

AGENDA
REGULAR DRAINAGE MEETING
Wednesday, August 18, 2021 9:30 AM
Large Conference Room

This meeting will be held electronically and in-person.
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:

[06_30_2021 - DRAINAGE MINUTES.PDF](#)
[DD 9 COMPLETION HEARING - 06_2_21 - UPPER MAIN TILE DIVERSION PROJECT.PDF](#)

4. Approve Claims For Payment

Documents:

[PAYABLES-DRAINAGE PUBLICATION 08_20_21.PDF](#)

5. Discuss W Possible Action - Honey Creek Land Improvement Progress Report
6. DD 36 WO 312 - Discuss W Possible Action - Observation Report

Documents:

[DD 36 WO 312 - 6758 - OBSERVATIONS REPORT 06_16_21.PDF](#)

7. Discuss W Possible Action - New Work Order Requests
8. Other Business
9. Adjourn Meeting

REGULAR DRAINAGE MEETING
Wednesday, June 30, 2021 9:30 AM

This meeting was held electronically and in-person.

6/30/2021 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson BJ Hoffman opened the meeting. Also present were Trustee Renee McClellan; Trustee Lance Granzow; Lee Gallentine, Clapsaddle-Garber Associates; Adam Seward, Honey Creek Land Improvement; Al Meister, Landowner; 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 05-19-2021. Second by Hoffman. All ayes. Motion carried.

4. DD 52 WO 215 - Discuss W Possible Action - Landowner Concerns

Hoffman stated he would like to discuss with Seward as soon as possible. Smith stated this is in as number 4 on today's agenda. Hoffman asked if Smith would like to lead the discussion. Smith stated sure, we had discussion last week and was asked to re-agenda this, and maybe provide some more information as to how that site looked when Honey Creek Land Improvement left it, and so Seward has submitted some photos for us today that Smith has also shared here on the screen of what that site looked like when they found that, we can scroll through the photos and you can address your questions to Seward. Smith stated it looks like there was some debris left behind when he found it on site, we will have Pearce scroll through these and we can start our discussion with Seward. Hoffman asked if Seward could hear us, Hoffman asked Seward to unmute himself. Seward stated he sent some pictures, they are a high foliage, high branch, a lot of consistency in that particular species of tree, we had to take them out to obviously kill the roots that were affecting the drainage district, they were falling down on all kinds of different items, Seward stated he guessed what we had to do is at the very end just make a decision on if we hauled off a fair amount of the Drainage District's responsibility, and how much of that happened to be Mr. Piel's and at one point in time, we were taking all the inert objects and they kind of got after us a little bit about bringing in too much other stuff with it. Seward stated when you are sitting kind of high up in a grapple truck or an excavator, it is hard to see what you are actually pinching and putting in, obviously we are cognizant of taking some more junk than maybe we should have but on an hourly basis it didn't make a lot of sense to pick through it, we were just trying to get the job complete. Seward stated once we were getting to the end, one of the tenants came out who Seward thought had the alfalfa rented, or maybe he still does, he was very irate that we were trampling the alfalfa, and Seward told him this was where the trees had fallen, there was very little we could do about it, then he kind of understood but he wanted us off there. Seward stated Piel's owned it at the time and it was right in the middle of the transaction or discussion of the transaction, so we got to a spot where we thought the trees were dead, and we hauled off quite a bit, as you can see there was already all kinds of other species of trees that were brought in, and Seward did not know whether they were going to sawmill them, and Seward did not know what their intentions were for those and that is why we stopped it when we did. Hoffman asked so a lot of the stuff we are seeing here was already there, correct. Seward stated yes, you will see in one of the pictures, there is some orange junk, Seward stated there was some poles there, who knows what they were going to do with. Hoffman stated so for the record, a lot of junk was there, and did you believe it was your responsibility to haul off other people's trash that was there when you arrived at the work-site. Seward asked Hoffman to repeat the question please. Hoffman stated so when you got there and you found that did you feel it was your responsibility to haul off the other debris that was already there upon your arrival. Seward stated no, his responsibility was to replace the tile and make every effort to prevent what had happened from ever happening again, we accomplished that objective, and Seward is going back here a little bit, and believes the drainage district then said hey can you get that stuff hauled off from there as well, if you look at the images, we had several, several, several loads hauled off of there and to be honest with you Seward would be more than happy to continue hauling, it is real easy work and none of the guys complained about it that is for sure. Seward stated but at some point, we made a decision on behalf of the drainage district and Seward feels like we were taking too much time sorting through the stuff. Hoffman can bring some over for you haul it off and we can bill the drainage district because at what point is it drainage district materials and not the stuff that was just what the landowner's piled up responsibility.

Granzow stated he has Meister on the line, but he did not hear the first half. Hoffman asked Seward to mute himself for the moment for convenience, and we have Meister on the phone. Meister joined the meeting by phone. Hoffman asked Meister to go ahead. Meister stated his part of it is obviously that pile there, that he sent you guys a picture of, it 125' long and 15' high, that pile was made during that cleanup, was that material there before or not, Meister can't answer that, more than likely some of it was, but that pile was made by Seward when he did that work. Meister stated that long big pile wasn't there before. Hoffman stated ok. Meister stated his issue is Seward did great work, and they cleaned up everything but then they left that pile there, and that pile is going to take a lot to get that removed. Hoffman stated so he will cut right to the chase and asked Meister if he wanted that pile removed, so that is the resolution that would make you happy. Meister stated yes. Hoffman stated he thinks we can accomplish that, and stated he knows this has to go to the lottery, this picture on the screen here of this pile, and asked Seward if this is something he would be interested in removing. Seward stated yes, absolutely, Seward stated he wants the blessing of the Drainage District on that, like Seward said, he was looking out for the drainage district, and it was not his intention to leave any mess or pile, it was just a matter of costs at that point, Seward stated he felt that Mr. Piel probably could have prevented a lot of that situation, but that is neither here nor there, that pile will not be a problem, Seward will put it on his schedule and asked if maybe Meister would want it done after the haying season so we are not trampling they hay ground and have that issue come up again. Hoffman asked Meister how that works for him. Meister stated that works fine. Hoffman asked if Seward had any objections. Seward stated he had none. Hoffman asked if Meister had any objections. Meister stated he had none. Hoffman stated this is the simplest resolution we have had all day, Hoffman stated he would accept a motion to have Honey Creek Land Improvement go out after the haying season and clean this up.

