

AGENDA
REGULAR DRAINAGE MEETING
Wednesday, November 18, 2020 9:30 AM
Large Conference Room

Due to Covid-19 health concerns, this meeting is open to the public via conference call only. The meeting date and time will remain the same. You may call at that time to access the meeting by following the instructions below:

To access the meeting call: 1-(312)-626-6799, when prompted enter meeting ID code: 820 7567 2007

You can also access the meeting online at:

<https://us02web.zoom.us/j/82075672007>

1. Open Meeting
2. Approve Agenda
3. Approve Minutes

Documents:

[11_10_2020 - DRAINAGE MINUTES.PDF](#)

4. DD 9 - WO 229 - Discuss W Possible Action - Change Order #2

Documents:

[DD 9 CHANGE ORDER NO 2 - 11_17_20.PDF](#)

5. DD 136 - Discuss W Possible Action - Heart Of Iowa Drainage Utility Permit #2020-16

Documents:

[2020-16 HEART OF IOWA DRAINAGE UTILITY PERMIT.PDF](#)
[2020-16 - HEART OF IOWA DRAINAGE UTILITY PERMIT PLANS.PDF](#)
[2020-16 - HEART OF IOWA DRAINAGE UTILITY PERMIT APPLICATION.PDF](#)

6. Discuss W Possible Action - Midland Drainage Utility Permits
7. Discuss W Possible Action - Drainage Utility Permit Invoices

Documents:

[DD H-F 1 CGA INVOICE 42494.PDF](#)
[DD H-F 1 CGA INVOICE 42495.PDF](#)

8. Discuss W Possible Action - Drainage Investigation Waiver

Documents:

[FRANKLIN COUNTY DRNG INVESTIGATION WAIVER 3-5-20.PDF](#)

9. Other Business

10. Adjourn Meeting

REGULAR DRAINAGE MEETING**Tuesday, November 10, 2020 9:30 AM****This meeting was held electronically and in person due to Covid-19 concerns.**

11/10/2020 - Minutes

1. Open Meeting

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

2. Approve Agenda

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

3. Approve Minutes

Motion by McClellan to approve the minutes of Drainage Meeting dated 10-28-2020. Second by Hoffman. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by Hoffman to approve the claims for payment with a pay date of Friday, November 13, 2020. Second by McClellan. All ayes. Motion carried.

DD 102 WO 176	Eng Svcs After 9/26/20 to 10/24/2020 Clapsaddle-Garber Assoc	\$381.60
DD 9 - WO 229	Eng Svcs After 9/25/20 - 10/30/20 Clapsaddle-Garber Assoc	\$9,863.80
DD 14 - WO 290	Eng Svcs After 8/28/20 - 10/30/20 Clapsaddle-Garber Assoc	\$408.60
DD25 - WO 1	Eng Svcs After 9/25/20 - 10/30/20 Clapsaddle-Garber Assoc	\$1,988.30
DD 55-3 - WO 201	Eng Svcs 9/25/20 to 10/30/20 Clapsaddle-Garber Assoc	\$2,199.80
DD 82 - WO 301	Eng Svcs to 10/30/20 Sinkhole Investigation Clapsaddle-Garber Assoc	\$1,066.15
DD 102 - WO 265	Eng Svcs After 8/28/20 - 10/30/20 Clapsaddle-Garber Assoc	\$389.80

5. Discuss W Possible Action - Drainage Utility Permit Process

Century Link had been invited to join our discussion today, Smith stated she had reached out to Century Link three times by mail regarding their one open drainage permit, #2018-11. Smith stated she received no response directly from Century Link, Smith did have contact with Nick Killion of Killion Communications, who told Smith that they had done the install for Century Link, their work was complete and they did not impact any drainage district tile but actually getting any confirmation of this from Century Link was difficult. Smith stated that Century link has not provided us with any as-builts or other information, Smith does not know if century Link crossed over or under our drainage tile. Smith had hoped that Robinson DePenning would be online with us today, Smith received no written reply from Century Link until she emailed Robinson DePenning and Sean Hostetter of Century Link, Hostetter was the original contact listed on the application, Smith provided Hostetter and DePenning the zoom link to join the meeting today, but unfortunately they have not joined us today. Granzow asked if Century Link received a cease and desist on this. Smith stated she had sent them a cease and desist letter. Granzow stated then we need to involve attorney Mike Richards to move forward on this.

