

AGENDA
REGULAR DRAINAGE MEETING
Wednesday, June 23, 2021 9:30 AM
Large Conference Room

This meeting will be held electronically and in-person due to Covid-19 concerns.

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:

[05_05_21 - DRAINAGE MINUTES.PDF](#)

[05_12_21 - DRAINAGE MINUTES.PDF](#)

4. Approve Claims For Payment

Documents:

[PAYABLES-DRAINAGE PUBLICATION 06_25_21.PDF](#)

5. DD H-S 35-1 - Discuss W Possible Action - Joint County Investigation/Repair Request
Story County Drainage Trustees will join this discussion of Investigation / Repair Request.

Documents:

[DD H-S 35-1 AERIAL IMAGE - REPAIR REQUEST 05_25_21.PDF](#)

[DD H-S 35-1 MAP - REPAIR REQUEST 05_25_21.PDF](#)

6. DD 52 WO 215 - Discuss W Possible Action - Landowner Concerns
7. DD 167 - Discuss W Possible Action - Petition For Private Trustee Management
8. DD 55-3 WO 251 - Discuss W Possible Action - Update
Drainage Calendar reminder to verify if rip-rap and seeding were installed on pond.
9. Other Business
10. Adjourn Meeting

REGULAR DRAINAGE MEETING

Wednesday, May 5, 2021 9:30 AM

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

5/5/2021 - Minutes

1. Open Meeting

Hardin County Chairperson BJ Hoffman opened the meeting. Also present were Trustee Renee McClellan; Trustee Lance Granzow; Lee Gallentine of Clapsaddle-Garber Associates (CGA); Michael Pierce, 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. Approve Minutes

Motion by Granzow to approve the minutes of Drainage Meeting dated 04-14-2021. Second by McClellan. All ayes. Motion carried.

4. DD 25 WO 1 - 6501 - Discuss W Possible Action - Completion Report

Gallentine stated we are finally wrapping this up, this is the project south of Garden City with the railroad crossing and we had quite a few revisions from the original design. Gallentine stated we are ready to do the Completion Hearing whenever you want to set that up, we could do that the same day as DD 9. Hoffman stated that one day we could just do both, McClellan agreed. Granzow stated it could be a long day chairing it. McClellan asked if Gallentine thought this would be a huge one. Gallentine stated he does not think 9 will but does not know about this one south of Garden City, there has been quite a bit of interest in this one. Granzow stated he was okay with this, he was just throwing it out there. Gallentine stated we have not set a date for DD 9 yet. Hoffman stated we were waiting for feedback on this one, can we table that and wait and see what that looks like and work around that schedule. Smith stated she has sent out the letters and postcards on DD 120 requesting landowner feedback and the are due back to Smith by next Wednesday, so this will be on next week's agenda.

Motion by Granzow to table the DD 25 Completion Report until next week. Second by McClellan. All ayes. Motion carried.

5. DD 56 Upper Main Tile Diversion- Discuss W Possible Action - Consider Bids W Possible Action On Bids / Easements

Gallentine stated this is the one where we are splitting the district and we are currently working on easements, the attorney has the forms and fees that we suggested and he is reviewing those. Gallentine stated initially we contacted all 3 of the landowners and none of them said no, they were all open to it, but we don't have negotiated easements yet and the 60 day window is up on the 19th, Smith stated that was correct. Gallentine stated that bid expires on the 10th so we need a decision on whether or not you are going to enter into that contract or not, Gallentine spoke with Gehrke earlier this week, and asked if the contractor was willing to hold it open any longer, and Gehrke stated he was willing to hold it open for his labor and fuel, but his suppliers are breathing down his neck, and this is the one set up that if you enter into the contract and then nothing happens you just have to pay the bonding costs which is \$8,000. Granzow asked then he is responsible for the same material. Gallentine stated yes, if you said today we are going to enter into the contract, call the supplier and says it looks like it is a go, and he realizes that it is \$8,000 if the project falls through. Granzow stated he had talked to them as well and what concern they had is hey is it too

much to ask right now for an extension already, because we bid on a project that might happen, he had a bid on other projects too and if he did not get this one then he is sitting empty but if he bids on other projects, he will get to it but will be asking for an extension. Hoffman stated it might likely be moved to the back burner. Granzow stated it might take 6 months before we get the easements.

Gallentine stated that he told the contractor that if the project were to move forward he would recommend an extension, and thinks that is reasonable, to give him one now Gallentine does not know if that is reasonable. Granzow stated he does not know why we wouldn't consider it because it is not even ready to go. Gallentine stated so we just need a decision today whether you are going to enter into the contract since you are raising the stakes from being out nothing to being out \$8,000. Granzow thinks what we said there in the landowners meeting was we would spend the \$8,000 if we knew people were ok with the easement, if we knew it was a dead no on an easement then it was a dead project. Granzow stated it is not a dead no, let's invest the \$8,000 to keep it alive otherwise we are probably going to spend that much keeping it alive, and the prices will go up. Gallentine stated the prices have been pretty crazy and we should be happy we don't have any copper involved right now.