McClellan asked and all of this is going to be district expense even though some of it may have been there before the drainage repair. Hoffman stated unless someone put a sticker on something that says cut down in July of 1973 or something I guess that is what we are going to have to do. Granzow asked Meister, we are having a hard time making a motion on this because some of that debris was there before hand, and asked Meister if he would be willing to pay for part of this removal. Meister stated that is where it depends on where it is going to be, Meister does not have a skid-loader himself, and he understands some of that debris was there before and guesses it depends on how much it is going to be. Granzow stated Seward is the only one that can price that, but Granzow could go off of a percentage, Granzow stated if his bill is \$10,000 and we say 20% you can do the math, but Granzow does not know what his bill is going to be but would Meister be willing to do a percentage of the total bill. Meister stated he would really have to think about that, if Meister is going to spend \$10,000 that is where it gets into can Meister do that himself or how much can I get it for at cost, Meister stated he means it depends on the numbers. McClellan asked if Seward has an estimate or estimation of what that may cost. Seward stated if you want to table it he can go take a look at it he guesses and we can come up with what is to be taken, what is not to be taken, and we will just figure out what it is going to cost, we can sort through a lot of that stuff and go from there he guesses, Seward does not feel comfortable giving an estimate without really spending some time to look at it. McClellan asked if Seward would be willing to meet. Hoffman asked Seward how about this, would you be willing to meet Meister out there, and go through that and then we can bring it back. Hoffman stated here is the thing if they can work out an arrangement of how much Meister is going to pay him to do it, if they go out there with a spray can or flags or whatever and if Seward says he can do this for \$7,000 or X dollars and Meister says he will give Seward \$500 for his part, let them work that out on their own, keep that out of this Boardroom, Hoffman would prefer that. Granzow stated he thinks it will cost more to pick through it and separate it and go through it, than it would just cost for them to do it. Hoffman stated let's let them go out and when they have come together, let the Clerk know and she will put it back on the agenda for a future date, and we are not going to get back to until haying is done anyway. Granzow asked if Meister was okay with that. Meister stated yes. Hoffman asked if Seward was okay with that, Seward stated he was. Meister thanked the Trustees.

Motion by McClellan to direct Honey Creek Land Improvement to go out and meet with Meister to review the debris left on the site after haying season is over and return estimate with split of costs to the Trustees. Second by Granzow. All ayes. Motion carried.

DD 9 - Granzow asked Seward while he had him on the line, Granzow had talked to Seward last night on the question with Tom Roberts, the difference between the \$2,000 and \$10,000, Granzow stated he told Tom he would ask Seward for clarification is all. Seward stated just to bring everyone up to speed, Seward stated this was out on a railroad right of way, we took in and went out there and looked the property over and determined what we need to accomplish with it, we had a large set of trees that were a lot bigger than when they were reported, or if someone had actually gotten in there, the bottom line is it did take a considerable amount of time to get what we needed to, and Seward is sure as you know that working next to the railroad, anytime that you don't get permits for the railroad, and you see a train coming you have to pull all your equipment off, because they will send the railroad police down there and it makes jobs just about twice if not three times as difficult as they need to be anytime you deal with railroad right of ways. Seward stated there was a large, towards the south end, there was a large body of water that was feeding and watering a lot of trees, so that made some challenges, so the hill, for a track machine it wasn't terrible but if it was a wheeled machine, Seward would have had a lot more trouble, just because of the small mounds. Seward stated we had to tear the machine down pretty well because the railroad had shoved the

used tracks off into the landowners or very close to the landowners where we had to take trees out. Seward stated that pretty much sums it up, that it was far more challenging than we had anticipated. Granzow stated that it was he needed, he told Roberts he would ask Seward to explain. Seward stated any time you work on the railroad you can expect twice the amount of work or twice the amount of time if you are waiting on permits as we all know, that particular one, we went in and achieved our goals and get the heck out of there. Granzow thanked Seward for the information. Hoffman asked if that was all we needed Seward for, Smith stated it was. The Trustees thanked Seward for his time.

5. DD 48 WO 274 - Discuss W Possible Action - Investigation Summaries / Original Work Order Request

Smith stated after our DD 48 landowners meeting last week, Smith had a little bit of conversation, Smith does not think that we ever received authorization or not of Larry's original repair request from that work order, there was no motion to authorize those repairs, so Smith added this to the agenda this week, in addition Smith did talk with Phillip Broer at the end of that meeting and he would like a work order written up to address sloughing on the curve of the open ditch and he stated that the ditch was cutting in on the curve and thought we might have to dredge the ditch to get it back into the correct channel, he also said it could be looked at in the fall, as crops are in now and there is no easy access now except to walk in, Broer states there is no drive in access to the area, you can walk in from the west. Smith stated she has tentatively assigned that a work order number 313 if the Trustees choose to take action on that. Granzow stated so Broer brought this up in the meeting and the request would be to send CGA out there, and report back to us, obviously if they can wait until fall. McClellan stated if Broer stated that, we can go ahead and wait until fall.

Motion by Granzow to approve Work Order 313 and to send CGA out to investigate the sloughing on the curve. Second by McClellan. All ayes. Motion Carried.

Granzow stated the first part was Larry Dougan's original request, Smith asked if Gallentine had any additional information on the original work request. Gallentine stated he would pull that information up in a moment. Smith stated that was just part of that original request submitted by Larry Dougan, Gallentine stated he thinks that is what it was, he is almost there. Granzow asked if it was needing new pipes in the open ditch if Granzow recalled. Gallentine stated Dougan stated the current open ditch was meandering from it's track and eroding into the field, so he wanted that addressed, when CGA looked at it we found that the banks were sloughed, there was a meandering channel and that the banks were sloughed and possible siltation, once we found out that the siltation wasn't accurate, it had just eroded too deep. Gallentine stated essentially there was 3 or 4 sloughs in the ditch at his farm near his crossing, probably needs some attention but they weren't impeding flow. Granzow asked if it was cutting into Dougan's field. Gallentine stated they were starting to, at least one of them so Gallentine would say yes. Granzow stated we should address it the same way we did with Broer's. Hoffman stated he would accept a motion, Granzow stated he would put it with Broer's. Hoffman asked if we can just combine the work orders. Smith stated she can do that. Hoffman stated he would accept a motion to combine the work orders.

Motion by McClellan to combine work orders for Dougan's and Broer's requests. Second by Granzow. All ayes. Motion carried.

6. DD 167 - Discuss W Possible Action - Landowner Concerns - New Providence City Council Meeting

Hoffman stated he can not wait to here how this went. Smith stated she and Gallentine showed up Thursday night for City Council Meeting in New Providence and Smith thinks it went very well, we had about 10 people in attendance, that were landowners in the district, that is all, we had all of their City Council Members, the Mayor, one gal there filming, Smith thinks she was with Small Town Chronicle that filmed us. Smith stated overall it went very well, there were a lot of questions and we began with the petition, Smith explained that their petition was denied based on the fact that they did not have their district number written down, they did not have the requisite number of signatures as signed, that would have met the majority because a spouse and a spouse signed for the same parcel. Smith stated we talked a lot about the fact that the signatures weren't legible and couldn't be verified, Smith stated they were not very happy that it wasn't accepted, however they are aware now why it wasn't accepted, and they know if they want to come back with another petition, those are the standards that would have to meet. Smith stated there were a lot of questions about the assessment and about that process, Smith thinks we answered them very well, Smith thinks there were a lot of questions about why was it set up this way, why was this district created this way. Smith stated that Gallentine covered the history n that really well, that it was a mutual agreement district, it was established that way and that all of the landowners involved at the time were all in agreement. Smith stated it was overall a good experience and it was great educational opportunity for the landowners to come and talk. Granzow asked if it was the same landowners that were here. Smith stated yes and no, Smith stated there were new ones there and the woman that submitted the petition was there with her husband as well. Smith thinks we had a good turnout overall. McClellan asked if it was well represented from both sides of the issue. Smith stated she would say yes, Les Clampett and his wife were there as Renewal Corporation, the entity that represents the Roundhouse, Les had some good insights into the history, Smith stated that Clampett

had come into Smith's office prior to this meeting and we had visited for about an hour, so Clampett had a good understanding of the working of the background of it. Smith stated of those that were upset, Smith thinks they understand better why it is the way it is, we had some folks that didn't have a whole lot of comment until after the meeting that thanked us for coming, Smith left with three hand shakes and a hug so she didn't think that was too bad. Granzow stated wow. McClellan asked if Larry Balvanz was there, Smith stated he was. Smith stated Gallentine can visit about what he thought about the whole thing too, Smith thought it was nice.