Motion by Hoffman to enlist the assistance of attorney Mike Richards regarding Century Link and cease and desist and identify any further action that needs to be taken. Second by McClellan. All ayes. Motion carried.

6. Discuss W Possible Action - Drainage Utility Permit Process / Language

Smith stated we had received a draft of the Drainage Utility Permit application back from attorney Mike Richards, and Richard's draft included the addition of language regarding an application fee. Section 1, paragraph 2 is shown in red, these are the changes Richards has drafted for the Trustees to review regarding an application fee. Granzow asked if they do not spend all of the application fees is the unused portion returned to the applicant. Smith stated yes, Richard's draft provides that any unused fee monies would be returned to the applicant. Gallentine asked if there was an ability to waive the fees, if the Trustees would want to waive the fee if the applicant is someone like Heart of Iowa who has a really good track record and who we have never had any issues with. Granzow stated he did not have any issue in adding that language, they have worked well with us, let's work with them. McClellan agreed, why penalize them for something this utility is not doing. Granzow stated if we were going to include this, we would need to explain what the conditions are for waiving the fee, so that we

would not set a precedent and a utility could say you charged us a fee but not the other utility, and we would find ourselves being sued. McClellan stated the utility would have to prove themselves through a review of their past history, but maybe leave that up to Richards, but agrees there needs to be a reason stated for it. Granzow stated we could just not cash the check, but perhaps it is best not to waive it to avoid the complications and not be sued, Granzow likes the idea of not doing it but thinks it is best practice not to, just because whether it is us or another Board up here, they could be swayed for reasons we don't remember. McClellan stated that is true, Gallentine stated you would have to be pretty specific, that they had proper performance on the last 20 crossings or some specific measures.

Granzow stated let's not put it in writing, let's just give them the option, that if they put it to us in writing for consideration, it does not have to be in the permit itself. Smith asked if that could be part of the review process when reviewing the application in a meeting before approval. Granzow stated that would be correct. McClellan stated we could leave it the way it is and review it on a case by case basis per application based on past history.

Motion by Hoffman to pass the Drainage Utility Permit Application amendment dated 10-28-2020. Second by McClellan. All ayes. Motion carried.

7. DD 38 WO 231 - Discuss W Possible Action - Update

The Trustees had asked Smith to reach out to Justin Huebner, who had originally filed this work order. It had been quite a while since this work order was filed and there was some previous discussion on whether or not the investigation costs would belong to Huebner if it was found to be private tile. Huebner had been asked to dig in his field to investigate the cause of the wet spots in his field, the District asked Huebner to notify Gallentine while it was uncovered so that CGA could be onsite to determine if it was district tile or not, and determine if there were any needed repairs and CGA could report this back to the Trustees. If district tile was found to be the cause the DD will pay for the investigation, if it is not district tile, Huebner would pay for the cost of the investigation. Smith reached out to Huebner on September 4th, and September 17th and again on October 29th, all both by email and by phone message, and Smith has received no response from Huebner on this, and Smith asked the Trustees if they would like to move forward and close the work order or have Smith send another letter. Smith stated this work order was on our list of work orders for review. Granzow stated he would send an email that states with no response back we will close the work order.

Motion by McClellan to send an email to Justin Huebner stating if no response is received from him, Work Order 231 will be closed. Second by Hoffman.

In additional discussion, Smith stated she will send the email, and asked about the final expenses on the work order, will those be charged to the district or to the landowner. Granzow asked what we found out, and how much are we talking about. Smith stated the work order detail notes there were some costs for investigation, and some silt clean out, total costs are \$21,857, but if we look at just engineering costs or investigation costs we are looking at \$2,000 to \$3,000. Gallentine stated we would have to look at the dates on those invoices as some of those were for legitimate repairs that were done, especially the last invoice and maybe the invoice before that were for investigating Huebner's issue that was separate from the repair that was done. Granzow asked why that \$2,000 was in question.