Granzow motioned to enter into the contract with Gehrke for the DD 56 Upper Main Tile Diversion project. Second by McClellan.

In additional discussion on the motion, Granzow stated he believes what we talked about was that it needs to be part of the discussion that this is an \$8,000 bond, and if something happens that we don't move forward, we knowingly know that we spent \$8,000 entering into the contract. Hoffman stated that today we are protecting ourselves in getting plans solidified that will move forward, although it may not be in exact time and we may have to be open to granting an extension pretty quick. Gallentine stated that you are locking in these prices, which is what you are doing. Granzow stated and this was the landowner's choice from our previous meeting. Granzow stated he just wanted that in the minutes, Smith stated she would reflect that in the minutes.

All ayes. Motion carried.

6. DD 17 WO 308 - Discuss W Possible Action - Investigation Summary

Gallentine stated this was a work order turned in by John Wibholm, had an issue with a 12" main tile that was offset and not draining correctly and was backing up and it went through his neighbor's property. Gallentine stated we went out and looked at it, and Gallentine also spoke with Jacob Handsaker who has done some excavation out there. Gallentine stated we found a 12" tile that is not in the right location that we think the main tile is, and the main tile is supposed be a 16", Gallentine stated he talked with Handsaker who stated he did not think it was the main tile, he thought it was private tile but Wibholm did not want to listen to Handsaker, so Wibholm turned it in anyway. Gallentine stated he truthfully thinks it looks to be a private tile issue, the size isn't right, the location isn't right, it just doesn't smell right, so we don't think it is a district facility, you could make it a district facility if you want to. Gallentine stated he does not know if there is really any benefit to doing that, that is your call. Hoffman stated he is looking at the pictures, an asked in this situation is the burden on the landowners to prove this is a district facility or is the burden on us to prove that this is not a district facility. Gallentine stated he think you have everything you need right here to prove that it is not, and he would have to find something else to say that it is, we did look at the outlet and there was some erosion around the outlet and there is no erosion control around the outlet, neither of these are deal breakers and you may want to consider doing something just to prevent that erosion and to prevent rodents form going up in there. McClellan asked if that was on the district tile. Gallentine stated that was on the district's tile outlet, but up where Wibholm is talking, Gallentine does not think that is district tile. Hoffman stated so we could just approve through the lottery system having someone go out and make those little improvements and install those rodent guards and erosion control would be a good investment. Granzow stated this would be a good year to do that because he could see a lot of rodents climbing up the dry tiles right now.

Motion by McClellan to complete the rodent guard and erosion control on the outlet of the DD 17 district tile. Second by Granzow.

In additional discussion on the motion, Granzow stated he was ok with the lottery for the rodent guard/erosion control but there also needs to be a letter sent to the landowner stating that there work order, we do not believe this to be district tile. Hoffman asked if the Trustees wanted that sent out to all the landowners or just the one requesting the work order Granzow stated just to the requestor, and if he think it is district tile, he will have to, at his expense, prove that. McClellan asked what the distance is, and asked if this was one of those things that you can run the camera up there and locate where the tile is out in the field. Gallentine stated you certainly could if you want to. Granzow stated he does not think that is the district's burden unless it proves to be a district tile and then that is our

burden. Hoffman stated he would rather have Wibholm call Paul Williams to televise or locate the tile and then say hey it is yours and send us a bill and then we take care of it. Gallentine referenced the map, this is where the map shows the district 16" tile is and they were digging over here where they found the 12" tile, it is a great spot for a tile but Gallentine does not think it is district, he thinks it is something that connects in, Gallentine stated scale wise this looks like 500'. Gallentine stated it is Wibholm's burden to prove it is district tile and if it is then it is our expense.

All ayes. Motion carried.

Gallentine asked if the Trustees wanted him to send the letter or the Clerk to send the letter. Granzow stated the Clerk can send the letter and asked if Gallentine could tell us what the material was of the tile found. Gallentine stated the observer did not say and it was not exposed where they had been digging when the observer was out there.

7. DD 128 - WO 279 - Discuss W Possible Action - Investigation Summary

Gallentine stated this was up there at Dean Bright's and Gallentine realized that the Trustees had wanted Handsaker to go back out there after a year, which he did, but we haven't gotten any of those results back yet, so that is what this is. There is about 818' of flexible dual walls installed, and they televised everything they found, and it has deflected just a little bit, 10%. The minimum amount is about 2% to 3% deflection, the maximum amount is about 8% to 9%, average was 4%, the manufacturer states that anything less than a 12% deflection will perform as intended so you are well within those parameters. Granzow asked if this was Prinsco, Gallentine stated it is Prinsco. Granzow stated they have different specs, Prinsco and ADS. Hoffman asked when did he televise this. Gallentine stated this was July of 2020, so it has been awhile ago, Gallentine just realized they had this on their shelf and had not gotten it to the Trustees yet.

