.25 per bushel, and Martin had reported corn at \$3.80 per bushel, and we paid it at \$3.90 per bushel, per USDA prices. The original claim was for \$1,308 and we paid out \$353.49. Granzow directed Smith to bring this back to next week's agenda for review, so that the difference between the original claim minus actual payment could be approved for payment with a motion.

Martin asked what the expected timeline for work on the project would be this year. Granzow stated the contractor has filed an extension until June 30, 20, and is having trouble getting the jack and bore company scheduled to come in, but the contractor hopes to have it done early this summer, and noted that we have to pothole further east and south of the tracks, trying to get the water out of district tile, so that they can begin the crossing itself. Granzow stated work will continue into summer so there will be work in the area when crops are in.

DD 143 Hearing - Discussion of the DD 143 hearing centered around how to best hold public meetings/hearings in light of Governor Reynolds restrictions on gatherings of 10 or more people due to the Covid-19 situation. It was discussed that we could allow participants to conference call in to the Hearing and use zoom online to bring in the Engineer and Drainage Attorney. Smith stated the conference call option may be easier for landowners who do not have internet or may have tech issues. Smith stated we could send out a postcard with the information to

join by conference call or zoom. Smith has received four landowner signatures who state they would like to do nothing at this time. Granzow directed Smith to mail a postcard out to DD 143 landowners that the hearing will be held electronically via conference call and online using zoom due to Governor Reynolds restrictions on gatherings of 10 or more people.

DD 56 Hearing - Granzow directed Smith to mail a postcard out to DD 56 landowners that the hearing will be held electronically via conference call and online using zoom due to Governor Reynolds restrictions on gatherings of 10 people or more.

13. Adjourn Meeting

Motion by McClellan to adjourn. Seconded by Granzow. All ayes. Motion carried.