Gallentine stated he thought it was a good back and forth and it remained very civil, Gallentine thought it was a little disappointing that we didn't have a few more people in attendance but considering we only have what, twenty landowners in the whole district it is not surprising. Gallentine does not have a feel for whether they are going to try and do a new petition or not to tell the truth, Gallentine is not sure. Granzow stated it does not matter to him one way or the other, as long as they understand what they are doing. Gallentine stated that is what we told them, it doesn't matter who the Trustees are, the rules and laws are still the same, you maintain the tile, you maintain flow and if you don't do that you can be sued to compel you to do so. Smith stated she left them with a copy of Drainage Code that was in a binder for the Mayor to keep a hold of in the City Offices in case anyone has questions on that. Smith stated she left them a copy of the district map as well as a history of district assessments.

McClellan stated good, it sounds like it went well then. Smith stated she did not but if anybody asks, we are happy to open those records up for anyone and does not mind that one little bit. Granzow stated it sounds good, and asked how long did it take. Smith stated we were there an hour and fifteen minutes, it was good discussion. Hoffman stated he thought it would be longer, Granzow stated he thought it would be 2 hours or better. Smith stated it was a good discussion and was back in time to have dinner at the cafe so life is good.

7. Enter Closed Session To Discuss Drainage Clerk Performance Review

Hoffman stated the next thing on the agenda he would be willing to postpone, Smith has done her due diligence in doing her performance review, Hoffman has to run to prepare for a department head meeting and Smith did indicate she is willing to postpone until a later date.

Motion by Granzow to table the Drainage Clerk Performance Review until Smith puts it back on the agenda. Second by McClellan. All ayes. Motion carried.

In additional discussion on the motion, Hoffman stated he may or may not be here next week, just some personal things he has to take care. Granzow stated if it is a busy week, you may want to postpone, you can choose the time. Smith stated she can do that.

8. Exit Closed Session

9. Other Business

DD 55-3 Lat 9 - Thompson pond update, Smith reached out to Scott Thompson by letter. Smith stated Thompson got back to her and left a voicemail stating the riprap and seeding were to be completed by June 30th, his seed did not take due to drought conditions, Thompson stated the riprap is not done and he will hard armor the banks on that and call it good, he needs to move the dirt pile to get the dump truck in and needs to coordinate with Secondary Roads to utilize some of that broken concrete that is on site in Hubbard. Smith stated that is her update for the Trustees on that. Smith shared his voicemail with the Trustees in an email, so that you could listen through that yourselves as well. Granzow asked if Gallentine had any concerns. Gallentine stated no, as long as he does it right, we have been down this road before, on the correction, at least he tried to seed it, sorry it didn't take, Gallentine wishes we had rain. Granzow asked if the hard armor Thompson refers to is the riprap on top. Gallentine stated yes that is what he was talking about, versus a vegetative armor, like grass, it will be hard armored with riprap or broken concrete. Granzow asked if we were fine with that. Gallentine stated he thinks that is what the Trustees allowed him to do, one of those two options or a combination thereof. Smith asked if the Trustees wanted her to put this back on the Drainage Calendar for review in a certain amount of time, Hoffman stated how about 30 days. Smith stated okay. Hoffman stated we have had some decent rain and a little bit more in the forecast. Granzow stated give him 60 days. Smith stated she can do that. Hoffman stated he was fine with that too, and asked if the Trustees want Gallentine in 45 days to maybe swing by. Granzow stated to write him a letter and give him 60 days notice, and he has 60 days and we will check in 30, just keep us informed that is all we ask, Granzow stated we understand with the weather. Gallentine asked Smith to set a calendar reminder in 30 days, or is Gallentine keeping track of that. Smith stated she will set a calendar reminder in 30 days. Granzow stated thank Thompson for his efforts and a phone number would be awesome. Smith stated she can do that.

DD 67 - The other update Smith has for the Trustees is that yesterday we had an open meeting for Drainage District 67 in which we met with the attorney representing the district with their suit with the Union Pacific Railroad, they moved to authorize counsel to request further review by the Supreme Court of the State of Iowa. Smith stated she wanted to share that with the Trustees because she thinks it is interesting in the sense that if they do not pursue this to the end of the appeal cycle, Dave Johnson, their attorney was concerned that any decision that would stay standing would be a case that could be represented as case law in future discussions with the Railroad in any other Drainage Districts. Smith stated she thought it was thoughtful of those Trustees to approve moving forward with that appeal to the Supreme Court. Smith wanted to share an update of where they were at with that. McClellan asked which one was 67 again. Smith stated it was a private Trustee District, Granzow stated the Trustees were Denny Prochaska and Gary Rabe, Smith stated and Jeff Heinzeroth took Keith Helvig's place, Helvig stepped down in 2020 due to health reasons. Granzow stated and what they did was to assess more of the damages to the railroad, because it costs more to cross the railroad and they are appealing it. Granzow stated he believes David Johnson's answer was very accurate and also feels that it was very warranted, because the Iowa Supreme Court heard on DD 55, and asked Gallentine to correct him if he is wrong, DD 55 second award to the railroad came in and they dropped it. Gallentine stated he thinks Granzow is accurate on that, the one thing about DD 67 that is interesting is that the Appeals Court upheld one part of the ruling and dismissed 3 other parts of the ruling, so the District Court definitely did not get it correct, 100% or even 50% in Gallentine's mind. Gallentine stated he thinks it is a good idea to run it to the Supreme Court. Granzow stated if he remembers right it went all the way to the Supreme Court and then we lost. Granzow stated so he does not have anything but to tell them thanks for the info. Smith stated she was happy to share it. Granzow asked if this was something the Drainage Districts of Hardin County or the Iowa Drainage District Association need to know about. Smith stated she can communicate that with John Torbert. Hoffman stated if you could pass that on and even send Mike Richards an FYI as to what is going on. Granzow stated it would be bad if they lost. Gallentine stated just as an FYI, he thinks that these folks approached the IDDA at one time, before they decided to appeal and the IDDA at that time was not willing to assist and they did not want them to appeal because they didn't want any precedent out there either way, but will let Smith fill in either way if she remembers back. Smith stated she thinks that discussion was probably right before her time when this lawsuit began as she thinks this lawsuit goes back to 2018, and Smith started in October of 2019, so she was not part of those conversations, but will be happy to share this with John Torbert and Mike Richards. Granzow stated maybe we can get input to influence them one way or the other, or influence the other way, Granzow does not know, McClellan stated it would be hard telling. Granzow stated he thinks there is a lot pending on it.