Gallentine stated the field that was downstream of Huebner's fed a big sinkhole and Huebner was getting restricted drainage, when in the field we found there was a sand pocket and the tile collapsed and sucked in a bunch of sand. Williams Excavation went out and jetted the sand out of the tile, and then repaired the tile, so that was all done in early spring of 2019, in the March through May time range. After that was all done, Huebner still reported problems, so CGA went out and investigated again, and the land that was upstream of Huebner was dry, so CGA stated they did not think it was district tile but something that may have been private tile, so the invoice from 2/14/2020 was for doing investigation on this, and maybe the invoice from 6/19/2020 were for investigation for Huebner, and all previous costs were for the legitimate project that was downstream of Huebner. Granzow asked if we just did investigation and never went out with any equipment and did any digging or excavation for Huebner. Gallentine stated that was correct, not for Huebner's portion, Gallentine stated he may be phrasing this incorrectly, when he says legitimate expenses he means ones that have been verified and we know are district, the ones that would have been questionable would be the last two invoices. Granzow stated from his take on this, this is not the first time we have done this for any district, they felt there was a problem and we went out and investigated, we didn't dig up a private tile and find out it was private tile, we just found out that there is nothing there. Gallentine stated we went out and said the guy downstream of you is dry, the guy upstream of you is dry where we know that is district tile, and yes you are wet in the middle but we don't think that is where the district tile is, we did not do any excavation. McClellan stated so we are talking about the 2/20 bill for \$153 and the 6/20 bill for \$308.70. Gallentine stated yes, those two invoices for a total of about \$500 or less. Granzow stated we do this with numerous districts, and does not think it should be the landowners expense on that question, and if Huebner wants us to go out and do more digging and research if we do not think it is district tile, and it may be at his

expense if we do find it is not district tile, but we haven't gone that far yet. Granzow thinks it is a district expense at this point. McClellan agreed. Hoffman stated it is going to be one of those problems that come up over and over, Granzow stated it is but we have done investigation in other instances that have not turned out to be district tile, and ended up spending some money in the process. McClellan agrees that we discussed this a week ago and we may want to look at a policy similar to what Franklin County has, but we do not have that policy in place now, so McClellan feels this is a district expense we pay now and look at some kind of policy so that we can charge some of these expenses back to the landowners when it is found to be private tile. Granzow asked if Franklin County's policy could be brought back on next week's agenda as McClellan has brought this up several times, Hoffman stated as review with possible action and adoption. Smith stated she can add this to the next agenda.

Motion by McClellan to charge all Work Order 231 expenses to the District. Second by Hoffman. All ayes. Motion carried.

Granzow stated it is tough, are they supposed to go out and hire a private contractor to verify the tile is district tile, or is the district supposed to hire a contractor to verify it is private tile. McClellan asked if this would cause farmers to go out and start digging on their own to save the cost of a contractor. Granzow stated then we run into the deal where the private tiles were almost touching within the district tile. McClellan stated that is why we utilize a drainage engineer.

8. DD 136 - Discuss W Possible Action - Drainage Utility Permit Application #2020-16 - Heart Of Iowa

Heart of Iowa has submitted a drainage Utility Permit application to bore in fiber optics in the town of Cleves.

Motion by McClellan to approve the 2020-16 Heart of Iowa Drainage Utility Permit application.

In additional discussion on the motion, Granzow does not believe this application should fall under the new Drainage Utility Permit application fee. Gallentine stated he spoke with Jay Duncan of Heart of Iowa and they did not expect to get this far on this project, but the weather has been fine, so they thought they would just go ahead and get to it yet this year. Granzow stated he is fine with that, and believes the permit's new \$2,000 fee was not in effect when they filed the application and that is why they are not being asked to pay that as they knew nothing about it.

All ayes. Motion carried.

9. Other Business

Smith stated she received a phone call from Dee Kielsmeier on DD 20 Work Order 302, who wanted an update on when repairs might occur, Smith stated she spoke with Kielsmeier and let her know that the work order had been approved and CGA was authorized to investigate and send out to lottery system for repair if it was not too large. Smith stated Kielsmeier did call back on Monday and left a message and was upset that it had not been repaired yet, and if Gallentine had an update she would provide that to Kielsmeier. Gallentine stated that we have no contractors working on drainage repairs right now and is trying to reach out to contractors to see who is available, and there are at least 2 to 3 work orders ahead of this one in the queue, and Kielsmeier was requesting this be repaired yet this fall. Gallentine had emailed Honey Creek Land Improvement to see if they are done with storm cleanup and are available to work on drainage tile again, he has emailed Seward and has not heard back yet. Smith stated she could let Kielsmeier know that, and the voicemail stated that the Clerk had not been very helpful, Smith stated she could not move the work order up the line, just relay the information on. Gallentine stated when we did go out there to look at it, the sinkhole on the existing old original tile, other than that we won't know until we get it up. Granzow stated so basically she is third in line, Smith will relay that information.