Motion by Granzow to acknowledge the receipt of DD 128 Work Order 279 Investigation Summary and televising results. Second by McClellan. All ayes. Motion carried.

Granzow asked if Gallentine had gotten a hold of him. Gallentine stated he reached out to him via email with no response, so Gallentine texted him Monday and he said he got it and was going to check supplies and then get back with me. Gallentine stated it would sure be good to get this done before we get any more rain. Granzow stated since then we have had rain, about 1/2".

8. DD 48 WO 274 - Discuss W Possible Action - Investigation Summary

Gallentine stated this is also an old one that got put on hold due to the global pandemic, this started out on the DD 48 open ditch, and there was some reports that it was silted in and not performing correctly and banks were sloughing so we went out and investigated this, and then you authorized us to go out and do some preliminary investigation to do the entire open ditch, and what we found is kind of interesting. Gallentine stated the only spot that is silted in is this blue area, which is up here, and there is 4,500' to 4,600' that is silted in, this yellow highlighted areas, they are actually deeper than the original design grade, they have scoured themselves out to a deeper elevation and as a result the issues in the orange, the ditch width at the bottom is narrower than the design so in the case of scouring, silt accumulation and then more scouring and then this area up here has turned into more of a vee ditch than a flat bottomed ditch. Granzow stated to if it didn't vee out and it was flat bottomed it probably wouldn't be so narrow then would it. Gallentine stated yes. Granzow asked so the design is still accurate, if just cut a valley in underneath. Gallentine stated yes, it is finding it's own equilibrium, the problem gets to be in low flow conditions that vee ditch doesn't quite work the same the way that original flat bottom would have. Granzow asked then we just need to push that silt down then. Gallentine stated that is one option, the other thing we found was up here at the tile outlet there is a little bit of erosion going on up there which is pretty typical of them, in this length we found 10 tile outlets that are in disrepair that need repaired, about 20 locations with existing surface drains are either bad or there are surface drains needed, there are 15 spots where we have sloughing going on, there are 5 patches of trees, not 5 individual trees, there are 5 patches of trees along here that are going to start giving you issues with beaver activity, some of those are larger, a lot of those are smaller, so Gallentine does not know if the spray has just not gotten to them or what is going on with that. Gallentine stated there are 2 spots where there are either rocks or a former crossing down in the flow line that looks like it is backing up some water. Gallentine stated that all being said there are a lot of things out there that we think can negatively impact drainage, and we recommend a large scale project to try to correct these. Granzow asked if we want to have a landowner meeting. Hoffman stated yes. Gallentine stated it is going to be big enough and expensive enough that you would need to do a report and hearing if you want to move ahead with the project but if you want to do a landowner's meeting ahead of time, we can. McClellan asked if there

was some way we could come up with some kind of estimate before then. Gallentine stated we probably could. McClellan stated that is what they are going to want to know, Granzow stated asked how much money we are looking at - \$500,000 or \$1,00,000. Hoffman stated once again we would prefer scheduling that once we get more tentative dates and see what we need to do.

Gallentine stated it is definitely not the worst open ditch he has ever seen, it just has lots of little things wrong with it, even where it is scoured deeper, you still have the original design grade, because hey it is not silted in, on the other hand you have a vee bottom, and the problem with that is it weaves around in the bottom which doesn't flow near as efficient as the nice straight one, Granzow stated until it gets up above the vee, Gallentine stated then it hits a different stage, he would agree. McClellan asked if we could just put some rock in the bottom of it. Gallentine stated you can but it will do the exact opposite of what you want it to we have been fighting nature for a hundred years on this, Granzow stated water finds it's own route, and it is not straight. Gallentine can come up with an estimate before the Trustees schedule anything. Granzow asked if Seward was doing the spraying. Smith stated yes. Granzow stated we can either get a hold of Seward and let him know don't spray it, if we decide to go ahead with a project, why pay to spray it if we are going to have them all ripped out anyway, Granzow does not know what he has on his schedule. McClellan stated this is something we can wait until after planting season, Granzow stated he may be going out next week to spray it, McClellan stated we can put that off until the landowners meeting. Gallentine stated this would require a hearing but we still would not do a bid letting for construction until next winter, number one you just get better prices and typically more interest, and right now things are just weird. Granzow stated as fast as spraying trees, it is a good time to spray trees right now. Gallentine stated he does not care, he can kill them if he wants to ahead of time, those small ones are those little crappy trees and it is hard to contain them anyway, they can grow two foot in a year. Granzow stated we might want to spray them anyway. Gallentine stated that is under his contract. McClellan asked what does it cost anyway. Granzow asked the Clerk to reach out to Seward and make sure this is on his list to spray, and if it is not to please add it to his spray list. Smith stated she would do that. Gallentine stated he would come up with a spitball number on costs for the landowner meeting.