10. Adjourn Meeting

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

**DRAINAGE DISTRICT 9 UPPER MAIN TILE DIVERSION COMPLETION HEARING
WEDNESDAY, JUNE 2, 2021 10:00 AM**

This meeting was held electronically and in-person.

6/2/2021 - Minutes

1. Open Meeting

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

2. Approve Agenda

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

3. Introductions/Attendance

Introductions were made and attendance verified.

4. Open Public Hearing

Drainage Chairperson BJ Hoffman opened the Public Hearing.

5. Verify Publication

Smith verified publication of Public Notice of Hearing on May 19, 2021 in the Times-Citizen newspaper.

6. Explanation Of Project

Hoffman gave the floor to Gallentine and Stanbrough to explain the project. Gallentine stated he would go through the report briefly, he will not hit every single thing but will go through the highlights of it, and Smith has copies if people need them. Gallentine stated page 2 of the report is a timeline, the Trustees approved CGA to prepare a report detailing repairs or improvements to the Main Tile of Drainage District 9. CGA drew up a report, the original report was dated April 30, 2019, talking about those possible repairs and improvements. We had a hearing concerning that report, on May 22, 2019, and there was great discussion at that hearing and as a result, someone had suggested can we put in a second outlet and essentially sever this district and cut it in half, so we created a supplemental report detailing that option and that report was dated June 3, 2019. We had a second hearing on June 19, 2019, and as a result that was the option the Trustees decided to go with, so everything west of the tracks in the upper end would have it's own outlet and everything east of the tracks would use the old outlet. Gallentine stated we went and did plans and had a bid letting date of March 25, 2020, we received four different bids and the Trustees identified the concrete pipe option as the option we would move forward with and Gehrke of Eldora was awarded the bid, he was the low bidder on that, \$122,180 was his bid, the contract was signed April 15, 2020 and they started construction on October 20, 2020, after the growing season was done so that was nice, weather and working conditions were really well, we didn't have really any issues, just a few small ones. Gehrke completed substantially the project by November 11, 2020 which was about 7 weeks before the contract completion date. Gallentine stated that is just a little bit of the history, moving on to page 3, Gallentine will cover the project deviations.

Gallentine stated there were three deviations, instead of using the rock style, more municipal style of bedding, the contractor opted to use a spoon in style with the concrete pipe where the soil conditions allowed, which was the vast majority of the project, the Trustees agreed with that, so that resulted in a decrease of \$5,000 to the project overall. Also during construction, the main tiles and the lateral tiles, the original maps show those junction together west of the railroad tracks, outside of the railroad right of way, once we got out there we discovered that they do junction together inside the railroad right of way, so we had to relay some of those laterals, to keep everything outside of the railroad right of way, that did result in an increase of \$3,500.00, it didn't change the completion time at all, as always, small quantities, of what you install doesn't quite match up with what you install, it is just the way the bid process works, those were private tile connections, riprap, intakes, exploratory excavation, things like that. Overall that resulted in a decrease of \$3,111.50. Gallentine stated those were the deviations, when you start

tallying that up for final project costs, we are estimating the final project's cost, which will be from the time of the hearing when everyone said ok, go forward with the project and do the plans, till now, for just this project, this doesn't include reclassification, crop damages, interest, or any of that, we are just talking construction and engineering for the project, we are estimating \$154,568.40. That is approximately \$33,230.00 less than the project costs we talked about at the hearing so that is a good thing. McClellan stated that does not happen every often, Gallentine stated that is not the total assessed costs because there are other costs, there is reclassification, publication, and all that other jazz, but for this portion that is a pretty good thing.

Gallentine stated one other thing he would also add, if you remember correctly there were two other crossings on this, there was an upper crossing on the railroad tracks and a lower crossing on the railroad tracks. The upper crossing was the one we eliminated, because that was the one that was most severely plugged if not totally plugged, the lower crossing appeared to have some tree roots and some trees growing inside the right of way, that still is at play, nothing was done with that as part of this project because we didn't want to slow down getting that 50+ acres on the west side drained while having to worry about railroad pertinence, so just to make it clear, that also is still out there, we are below the cost but we haven't quite done everything we had talked about at the original hearing. Gallentine asked if there were any questions on the costs, we are running through this pretty quick but Gallentine thinks that everyone here is pretty in tune with the project. Hoffman asked if Roberts had any questions, comments or concerns as he was viewing via zoom. Roberts stated not at this time. Hoffman asked W. loerger if he had any questions. W. loerger stated not at this time.

Gallentine stated he was moving on to page 4 of the report and would take about damages briefly. Gallentine stated this was done after the growing season, so crop damages were not really a concern, the only damages CGA was aware of was there were fences removed at one location by the contractor, they didn't repair those because they indicated the tenant didn't want those repaired, essentially where those are is between Ron Sailer and Roberts Trust, and it would be 25' each, fences are a tough thing, because some people still think they are going to run livestock and some people do still run livestock, and some don't really care, we took the contractor's word for it that, if there is an issue with that, you can have the contractor fix that or have someone else fix that. Smith stated we received no other claims. Gallentine stated if you do receive any other claims, we recommend that those be evaluated individually. Hoffman asked if W. loerger had anything to add to the damage claims. W. loerger stated no not to that part.

Gallentine stated pending items: as of the writing of this report, the project is complete according to authorized plans and specs, lien waivers for supplies have been submitted and we have those in the report, we have the as-built drawings in the final appendices. So as of the final Completion Hearing, the final payment of \$16,346.84, which is essentially retainage, needs to be authorized by the Trustees, needs to be paid to the contractor and then we recommend the project be accepted. Gallentine stated we also recommend the project be walked, just prior to the expiration of the warranty, you can have landowners do that or CGA do that, if you want, it doesn't matter, usually landowners are cooperative because they are paying the costs, we just always recommend one final check it would be a two year warranty. Gallentine stated the lower portion still has one issues going on there with that lower crossing by the railroad tracks, CGA recommends that tile be jet cleaned if the railroad will allow that, and then televised to verify it's condition, we also recommend all the trees inside the railroad right of way be removed. Gallentine stated you would have to double check, but knows the Trustees authorized Adam Seward to remove those trees, and he may have already removed them. McClellan stated she thought he already did, Granzow stated Roberts would be a good one to ask. Granzow asked Roberts if he could tell us if Seward had completed all of the tree removal. Roberts stated he did what he could, it is not completely done, because there are still some trees there, so Roberts does not know what to say. McClellan asked if those were in the railroad right of way that aren't removed. Roberts stated there are still some there, they are the large ones, with that machine he had, he acquired a year or two ago, he just did the smaller ones. Smith stated her last update form the contractor was that he had attempted to kill those trees, whether that has happened Smith does not know, but being in the railroad right of way, the contractor had concerns about taking those out without working with the railroad on that, they were quite large he said. Granzow asked if Roberts had heard all of that, Roberts stated only somewhat. Granzow stated the contractor had concerns about working in the railroad right of way without their permission, he got what he could, but there were some large trees that he left because they were in the railroad right of way. Roberts state okay, he understands that, Granzow stated if it is something you want us to go back out after, let us know. Granzow stated it probably needs to be done, but that is your choice, that is Granzow's feelings, we would have to work with the railroad right of way. Roberts stated we worked in the railroad right of way for a day and a half, so he does not know what his concern is now. Granzow stated he thinks the bigger trees scared him a little more. Roberts stated maybe. Gallentine stated he did not know how big their trees are, this lower tile crossing, he just went out and tried to wipe up what he could. Gallentine stated when we had our original investigation, the upper tile crossing wasn't flowing at all, the lower tile crossing was flowing somewhat, it appeared to be restricted though, there was a difference there, but Gallentine stated he knows the way those trees grow, it won't be long till something needs to be done.