Smith received dates of availability from attorney Mike Richards for a closed session meeting regarding CWEC's / Drainage Utility Permits, Richards is available November 25th, December 2nd, December 9th and December 23rd. Hoffman is unavailable November 25th, Granzow stated November 25th was not good, and asked if the calendar was free on December 2nd, Smith stated there were no conflicts on December 2, 2020 other than regular Board meeting and Regular Drainage. Granzow stated 11:00 am on December 2, 2020 would work for the Trustees, Smith will add the date to the calendar and notify Mike Richards.

DD 9 - Gehrke's work on the project by the Robert's property is done, other than small punch list items, the conditions were favorable and should be wrapped up soon. Gallentine stated when they connected up last week it was dry, and hopefully today it is draining.

Gallentine stated Heart of Iowa has been great to work with on their utility permits they currently have open.

10. Adjourn Meeting

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

Date of Issuance: 11-2-2020	Effective Date: 11-2-2020
Owner: Trustees of Drainage District 9	Owner's Contract No.: NA
Contractor: Gehrke Inc.	Contractor's Project No.: NA
Engineer: Lee Gallentine P.E.	Engineer's Project No.: 6735.1
Project: Upper Main Tile Diversion, Drainage District 9	Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: During construction, it was discovered that the junction of the Main tile and Lateral tiles was not west of the existing railroad right of way, but was inside said right of way. Therefore the Lateral tiles will require approximately 90 feet to 110 feet of 8 inch dual wall HDPE tile for rerouting to stay outside of said railroad right of way.

Attachments: E-mail from contractor.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: Original Contract: \$ <u>122,180.00</u>	Original Contract Times: Substantial Completion: <u>December 31, 2020</u> Ready for Final Payment: _____ date
Decrease from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : \$ <u>5,000.00</u>	Change from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>December 31, 2020</u> Ready for Final Payment: _____ date
Contract Price prior to this Change Order: \$ <u>117,180.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>December 31, 2020</u> Ready for Final Payment: _____ date
Increase of this Change Order: \$ <u>3,500.00</u>	Increase of this Change Order: Substantial Completion: <u>December 31, 2020</u> Ready for Final Payment: _____ date
Contract Price incorporating this Change Order: \$ <u>120,680.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>December 31, 2020</u> Ready for Final Payment: _____ days or dates

RECOMMENDED: By: <u>[Signature]</u> Engineer (if required) Title: <u>Engineer</u> Date: <u>Nov 16, 2020</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Title: _____ Date: _____	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature) Title: <u>V.P.</u> Date: <u>11-14-2020</u>
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Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____



Drainage Utility Permit Application

Hardin County

Applicant: Jay Duncan

Contact Email: jduncan@heartofiowa.net

Contact Phone: (641) 486-2211

Utility Type: N/A - Utility Permits Only

Drainage District: DD 136 (51150)

Description of Work: Heart of Iowa - Bore in fiber optics in town of Cleves.

Pursuant to Code of Iowa Section 468.186, approval is hereby requested for the right, privilege and authority to construct, operate and maintain utilities on, over, across or beneath established Hardin County Drainage Districts, subject to the attached Requirements for Construction On, Over, Across or Beneath Established Drainage Districts. Failure to comply with said requirements shall be ground for revocation of the permit by the Hardin County Board of Supervisors.

Applicant Signature

Date

Submit Form and Location Plan To: Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Phone (641) 939-8111
Fax (641) 939-8245
drainage@hardincountyia.gov

For Office Use Only

Application Approval:

By: _____ **Date:** _____
Board of Supervisor Chairman, Acting as Drainage District Trustee

APPROVED PERMIT #: 2020-16

Application in TCM
 GIS Annotation
 Approval Emailed



HARDIN COUNTY

1215 EDGINGTON AVE., SUITE 1
ELDORA, IA 50627
(641) 939-8108

HARDIN COUNTY DRAINAGE DISTRICT UTILITY PERMIT APPLICATION

Applicant: Heart of Iowa Communications Cooperative
Company Name
502 Main Street, PO Box 130
Address
Union IA 50258-0130
City State Zip

Applicant Contact: Jay Duncan (641) 486 - 2211
Name Phone
jduncan@heartofiowa.coop
Email

Utility Type: Fiber optic

Drainage District(s) Crossed: District 136

Facilities Crossed (specific tile, open ditch): tile

Description of Work: Bore in fiber optics in the town of Cleves.