9. DD 86 - Discuss W Possible Action - Landowner Concern

Smith stated she had a telephone conversation with Tom Campbell on behalf of his mother, Elizabeth Campbell, who is a landowner in DD 86, Tom called to let the Clerk know that he had taken a report from Elizabeth's tenant, who reported a blowout on DD 86 tile. Smith referenced the map which shows the parcel highlighted and the tile is about 500' to 600' east of the pond, Tom thought he recalled a blowout on the district tile that was repaired in 2018 on the parcel with the pond, just on the northeast edge of it, but Smith could not find that work order number on that, Smith did not know if Gallentine had any recollections on that or if we need to prepare this as a new work order. Gallentine stated he thinks it needs to be a new work order, he remembers being out there in 2018 but not exactly where. Smith stated we can give the new work order # 311 if the Trustees want to take action on that now.

Motion by Granzow to approve Work Order #311 and have CGA investigate. Second by McClellan. All ayes. Motion carried.

Gallentine asked if it is small enough do you want CGA to send it to the lottery system right away, the Trustees agreed yes, send to the lottery. Gallentine stated we are just at that point in the year where people are planting and things will be popping up soon.

10. Discuss W Possible Action - Joint DD Drainage Assessments - Franklin Control

Smith stated we have received some Drainage District assessments from Franklin County, they are the control County for DD's Franklin-Hardin 2 and also for Franklin-Hardin 4-53. For Franklin-Hardin 2, Hardin County's assessment portion would be \$1,136.40 and for DD Franklin-Hardin 4-53 Hardin County's assessment portion would be \$3,250.75, Smith is asking for approval on those today so that she can prepare notices and send those out to landowners.

Motion by Granzow to approve the DD F-H 2 and DD F-H 4-53 assessments as presented. Second by McClellan. All ayes. Motion carried.

11. Other Business

Smith stated she had one new work order called in this morning, Work Order 310, Smith referenced a map of the location. This was reported to Smith by Marlin Tripp who was out in the field with Mark Oliver of Secondary Roads. Marlin is tenant in his relative's parcel, it would be Norma Tripp's parcel. Marlin reports a plugged tile in the field just

south of 110th St, Secondary Roads thought it was on district tile and referred Marlin to Smith to write up a work order, it would be just south of the road ditch right into the field, he got about 20' in with a sewer tape and that was as far as he could get, Smith stated it would be work order #310, and she could bring it back next week if the Trustees would like.

Motion by Granzow to send CGA out to investigate Work Order #310, and send to contractor lottery if it is to be a small repair. Second by McClellan. All ayes. Motion carried.

DD 120 - Smith sent out a letter with return postcards to landowners in DD 120 asking that those postcards are back to her by next Wednesday to select yes or no if there is any interest in a landowner hearing.

Gallentine stated we have Seward out working on one of the few remaining work orders we have. Hoffman stated he saw Seward the other day and he has made an investment in some new equipment, and asked if Seward had mentioned it to Gallentine, Gallentine stated no. Hoffman stated Seward had purchased a directional boring machine, Gallentine stated that is interesting because he doesn't have his tile locator cable any more, our guys showed up and asked where Seward's tile locator cable was and he said yes, we don't have that anymore, so we went and got ours for the day, Gallentine was not sure how you lose that. Hoffman stated off the back of a pickup, he has his red heeler but his tile locator went off the back of the truck. McClellan asked what is directional boring. Gallentine stated they stand on the surface and they have that machine that goes under ground, used a lot for communications but not so much for tile because it is hard to maintain a a grade, electrical, water, like that. Hoffman stated he would add to that after the meeting.

Granzow stated it was brought up a couple of times, where we are in that season that if it is a quick fix, authorization to the Clerk, what dollar amount do we have for that, Smith stated she could not remember off the top of her head, but thought it was \$2,500. Hoffman asked if that was enough given the current cost of materials. Granzow asked if we could change that to \$5,000. Gallentine stated it would get you a lot farther down the road, especially if there is a little bit of understanding that if it is \$5,100 that is still okay. Granzow stated if we are at \$2,500 for the project plus Lee. Gallentine stated he assumed you are talking about just \$5,000 for the contractor because we are just typically authorized anyway to be out. Hoffman stated his concern is with materials fluctuating you might be able to get your materials today, Granzow stated you may have just lost everything you had waiting two weeks to do a project. Hoffman we used to do a project that was \$6,200 by waiting two weeks is now \$7,500, and thinks we will revisit this again. Granzow stated how about this, let's do a motion to authorize the Board Chair to make that decision according to Smith who can CC all three of us to be able to make that call and then bring it back to all three at the Board meeting. Hoffman stated that sounds good. McClellan stated she did not even know what you could get for \$10,000. Gallentine stated the prices of everything are just jumping. McClellan stated are we just getting into too big of a project. Gallentine stated well you heard John Torbert, now you can spend up to \$130,000 without even notifying a landowner period. Granzow stated he thinks each project is different and it is hard to put a dollar amount on it, the consideration needs to be there and Granzow would just as soon authorize the Board chair to reach out, or authorize the Board Chair to make that call on projects unless otherwise notified to bring that back. McClellan stated it kind of takes a little relief from the Clerk. Hoffman stated it would be a whole lot easier if the Clerk called Hoffman on Monday morning and said hey we have run into this, let's plan on doing this, but if Hoffman gets a call this afternoon at 2:00 Hoffman does not want it to wait a whole week until next meeting, there is that discretion that needs to be made, Granzow stated he would say that the Clerk needs to CC us all on that message, if any of us other two said Board Meeting it goes to back to the Board, if you are not hearing that the call is yours to make, Granzow does not know if it is legal or not. Smith asked if that was a question the Trustees would like her to ask Mike Richards. Granzow thinks it is legal as long as we authorize it. Gallentine stated he thinks it is legal, you are the Trustees, you can authorize it. as Trustees you can spend up to \$130,000 now, beginning July 1st. Granzow stated we could pull a special meeting together on something like that. Hoffman stated he likes the option of just leaving that up to the Board Chair's discretion and conferring with the Drainage Clerk and the Drainage Engineer, he will have to call the both of the Trustees to decide which direction to go, but this is just good customer service. Granzow stated asking am I ok on this or do we need to meet on it, is all he wants, is it a special meeting or go ahead, and then we can bring it back to the next meeting for us to authorize it and we know it is not official but why.