Granzow asked if Roberts had brought up something about how the trees were piled up. Roberts stated not that he recalled. Granzow asked if a mess was left behind, or maybe he is thinking of a different district. Roberts stated he never said that, Granzow stated he was thinking of a different district. Roberts stated he had talked to Granzow some time ago about the bill Seward presented to the County for \$10,000, and Seward told Roberts it was going to be \$2,000, and Granzow was going to ask Seward about that, Roberts wondered if Granzow had asked that. Granzow stated he has not asked that, the bad part is he has seen him several times, it is just in a public setting outside of work. Granzow asked Gallentine if he knew anything about that. Gallentine stated no, that is one where the contractor's work was not observed, he was just told to pull those trees. Granzow stated he would write that down so he could ask. McClellan stated we can check with him on the rest of the trees, and if he needs a permit he can start applying for those permits. Gallentine stated he thinks there is something you can drill in and inject. Granzow stated so we talked about some of those trees, and he will call and check on that, maybe he did inject those trees, see if he did anything with those larger trees as well. Gallentine stated he does not care, trees are gone, root growth is what he is concerned about. McClellan stated she would think the railroad would want them gone too so they are not falling over on the tracks, Gallentine stated they have their own point of view.

Hoffman asked if W. loerger had any other comments or concerns, loerger asked a question he would like to raise to the Trustees about splitting the district, since they both flow their separate ways no, to make two separate districts out of this instead of the one, so that people on each side of the tracks are not paying to have something they don't get any benefit out of anymore. Hoffman stated he thought that was the intention. Gallentine stated we started on the Reclassification report, so it will split it into West Main and East Main and then you will have all those separate laterals, we pretty much have our end of it done, and is hoping to meet with the other Commissioners next week. W. loerger asked if it would be two separate districts then. Gallentine stated he did not know if they were going Gallentine stated he did not know if they were going to give it a separate number, but it would at least be two separate classifications, everything done on the West Main is paid for by the West Main and anything done on the East Main is paid for by the East Main. Hoffman asked if that seemed amicable as long as it is broken down that way. W.loerger stated that makes sense as long as people on one side aren't paying for something they don't get any benefit from. Gallentine stated he did not know if it was worth the gyrations to establish a whole separate district or just have it split out into 9 East and 9 West. W. loerger stated if it doesn't affect how people pay. Gallentine stated it shouldn't, once the Reclassification Report is done, they will send out notice and we will have another Hearing like this and we can go over it.

Smith asked will this project be billed under the current Classification or the Reclassification, when Smith reviewed the minutes for clarity on that, there was some discussion but there was no clear picture on what that choice was at that time. Granzow asked if the Trustees recalled. Smith asked or is that a discussion for the next hearing. Gallentine stated there had been discussion. McClellan asked if there was work done on both sides. Gallentine stated no it was all done on one side. Granzow asked if Roberts recalled any discussions that we have had regarding how we were going to pay for this. Roberts stated only that you were going to try to reclassify it to get some more land over on the Sailer side, but Roberts doesn't have the final answer to that. Granzow stated it was open discussion we were going to order the reclassification to split the two but we were just curious did we as part of that discussion, did we indicate one way or the other as to charge it on this one after the classification or before, Granzow did not know if Roberts could recall any of that conversation, sometimes when you say something it strikes Granzow's memory. Roberts stated that just it was going to be reclassified before the work was done, Gallentine stated that is the tough part, we deal with so many of these, the Trustees have a more detailed memory of it. Granzow asked W. loerger if he remembered. W. loerger stated he did not. McClellan asked if it benefits both districts or one side more than the other. Gallentine it benefits the east side in that they don't have to pay for a drainage crossing, but the real drainage benefits the west side, because that was plugged up and not draining.

Smith stated she did not know if we could access that document from here on the smartboard, but we will try. Gallentine asked if we knew what date that was. Smith stated there were multiple time it was discussed, and Smith stated she pulled up the running minutes document and typed in the word reclassification and it highlighted the word every time it was mentioned, so Smith could find all of those places in the discussion but there was no clear cut picture. Gallentine stated if there was a date we could go on the website and search through those documents. Granzow stated the east side is paying for an outlet on the west side. Gallentine stated the only real benefit he sees to the landowners on the east is they are avoiding a new crossing bill, the drainage really only benefits the landowners on the west. W. loerger asked how much do you think that saves the East. Gallentine stated a new crossing can easily be \$100,000. Granzow stated we could still be looking at \$100,000 for the bottom end of it. Gallentine stated someday you will be, yes. Gallentine stated he will say you have improved drainage on both sides because the west side does have it's own outlet and the east side now has an upper end that is a lot shorter so you did receive a drainage improvement as far as capacity goes on both sides. Granzow stated he does not recall what we said. Hoffman stated Smith is reviewing minutes, Gallentine stated it would probably be around that June 19, 2019. Pearce pulled up the minutes of that meeting. McClellan asked if we had video of that meeting. Smith stated we had audio recording of that meeting upstairs. Pearce stated he only keeps Drainage recordings less than a month. Granzow asked if we had audio upstairs, Smith stated we did, Hoffman stated you could review

it and bring it back to us. Smith asked if the Trustees wanted her to run upstairs and print it. Granzow stated he would say the intent of the discussion was to classify it with the new classification unless it is said different in the audio, Gallentine stated when the new classification comes out, you will have a classification for Lateral 1, Lateral 2, Lateral 3, and a classification for the East and one for the West, so really you will still need to say which classification the costs are being applied to, theoretically you could split it between the East and the West in the new classification. Smith stated here is your motion on that, it was just to reclass at the time, possible action, you appointed Denny Friest, Chuck Walters and Gallentine to start the Reclassification for a new district, looking at public comments section: the current classification was discussed as being the original classification and Granzow reminded us that the reclass had already been approved at a previous meeting. In Smith's review of the minutes, it was not discussed whether the project would be assessed under the old classification or the new classification, there was not clarity on that.