(Location plan of proposed utility must be attached.)

Pursuant to Code of Iowa Section 468.186, approval is hereby requested for the right, privilege and authority to construct, operate and maintain utilities on, over, across or beneath established Hardin County Drainage Districts, subject to the attached Requirements for Construction On, Over, Across or Beneath Established Drainage District. Failure to comply with said requirements shall be ground for revocation of the permit by the Hardin County Board of Supervisors.

Applicant Signature

11/6/2020
Date

Submit Form and Location Plan To: Hardin County Auditor's Office
Attn: Drainage Clerk
1215 Edgington Ave, Suite 1
Eldora, IA 50627
Fax (641) 939-8225
drainage@hardincountyia.gov

For Office Use Only

Application Approval:

By: _____
Board of Supervisor Chairman, Acting as Drainage District Trustee

Date: _____



APPROVED PERMIT #: _____

REQUIREMENTS FOR CONSTRUCTION ON, OVER, ACROSS OR BENEATH ESTABLISHED DRAINAGE DISTRICT

Upon issuance of a permit for utilities on, over, across or beneath established Hardin County Drainage Districts, the applicant shall be governed by these requirements and shall comply with all conditions contained herein.

SECTION I – Standard Requirements

1. The Applicant shall furnish the Drainage District, or its representative, plats showing the exact location of the proposed construction. If it is found that such locations are in conflict with the present or proposed facilities and that a more desirable location is possible, the Applicant shall review such possible alignment changes. **No construction is to commence with the drainage facility without an approved application.**
2. Applicant shall comply with Iowa One-Call requirements prior to commencing any work.
3. The Drainage District shall provide Applicant access to maps or other information regarding the location of all known drainage district facilities so that reasonable care may be taken by Applicant to avoid un-necessary damage to said drainage district facilities.
4. The Applicant shall hold the Drainage District harmless from any damage that may result to the Drainage District facility because of the construction or maintenance of the utility, and shall reimburse the Drainage District for any expenditures that the Drainage District may have to make on said Drainage District facilities resulting from Applicant's construction and installation of utilities, or their subsequent repair or modification.
5. The Applicant shall take all reasonable precaution during the construction of said utility to protect and safeguard the lives and property of the public and adjacent property owners and shall hold the Drainage District harmless from any damages or losses that may be sustained by adjacent property owners on account of such construction operations. Further, Applicant agrees to replace, repair or reimburse all damages to private property occasioned by Applicant's installation of subsequent modification or repairs.
6. The Drainage District assumes no responsibility for damages to the Applicants property occasioned by any construction or maintenance operation of said Drainage District facilities, subsequent to Applicants installation.
7. A copy of a certificate of insurance naming the County/Drainage District as additional insured for their permit work shall be provided to the County Auditor prior to installation. The limit of liability under the insurance policy shall not be less than \$1,000,000 per occurrence.
8. The Applicant agrees to give the Drainage District twenty-four (24) hours (Saturday and Sunday excluded) notice of its intention to commence construction on any lands within the jurisdiction of the Drainage District. Said notice shall be made in writing to the County Auditor or to the designated Drainage District representative.
9. The Applicant agrees to place permanent, visible markers or monuments at locations where utility crosses Drainage District facilities. These monuments or markers shall identify the owners name, address and phone number.
10. The Drainage District Trustees may appoint a representative to inspect and approve all construction across Drainage District facilities as part of this permit. All compensation, wages, mileage and other expenses for this representative will be paid by the Applicant. It will be the responsibility of the Applicant to make all contacts with private parties (adjacent owners/operators) to determine the location of private drainage facilities. Said representative will also inspect all crossing of Drainage District facilities and may, if required, observe the crossing of private drainage facilities, and shall have the authority to require the Applicant to excavate and expose the crossing of any Drainage District facility where the representative believes it prudent to visually examine Applicants crossing of the Drainage District facility. Further, said representative has the authority to suspend construction and installation by the Applicant within any Drainage District jurisdiction by verbal order to the contractor at the site and a telephone call to Applicants contact person listed on page 1 within six (6) hours of the verbal order