Motion to authorize the Drainage Board Chair to approve drainage repairs up to \$5,000 with notice of work requested provided to all three Trustees by the Clerk, with direction to the Clerk to bring it back to the next Drainage Meeting for official approval. All ayes. Motion carried.

In additional discussion on the motion Granzow asked along with that motion should we put a caveat sunset on that because are we just doing it because of the pandemic or because of price increase, is it going to be one year or five

years, sunset for a year and then revisit it. Hoffman stated how about December 31, and we can revisit it at the end of the year.

Motion by Granzow to sunset the \$5,000 drainage repairs approval by the Drainage Board Chair on December 31, 2021 and to revisit it at that time. Second by McClellan. All Ayes. Motion Carried.

Hoffman directed Smith to add that to the Drainage Calendar for review the first of next year. Smith stated she would.

12. Adjourn Meeting

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

REGULAR DRAINAGE MEETING

Wednesday, May 12, 2021 9:30 Am

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

5/12/2021 - Minutes

1. Open Meeting

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

2. Approve Agenda

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

3. Approve Minutes

No minutes for approval today, they will be on next week's agenda.

4. DD 167 - Discuss W Possible Action - District Organization, Classification & 2021 Assessments

Hoffman stated a lot of people would say they hated to bother Hoffman or any of the Trustees on these Drainage District assessments, and didn't want to be a complainer, and Hoffman had great discussions and is glad people actually reached out, one conversation was in the Fareway parking lot, and includes Gallentine because he answered his phone at 4:00 Friday afternoon and Nancy spoke with Hoffman there and that was a great discussion. Without those phone calls, Hoffman feels it is just government rubber stamping things and that is just not how it is supposed to be. Hoffman stated while today a lot of things probably won't change, the education likely will, and the people that reached out to Hoffman directly, he genuinely appreciates it because he can't help you if you don't and that is a good thing about strong representative government. Hoffman stated one of the things he was torn on how to work the meeting today, except to acknowledge people's concerns; until a few years ago when he got his first assessment he didn't know he was in a drainage district, and that was a learning experience, at this point. Hoffman directed Pearce to display a website on the screen, that shared frequently asked drainage questions, Hoffman stated he shared this website with a couple of people that called him because for him it is difficult to explain why the people 100 years ago did what they did, to put it in the most simple terms they actually wanted to work with their neighbors to have productive farm ground and to mitigate issues before they happen or they saw something happen several times and they thought they ok we are going to remedy this with the help of our friends and neighbors and people we go to church with and country school. Hoffman stated it was difficult for him to explain to some people that this is an Iowa Code thing and that the State Legislature hands down this archaic and dated Code and regulations, here you go Drainage Trustees, in most cases County Supervisors, take this and put this to the taxpayers and landowners, so this is just probably one of the best references that lays it out in more layman's terms. Hoffman stated Gallentine and I don't claim to be attorneys, for the last 5 years we have disclaimed that we were not attorneys as much as possible.

Hoffman stated first of all, has everyone provided contact information to the Clerk. Smith stated yes. Hoffman stated we are recording today's meeting because we know there are other landowners that will want to watch, so Hoffman is going to take this slow. Hoffman stated for the other thing, people that want to get in touch with Smith later, can Smith provide her contact information, state your email address and direct phone line. Smith stated sure, my name is Denise Smith and I am the Drainage Clerk for Hardin County, you can reach Smith by phone at 641-939-8111 or by email at DRAINAGE@HARDINCOUNTYIA.GOV. Hoffman stated we have had good Drainage Clerks in the past, and Hoffman thinks Smith does a stellar job, she offers great customer service, and is patient. Calloway stated she is very informative. Hoffman thanked Calloway and stated it is great to hear when our team is doing good things.