Gallentine stated right now there is only one classification schedule for the whole district, once you reclassify you will have one for each main and one for each lateral, you will still have to direct Smith which one of those schedules to put this cost against. Granzow stated that is where he would say that would be an East and a West, because he would say this whole project happened and the classification would go all to the West because that is the only side it impacts. McClellan asked if all the laterals are on the east, Gallentine stated no, he thinks there are one or two on the west, there is one that goes all the way up and crosses the track again to the north, and there is also one to the south, so Lateral 1 and Lateral 2 is on the West side. Granzow asked if there is one that comes down between loerger's, and the one that crosses the track we found up north was incorrect. Gallentine stated yes. Stanbrough stated the dashed line was actually a swale on the map.

loerger asked if it was possible to calculate the benefit the east side received since it wasn't really the actual improvement. Hoffman stated he did not know if that could be done accurately. Gallentine stated benefit is always a little bit of a subjective thing, we calculate based on soil types, we can calculate based on soil types. Granzow stated we can also look at they used to have an old crossing that you all used to have, and half of them don't have anymore once we reclassify. Gallentine stated the thing is the East side has one less crossing they have to pay for whereas the west side has one less crossing the have to pay for, really there were costs that were dodged between both sides.

McClellan asked where they split was between the east and west side, Gallentine stated it was right in the middle of the railroad tracks is where we split the main so Lateral 1 and Lateral 2, but this is the southern crossing that is still in effect for people on the east side, essentially this new outlet down through here. Granzow stated we will have Smith listen to the audio and get back to us on that. Smith asked if the Trustees would like her to do that between meetings, Granzow stated if you have time, we can always recess and come back whenever, and does not want to put any undue pressure on her. Smith stated we have a running minutes word document that details anytime the district was ever discussed in a meeting, Smith can run up and print that, which is what Smith reviewed, and would be happy to pull a copy of that and highlight wherever the reclass was discussed. Gallentine stated whether we reclassify this on the old classification or the new, Gehrke is still owed his money on that.

W. loerger stated as we are really most on the west side, he does not think it is in his opinion to split it 50/50 with the east side, he thinks the west side should pay more but he does not know if that is 100% or 90% or 80% or what. Granzow stated that is a nice statement but it is good to hear. Hoffman would agree with loerger, but how do we determine that today or do we let the reclassification happen and then determine it, Granzow stated we might find there is not much of a difference. Hoffman stated he would have something from an independent then just throwing spaghetti at the wall and seeing what sticks. Gallentine asked if the Trustees want the reclassification Commission to look at it and make a recommendation, you can always amend it. Hoffman stated that would be a really good idea, Gallentine stated they may not have a better answer but at least you have an outside opinion. Granzow was fine with that and asked for Roberts comments, Roberts stated it sounds like we have a plan.

Gallentine stated when we meet with them, we will try to come up with some kind of apportionment. Hoffman asked loerger if that sounded equitable to him. loerger stated yes. Hoffman stated we can accept or reject anything. Gallentine stated we will still have another hearing. W. loerger stated at least that gives you an idea how to split it up, that makes sense to him. Granzow stated the problem is we can't pay Gehrke's yet. Gallentine stated no, you can pay Gehrke's, you operate on a debit system anyway. Hoffman stated once we figure out how much, we can figure assessment percentages, Gallentine stated it won't go out until next spring anyways, Smith stated yes, in 2022.

7. Written Or Verbal Comments/Discussion

Hoffman asked for any further written or verbal discussion at this point. Smith stated the only question she has for the Trustees is do you want her to calendar this to have this project walked in two years time before the warranty

expires. Granzow stated yes, and do we want to have us do it or do we want the landowners to do it themselves,, that would be the question Granzow has for the two landowners that are here. Hoffman asked if Roberts and loerger would rather do it ir have the Trustees send CGA out to do it. Roberts asked what the question was. Hoffman asked in about 2 years before the warranty is up to go out and make sure everything is functioning as it was provided in the provisions of the contract. Roberts stated yes, that sounds like a good plan. Hoffman asked if the landowners should do it or have CGA do it. McClellan stated the landowners can do it for nothing but CGA probably charges for it. Roberts asked if the would. Granzow stated they will, Hoffman stated or you guys could go out there in your ranger or gator and report back to the Drainage Clerk any issues or no issues found. Roberts stated that sounds like a better idea, to have us landowners doing the checking. Granzow stated and send a reminder out to the landowners, Gallentine stated and to Sailer. Smith asked if the Trustees would like a whole DD postcard to go out, so anyone can report any issues found. Hoffman stated sure, then everyone's voice can be heard and no one can say they didn't get it, at this point in Drainage District work in Hardin County, the more notification the better, we have learned over the last month and a half we can't force someone to read their mail. Gallentine stated and more landowner interaction is good.

Hoffman asked for more or other comments. None were made.

8. Damage Claims

Hoffman asked if any damage claims were received, Smith stated no damage claims were received for this district's project. Granzow asked Roberts if it was correct that he was not worried about the replacement of the 25' of fence removed, they tore a fence out. Roberts stated he has no concerns with the fence, it should be gone. Granzow stated okay, he was just making sure.

McClellan asked Roberts and loerger if they had any other questions, comments or concerns. Roberts stated not at this time. No other concerns/comments were made.

9. Close Public Hearing

Motion by Granzow to close the Public Hearing. Second by McClellan. All ayes. Motion carried.

10. Possible Action

McClellan stated possible action is approve the Completion of the project. Granzow stated we have no other issues and asked if we were keeping the retainage. Gallentine stated no you are issuing the retainage right now. Granzow stated with no other issues we will motion.

Motion by Granzow to approve the Completion of the DD 9 Main Upper Tile Diversion Project. Second by McClellan. All ayes. Motion carried.

McClellan stated possible action to approve the final pay estimate. Granzow asked if there were any issues with the final pay estimate. Gallentine stated no.

Motion by Granzow to approve the Final Pay Estimate for DD 9 Project. Second by McClellan. All ayes. Motion carried.

McClellan stated possible action to approve damage claims, and there were no claims so no action on any claims.

11. Other Business

Gallentine stated he is hoping to get that Reclassification wrapped up, and then we will have another meeting for that, and the landowners will get another postcard.

12. Adjourn Meeting

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

The Trustees thanked all of the participants for their attendance.