11. The construction and maintenance of Applicants installation shall be carried on in such a manner as to not interfere with or interrupt the function of said Drainage District facilities without the express written consent of the Drainage District Representative. In the event it becomes necessary to temporarily stop the flow of water, the following shall be completed by the Applicant:
 - a. If the crossing involves a tile line, the replacement of tile with approved materials, in the manner approved by the Drainage Districts designated representative, shall be performed as rapidly as possible. If the approved method of repair is impossible and the volume of water flowing in the tile is sufficient to create the possibility of crop loss or property damage, the Contractor will be permitted to temporarily block the tile line to prevent the flow of this tile water into the pipeline, or tile line ditch. In the event this tile line is so temporarily blocked, the Contractor will be expected to provide sufficient pumping equipment to pump the impounded tile water across the construction ditch to the undisturbed tile line. Such temporary blockages of said Drainage District tile lines will be removed as rapidly as possible and any tile repairs caused by this blockage will be immediately repaired at the Applicants expense.
 - b. If the crossing involves an open ditch that is carrying sufficient flow of water to make it necessary to place a temporary dam across said open ditch, such temporary dams may be constructed only upon approval from the Drainage District designated representative. The maximum elevation of this impounded water shall be determined by the designated Drainage District representative and all excess water must be allowed to flow across the construction ditch through either a closed metal culvert pipe or by pumping. All temporary dam structures are to be removed as soon as the crossing is completed. The construction and removal of these dams shall be in such a manner that the smooth and efficient function of the drainage ditch is not impaired, with all costs and damages borne by Applicant.
12. The Applicant will at any time subsequent to the commencement of construction, and at Applicants sole expense, reconstruct or replace its installation as may be necessary to conform to new grade or alignments resulting from maintenance or construction operations by the Drainage District in connection with any of its drainage facilities. Applicant agrees to do this within forty-five (45) days of receipt of written request from the Drainage District, or such longer time period as the Drainage District may specify, without cost to the Drainage District. Such reconstruction or realignment of Applicants improvements shall be made in accordance with and approved by the Drainage District or its designated representative. If the Applicant is unable to comply within the time period specified above, the Drainage District may cause the work to be done and the Applicant will pay the cost thereof upon receipt of a statement of such costs.
13. **CROSSING OF OPEN DITCH FACILITIES.** Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
 - a. Passage of installation in a horizontal plane five feet (5') below design grade of drainage ditch, as established by the Drainage District representative.
 - b. The above depth to extend to a point two (2) times the design base width of ditch either side of centerline of drainage ditch (measured along the centerline of utility) unless the existing base width is greater than the design bases width. If the existing base width is greater than the design with, the depth is to extend to a point two (2) times the existing width.
 - c. The rate of slope for transition from normal utility laying depth of crossings of drainage ditches shall not be steeper than 4:1.
 - d. If such ditch crossings occur at points of outlets of Drainage District or private tile lines or within twenty-five feet (25') of said outlets, such outlets must be relocated to a point not less than twenty-five feet (25') from such crossings. Such relocations shall be at the expense of the Applicant and as directed by the representative of the Drainage District.



14. CROSSING OF DRAINAGE DISTRICT TILE LINES. Utility crossings shall be constructed as follows, as directed by the designated representative of the Drainage District:
- a. All proposed installations must be placed under the existing Drainage District tile lines. These requirements may be waived only upon the review by and approval of the designated representative of the Drainage District. Such waiver must be in writing.
 - b. A minimum of one foot (1') clearance below existing Drainage District facilities must be maintained.
 - c. At all crossings of Drainage District tile lines with the proposed utility, one of the following must be used:
 - i. Replace Drainage District tile with reinforced concrete pipe of same or larger diameter than existing tile. Concrete pipe to be 2,000 D strength (Iowa Department of Transportation approved) with standard tongue and groove joints. Pipe to have a minimum of three (3) bolt-type connectors at each joint.
 - ii. Replace Drainage District tile with cathodic protected corrugated metal pipe. Diameter of corrugated metal pipe to be a minimum of two inches (2") larger than outside diameter of tile line being replaced. (Specifications regarding gage, cathodic protection and other details to be subject to review and approval.)
 - iii. Dual wall plastic with specific approval of Drainage District representative.
 - iv. Bore new utility installation; maintain existing tile in an undisturbed state.
 - d. The length of tile to be replaced by any of the above alternates is as follows:
 - i. Eight-inch (8") tile and smaller: Six feet (6') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - ii. Ten inch (10") tile and larger: Ten feet (10') either side of centerline of proposed installation, measured at right angles to the centerline of installation.
 - e. At all crossings of Drainage District tile lines where the Drainage District and private tile lines are damaged by the construction, maintenance or repair of Applicants installation shall be repaired as directed by the Drainage Districts designated representative.
15. This permit is subject to existing regulations and statutes of the State of Iowa and future regulations, which may be promulgated or enacted.
16. This application is subject to revocation by Hardin County, if in its judgment it is necessary for legitimate purposes. In such event, written notice shall be provided to permit holder.
17. Applicant agrees to pay all other legitimate costs, fees and expenses associated with its crossing of the Drainage District facility, including but not limited to, publication costs, engineering costs and legal service costs. Said costs will be paid within thirty (30) days of the mailing of the statements to the Applicant.
18. Applicant agrees to provide a copy of as-built plan of the utility route and location, showing route changes that may have taken place during construction.
19. Applicant agrees to include a copy of these requirements to all bidding specifications; or if the construction and installation contract has been let by the time this permit is approved, Applicant agrees to provide a copy of these requirements to the contractor and to advise them that they are bound by the terms of these requirements.