Hoffman asked how Smith would like to proceed. Smith stated we could start by giving a little bit of history on the district, Smith brought some things that might be helpful for you, Smith has given everyone a copy of the district map, and also has a copy of a list of landowners and what your current percentages are on this assessment, if you would like a copy of that she will pass those forward. Smith stated this district was founded in 1954, at the request of landowners within the town and the countryside of New Providence. The district came together to benefit multiple reasons, and Smith brought down the original file which has a lot of good information in here, and they talk about why they wanted to do this drainage district, and one of the things the mention in here "in order to provide

such drainage an outlet it is necessary to install certain amounts of tile" and it mentions that the district was established pursuant to mutual agreement and said agreement having been filed with the county, the individuals, corporations and political bodies all entered into this agreement as well, so that included the landowners at the time. Smith stated they were looking for some better drainage and the original petition mentions some of that too, Smith will try not to get too wordy. Calloway asked for Smith to give us the names again of those people. Smith stated absolutely. Hoffman stated he appreciates it because then you can go to the cemetery on Memorial Day, Calloway stated those people would have passed. Smith stated it was presented originally at the Board of Supervisors Meeting on October 25, 1954 by Wilmer Cook and C.A. Norman, J.C. Whitehead, and H.D.W. Clemmons met with the Board in connection with the establishment of a Drainage District, they talked about it is the desire and purpose of said parties to procure adequate farm drainage and provide better outlets for certain residence lots and other town and school properties, and it mentions they would like to provide such drainage and outlets as necessary to install a certain amount of tile, so they agreed to do that, they also agreed that the total cost more or less should be apportioned to each property owner as set forth below and that when the project is complete as above specified, the new construction together with such old main tile lines as are already in use and in good repair will be turned over to the regularly established drainage district to the Board of Supervisors of Hardin County and any and all costs of repairs and maintenance shall be apportioned to several contracting parties in the same ratio as herein specified and at such time as the County Board takes over control, there shall be prepared and filed with the County Auditor and may be directed by the county Board a complete plan and blueprint of all Main Tiles and properties. Smith stated so basically at that time they presented a split of how these costs of the original district, which was \$4,480 should be split between those landowners and those are based on several factors, they take into consideration how many acres you have, your soil types, how close you are in proximity to those drainage tiles, and a couple of other things they take into consideration are your elevation and runoff. So that split is the basis of your assessment now, those percentages per lot or per parcel are the same percentage of repair costs you would pay now.

Granzow asked if this was the original classification on this district, Smith stated this was the original classification on this district. Hoffman asked if this district has ever had a reclassification, Smith stated this district has never had a reclassification, Smith directed Pearce to reference the assessment history document on the agenda. Smith stated this district has not seen a large history of repairs, we have only had a few repairs over time, Smith stated she wanted to say none of the repairs in this district have been a whole lot, in 1962 we saw repairs of \$134, in 1967 there were repairs of \$134, in 1975 there were repairs of \$716, in 2001 there were repairs totaling \$806, in 2010 we saw \$1,500 in repairs, in 2012 we saw \$4,480 in repairs or assessment, in 2018 you were assessed about \$2,500 and now in 2021 we have a total of about \$60,000. Smith stated so those repairs, over time, may be the only assessment notices you have ever been given since the ones your received recently. Larry Balvanz asked were the repairs done. Smith stated we could look through the reports and go through each of those after the meeting, we have original work orders done all in the file. Balvanz stated we can go through that later. Smith stated she just wanted to go through that history of work, because although that sounds like a lot of repairs and assessments, for a district that has tile going on 80 years old, that is not too bad, Smith knows it doesn't sound good when you look at those costs. June Balvanz asked if those were the original tiles put in in 1954. Smith stated yes. June Balvanz asked if there was any tiling prior to that. Smith stated any tile prior to that would have been private tile, owned by the landowners, Gallentine stated if could interrupt, this district said when they established the previous tile became district. Smith stated that was correct. June Balvanz asked who would have put that in, Gallentine stated that would have been private landowners, if you look at the original map. Smith had Pearce display the map. Larry Balvanz stated when we had that meeting 3 years ago, at that time, Neil Martin was there and he said he put all this tile in, he knew, he was there and helped. Calloway stated so it was within the last 50-60 years ago. Balvanz stated that was what Martin told him.