Hardin County

Drainage Claims with Pay Date of 8/20/2021

DD 9 WO 229 - ENG SVCS 4/30/21 - 7/30/21 Compl Hrg	Clapsaddle-Garber Assoc	983.75
DD 55-3 WO 201 Tile repair, parts, labor, equip.	Honey Creek Land Improvement, LLC	5,258.64
DD 56 WO 3 - ENG SVCS 6/25/21-7/30/21 ROW Acq	Clapsaddle-Garber Assoc	1,832.95
DD 88 WO 315 - ENG SVCS to 7/30/21 Inv of Blowout	Clapsaddle-Garber Assoc	791.80
DD 121 WO 295 - ENG SVCS 5/28/21-7/30/21 Inv & Rep	Clapsaddle-Garber Assoc	737.00
DD 131 WO 310 - ENG SVCS 5/28/21 - 8/05/21 Inv Sum	Clapsaddle-Garber Assoc	1,050.95
DD H-S 35-1 ENG SVCS TO 7/30/21 Inv of Open Ditch	Clapsaddle-Garber Assoc	1,992.55

Total Regular Payables: 0.00
Total Stamped Warrants: 12,647.64

Project Diary

Project: <u>DD36</u>			
CGA PN: <u>6758</u>	Days Charged:	Report No.	Proj. Mgr. <input checked="" type="checkbox"/>
Contractor:		Date:	<u>LEE GALANTINE</u>
Superintendent:	Weather Conditions: <u>COOL - Windy - RAIN</u>	Precip.: <u>1 1/2 "</u>	Temp. Hi: <u>58</u> ° Temp. Low: <u>45</u> °
INSPECTOR: Time Arrived: <u>11:00</u> Time Left: <u>11:30</u>		Contractor: Time Arrived: Time Left:	
<p>1. General Remarks and Work Accomplished:</p> <p style="font-family: cursive;">ARRIVED @ PROBLEM AREA ON 245TH ST. N. SIDE ROAD. DITCH IS FULL OF WATER, INTAKE ISN'T TAKING WATER, FIBER OPTIC LINK IN DITCH SOMEWHERE, WATER STANDING IN FIELD @ "Y" AREA ON MAIN/LAT 6? OR LAT 2?</p> <p style="font-family: cursive;">NEED TO FIND LAT LOCATION @ N R/W ±, SEE IF CHARGED WITH WATER, FIND PROBLEM, USE TIE LOCATOR TO FIND "Y" IF NECESSARY ON MAIN.</p> <p style="font-family: cursive;">BEANS ARE COMING UP IN FIELD.</p>			
2. Changes or Extra Work Ordered:			
3. Test Samples Taken:			
4. Visitors to Site:			
5. Other Work Crews or Project (utilities, subcontractors, etc.) and Work Done:			
6. Attachments (total sheets attached <u>0</u>):			

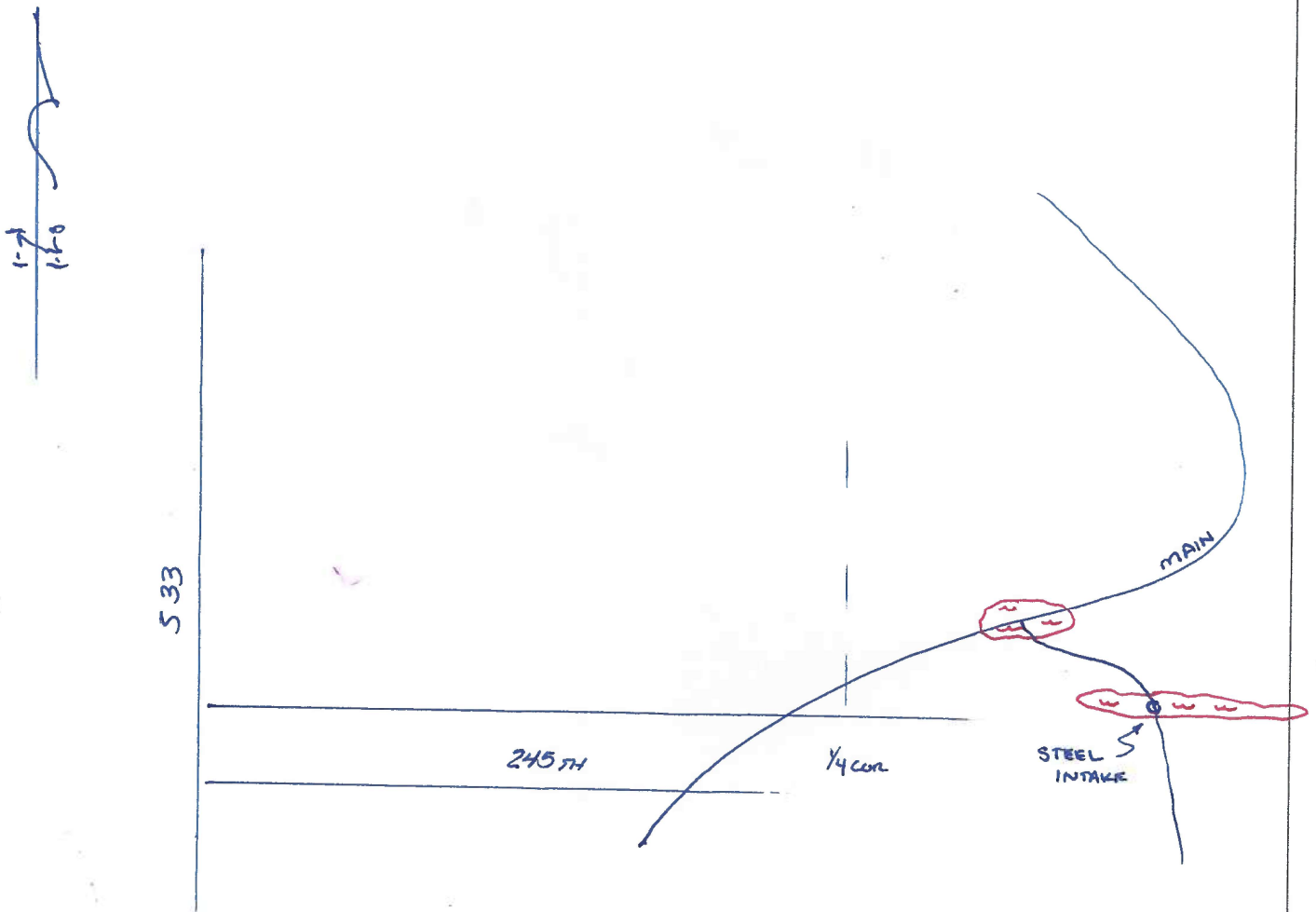
Project Diary (continued)

CGA PN:

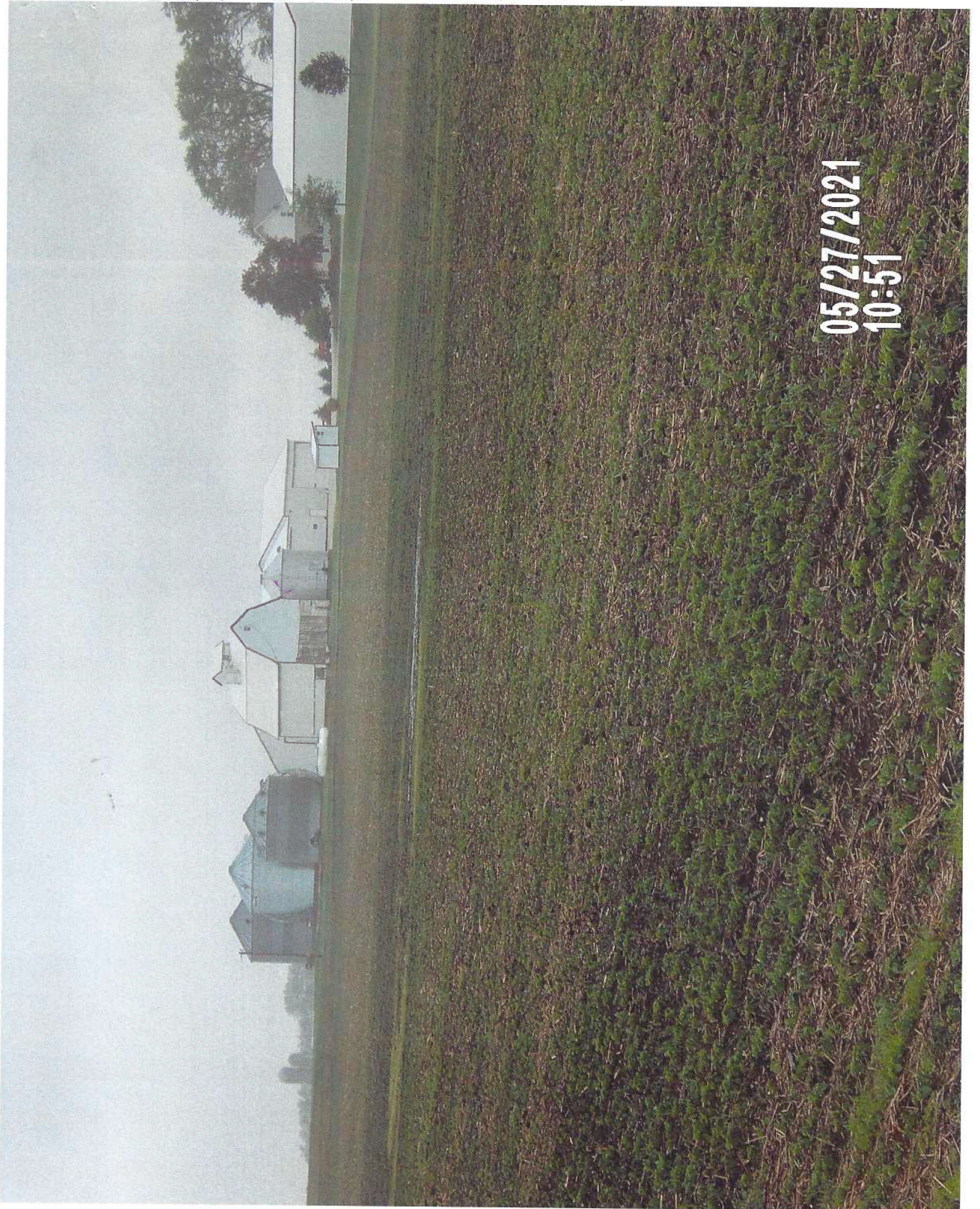
Report
No.

Date:

1. General Remarks and Work Accomplished (Continued):

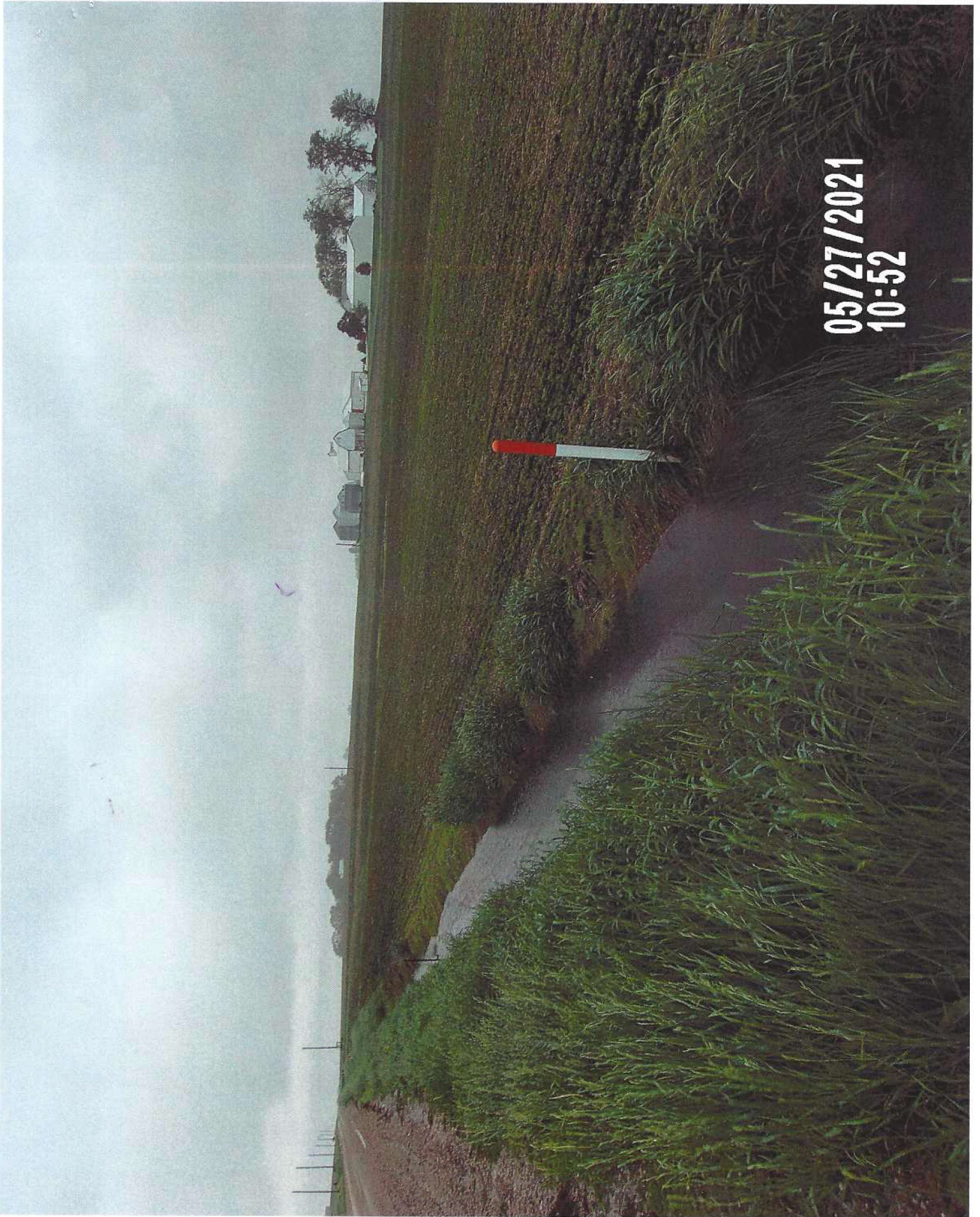


LOOKING NW FROM INTAKE ON 245TH ST.



05/27/2021
10:51

LOOKING W. @ N. DITCH 245TH ST.



05/27/2021
10:52

Looking W. @ N ditch 245th St.

05/27/2021
10:51