SECTION II – WIND TURBINE REQUIREMENTS

20. This Section shall apply to commercial wind turbine applicants as defined in Hardin County Ordinance 29, Article XXIII.
21. Section I above shall also apply, but to the extent the requirements of Section II herein are incompatible with those in Section I herein, those in Section II shall apply.
22. Prior to approval and issuance of a permit, applicant first shall obtain conditional approval from the Drainage District. The conditional approval shall be for each proposed site and shall require the applicant and the Drainage District to enter into an agreement containing the following terms: (1) At applicant's expense, and at District's direction and conditions, applicant shall televise the District Tile that may be impacted as determined by the District; (2) The applicant shall enter into a damages agreement with the District, per site, that: a. allocates to the applicant a percentage of fault for resulting damages to the Drainage District facilities; b. establishes damages based on replacement cost to the Drainage District; c. establishes a damages deposit; and d. requires the applicant to pay the Drainage District legal fees related to the agreement, including enforcement.
23. No permit shall be approved or issued without first entering a damages agreement as set forth in the previous paragraph. A permit will also include the following requirements:
 - A. At District's discretion, under the District's direction and conditions, and at applicant expense, applicant shall televise the District tile before and after a turbine's construction to review tile conditions;
 - B. Applicant shall use GPS to map crane walks and ingress and egress of all vehicles and equipment with a gross weight of 8,000 lbs. or greater, and shall provide this data to the District in a format approved by the District;
 - C. Applicant shall maintain a two hundred (200) foot setback from the outside of the turbine's footing to any District facilities, including open ditches, to allow for repairs to Drainage facilities;
 - D. At applicant expense, the District shall designate at its discretion an engineer/technician that the applicant shall allow to be present to observe any and all aspects of construction. These costs shall not be passed on to the landowner or District;
 - E. Wind turbine underground accessory facilities, feeder lines and cables shall be bored under District facilities at a depth approved by the District.
 - F. Applicant shall use the District engineer and local contractors approved by the District for all work pertaining to tile televising/inspection, repair and replacement. The District shall maintain a current price list for local contractors' services and rates and shall be provided at the applicant's request.
 - G. Any time a wind turbine undergoes changes, re-powering or re-blading, or any service to the turbine that requires a crane walk, the site will need to be re-televised as required in subparagraph "A" above, as well as new GPS mapping as required in subparagraph "B" above.
 - H. The District has the authority to enter upon the land and service any District facilities at any time, with or without the consent of, or prior notice to the applicant. The applicant is responsible for any cost increase experienced by the District for service and maintenance of District facilities due to a wind turbine and turbine accessory facilities and lines.
 - I. The applicant shall pay any legal costs, including reasonable attorney fees, incurred by the District related to any disputes or enforcement of these permit requirements.
24. The term "Applicant" shall mean the permit applicant, the applicant's agents, heirs, successors, assigns, and facility owners.



Clapsaddle-Garber Associates
 PO Box 754
 Marshalltown, IA 50158-0754
 641-752-6701

South Front Networks
 320 E Liberty Street
 Mankato, MN 56001

Invoice number 42494
 Date 10/28/2020

Project **DD-5166 Drainage District H-F #1**

For Professional Services to 10/28/2020

CGA Project No:5166.5/Utility Permit #2018-12

Work to date on possible Utility Crossing of DD H-F #1, Hardin Co.