Gallentine referenced the map, this tile that shows as a dashed line on the map, those would have been in prior to 1954, anything that was a solid line per the map was put in after 1954. Gallentine stated he was not going to dispute Mr. Martin as he was not alive then. Balvanz stated when Martin sold it, that was what he said. Gallentine stated that history is great to have. Calloway asked prior to to 1954, these lines with the hashtags, were already there, the ones here in town, Gallentine stated the solid lines, Calloway stated yes, she lives right here and it comes right to the alley, Calloway referenced where Balvanz's live, Calloway wants to know how the glacier did all the nice 90 degree angles here, where the district is. Gallentine stated he is not sure what Calloway is saying. Calloway asked how did the topography and geology work in such nice straight lines. Smith stated those lines are the tile, the tile probably followed the topography. McClellan stated that may have been dictated by the City. Calloway stated she would like to know how, for example, her lots are within the district and the lots right across the street are not. Gallentine asked for Pearce to display the GIS map of the district. Calloway referenced the map and stated this is the Edrich Addition, fairly new homes built in the 1970s or thereabouts, the south part of Edrich, this is her two lots, and this is the City Park, and the Roundhouse is over here, in her part and what she would like to know is that you see the line of the district goes across the street and stops and then comes back and then it skirts around and then it comes back, an dhow do they determine that all of this was in the district and this was area was not, Calloway stated when we moved here in 1975, this was a wetland fairly much, it was not drained, and this was of course was after 1954, and then you have the City sewer. which seemed to take care of some of this. Larry Balvanz asked what area Calloway referenced was wetlands. Calloway asked if Balvanz remembered

where Neil Hadley had cattle behind there. Balvanz stated he remembered now. Calloway's question is why didn't it just come straight and why did it stop here and why is this another drainage district on the south side, Drainage District 147. Smith stated that would be Drainage District 146. Calloway's question is these are all from 1954 on it seems arbitrary to her, she is not a geologist. Gallentine stated obviously he was not around in 1954, and he can tell you generally how drainage districts are established, they are generally based off the topography of the land, which you are correct does not follow those nice straight block lines. Gallentine stated this district was a mutual consent districts, usually the landowners when they want to form a district petition to the Trustees and they say hey, we want to form a district, they employ an engineer, he goes out and gets the lay of the land, and makes those nice little exterior boundary lines, they bring it back, they have a report and have a hearing, people have the right to show up and object or not object and the District Trustees determine whether it is established or not. Gallentine stated if the landowners disagree, they have the right to object to the District Court and then they can sue, a mutual consent district, Gallentine has never been around for the establishment of one, because most of them are older, it is a little bit different in the fact that Gallentine believes the landowners all agree, we want to form a district, we are going to agree to this district, we are going to get this stuff put in and then when it is all in we are going to turn it over to the Trustees, so those landowners, it is Gallentine's understanding, that all of those landowners would have agreed to be part of this district. Calloway asked if they all owned town land as well as farmland. Gallentine stated they may have just owned land in town, they may have just owned farmland. Calloway stated well they owned it all. Gallentine stated no, everyone who was in this district would have had to agree to be a part of the district, at time or have been notified through public hearing and not have objected. Gallentine stated the assumption is that the district boundary is correct and has no errors, we know that people make errors, but once it is established it is typically locked in, there would have to be some kind of binding or reason or cause as to why to adjust.

Calloway stated one of the things that have occurred since 1954, those men are no longer living, most of their heirs are no longer in the area, the Cook family has members west of New Providence, it is kind of a situation where many of the names on this list of the assessed, are on fixed incomes, many of them are young people who are struggling right now with young families, and this assessment coming along right up when property taxes are due, their income taxes are paid and will be figured or returned, this is within the City limits, not much of anybody is benefitting from it much at this point in time, many of us do not even have little ditches alongside our properties that drain. Gallentine asked if he could comment, because Calloway has a lot to unpack there, and he does not want to forget anything. Gallentine stated as far as ditches alongside of your property, these were never ditches these were tile, that were underground, but still if they are performing their original attention, they are draining ground, so they are providing drainage, as far as whether those men on that list are deceased or not, that has nothing to do with it, it doesn't matter, once the district is established that district is there under the direction of the District Trustees, in this case the Supervisors, until it is dissolved, so it has nothing to do with anybody who is alive, dead, it is locked in. Calloway stated she understands that and the background is interesting. Gallentine does not think there is probably a person alive in the County that was involved in the establishment of a drainage district. Calloway stated there would be a few, but they would be close to 100 right now. Gallentine stated this district is an odd district that was established in the 1950's, most districts were established between 1900 and 1920. Gallentine stated that doesn't have anything to do with it, and asked if he hit all of Calloway's points there or did he miss something. Calloway stated that was pretty much all of it, it was just the numbers, how the dollar amounts were determined. McClellan asked if this district has ever had a reclassification. Gallentine stated no it has never had a reclassification, and thinks that somewhere there are laterals on it, Smith stated you have one assessment for the whole district.