Professional Fees

	Hours	Rate	Billed Amount
Project Manager	0.70	110.00	77.00
Senior Administration Assistant	0.80	60.00	48.00
	0.50	66.00	33.00
Subtotal	1.30		81.00
Principal	0.50	156.00	78.00
Professional Fees subtotal	2.50		236.00

Invoice total **236.00**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
42494	10/28/2020	236.00	236.00				
	Total	236.00	236.00	0.00	0.00	0.00	0.00

All invoices are due upon receipt. A late charge of 1.5% per month will be added to any unpaid balance after 30 days.

CGA gladly accepts payment by Visa and/or Mastercard without charge if paid within 10 days of the date of the invoice. A 2.5% convenience fee shall be added to the total invoiced amount if payment is made by credit card after 10 days of the date of the invoice.



Clapsaddle-Garber Associates
 PO Box 754
 Marshalltown, IA 50158-0754
 641-752-6701

Interstate Power and Light dba Alliant Energy
 410 Lawler Street
 Iowa Falls, IA 50126

Invoice number 42495
 Date 10/28/2020

Project **DD-5166 Drainage District H-F #1**

For Professional Services to 10/28/2020

CGA Project No:5166.7/Utility Permit #2019-5

Work to date on possible Utility Crossing of DD H-F #1, Hardin Co.

DD-5166.7 Utility Crossing
 Professional Fees

	Hours	Rate	Billed Amount
Senior Administration Assistant	1.10	66.00	72.60
Principal	1.00	156.00	156.00
Phase subtotal			228.60
		Invoice total	228.60

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
42495	10/28/2020	228.60	228.60				
	Total	228.60	228.60	0.00	0.00	0.00	0.00

All invoices are due upon receipt. A late charge of 1.5% per month will be added to any unpaid balance after 30 days.

CGA gladly accepts payment by Visa and/or Mastercard without charge if paid within 10 days of the date of the invoice. A 2.5% convenience fee shall be added to the total invoiced amount if payment is made by credit card after 10 days of the date of the invoice.

RESOLUTION 2016-18

FRANKLIN COUNTY
INVESTIGATION OF DRAINAGE DISTRICTS PER REQUESTS

NOW, on this 31st day of May, 2016, the following resolution was presented to the Board of Supervisors acting as Drainage District Trustees:

WHEREAS, said Trustees believe that it is in the best interests of drainage districts that individuals, landowners, or entities making requests for district investigation of repairs be responsible for the costs of those investigations in the event that the source of the need for repairs would be privately owned tile and not part of the drainage district facilities or no problem is found and the drainage district facility is anything other than open ditch.

BE IT RESOLVED that in the event any individual or entity makes a request to the drainage district to investigate proposed repairs which require the district to expend funds to determine the location of needed repairs, feasibility of repairs, or any other costs incurred in connection with investigating the request and that in the event in the course of investigation it is discovered that the drainage tile or related structures needing repair are not under the drainage district's control, then the individual, landowner, or entity requesting the investigation shall be responsible for payment of any expenses incurred by the district. If said investigation results in no problem discovered, said requestor is responsible for payment of any expenses incurred by the district. This does not apply to drainage district facilities that are open ditches. If the investigation in the district finds a problem with district facilities, then said district will be responsible for payment of any expenses incurred by the district as allowed by Iowa Code.

The Board of Supervisors acting as Drainage District Trustees authorize the Franklin County Auditor to prepare the necessary form for the individual, landowner, or entity to execute prior to any investigation (except open ditches) in a form necessary to carry out the intent of this resolution.

BE IT DULY ADOPTED this 31st day of May, 2016, with the vote thereon being as follows:

AYES: Eberling, McVicker, Nolte
NAYS:
ABSENT/NOT VOTING:

I have read and agree to the terms of this Resolution:

FRANKLIN COUNTY BOARD OF SUPERVISORS

Corey Eberling
Corey Eberling, Chairman

Gary McVicker
Gary McVicker

Michael Nolte
Michael Nolte

Requestor

Date

Drainage District

ATTEST:
Michelle S. Giddings
Michelle S. Giddings, Auditor & Clerk to Board