Larry Balvanz asked a question on the percentages, and asked everyone to look at the percentages please, and it says Larry and June Balvanz - 9%, do you see anybody else down on there except us anywhere near that and asked why he is charged so much. Gallentine stated because that is how it was established in 1954. Calloway asked, how do we change it. Granzow stated you ask for a reclassification. McClellan stated with that, some may go up, some may go down, you don't know. Gallentine stated at the end of the day when a property is reclassified the only way to pay for any projects within the district is by those landowners within the district, so if you go down, someone else is going to go up to compensate, there is no other funding mechanism for a drainage district beside those landowners. Granzow stated he did not get back a hold of Ron, but that was one of the questions he was concerned with, but along with the reclassification there is a cost for that, nothing is free. Hoffman stated he was asked if they could dissolve the district. Gallentine stated yes they can dissolve, he has only been involved in one dissolution in Franklin County, and he does not know the Code Section, but the attorney that was involved said he wanted every one in the district to sign, every landowner, that they wanted to dissolve, and that was pretty easy, because it was a small district and it was only 4 landowners. Larry Balvanz stated if you want to do that, it is going to cost everybody a ton of money. Hoffman asked what was that, dissolution. Balvanz stated yes, the dissolution. Gallentine stated the problem with that is if you dissolve, and your lot starts backing up because the tile is broken in the field to the west, your neighbor has no obligation to fix it.

Calloway stated this map of the city of New Providence, this land, the town actually sits a little bit higher than the agricultural drainage, we are higher than Larry and Jun Balvanz or Denny Reece for example, so everything from this little hill kind of goes this way, and Calloway seriously doubts we are ever going to flood. Gallentine stated we have had a few calls from people with water in their basement and they blame it on a plugged tile. Calloway

blames it on a house built in 1853. Gallentine stated all he is saying is if you do dissolve, and this tile becomes plugged right here, and it is flooding this area and it is not functioning, maybe the ground is not flooded but it is saturated because this tile is plugged down here, this landowner has no obligation to fix it for you, right now if you have an issues, you call the Drainage Clerk and we will go out and get it fixed. Larry Balvanz stated he does not think he has ever charged anybody, he has always fixed it himself, that is why he wanted to go through that list. Calloway asked who owns Breeze Hill Farm, Calloway stated it is right outside of town and north a little ways, in Paul Brown's stuff. Balvanz asked why is that. Calloway stated it is on the list as Breeze Hill Farm LLC and she can't figure out who they are, it is between Bernard's and the highway. McClellan stated we would have to look that up. Granzow asked if there was a Cook there. Calloway stated there is a lot of Cook's there. Balvanz stated but they don't fall into this district, Calloway stated but some of them do to the north there. Balvanz does not know for sure, but could check on it.

Gallentine stated as long as everyone is aware a district can be dissolved, Gallentine is not sure of the requirements to do that, as long as everyone is aware of what their getting on the back end of that, that is fine. Calloway stated we discussed this at the City Council Meeting the other night, that we would have to get an attorney to do that, and even that would be an expense, we would just need on to get going. Smith stated she thinks there is Code language that specifies how to do that and Smith thinks it begins with a Petition for Dissolution, Smith with have to double check on percentages for you, the other option you have is that you could take this district to Private Landowner Trustee Management, where you as landowners petition the board of Supervisors to take this district over, and then a special election is held in which 3 landowners could then become Trustees, those landowners are re-elected every January, an election is held every January after that. Smith stated the issue with that is you are still a district and your are still required by Code to maintain the flow in the tile, but you have more control in what you choose and how you much you choose to spend. Gallentine stated yes you do, but you still have to maintain the tile in adequate condition, if you are private Trustees, you can't just say we are not fixing it this year or Larry can keep fixing it on his own. Hoffman stated let's just say you have a problem down here and you get major flooding into these fields and loss of production occurs, and asked what the price of corn was today. McClellan stated something close to \$7.00/bushel. Hoffman stated let's say this person doesn't get a crop, they by Drainage Code, can submit a claim for crop loss damages. McClellan asked which way that flows, Gallentine stated to the west, McClellan stated that is what she figured. Hoffman stated say it backs up all this here, Balvanz stated it flows into an open ditch, Hoffman stated but let's say he or she has \$50,000 of crop loss, the district then pays that out according to assessment. Calloway stated but they have crop insurance. Gallentine stated but they won't pay that, McClellan stated the district would have to pay that.

Gallentine asked for the city limits to be displayed on the GIS map, Smith stated the corporate limits would be the purple line. Calloway stated this is clear out in the country, this can't be City limits. Gallentine stated you would be surprised. Some discussion was had as to where the line is. Balvanz stated it goes out past Bernard's. Gallentine stated there is a part of Code that if a certain % of land within the district is within the City limits, you can turn it over to the City and they can handle it like storm sewers. Calloway stated that can't be right, the city limits go clear out there. Balvanz stated it is west of him. Hoffman stated this is worth injecting here, and asked Gallentine to comment. Gallentine stated there is a Code section that if a certain % of the drainage district falls within City Limits, the Trustees can turn it over to the City and the City has to maintain it as storm sewers which means that you , if you are on City Council, the City Council would have to now generate enough revenue on their own to maintain this, they would not have the right to assess for this, they would have to come up with the money, through a storm sewer assessment or something else, and they would have to maintain it. Calloway asked if when we put the sewer in was there a storm sewer plan for it. Balvanz stated any of the tiles that run around town were all disconnected, everything that goes is just your household.

Granzow stated just from the City limits question, most towns in the County are set up this way, there is a lot of agricultural ground in the city limits, they designed for expansion. Calloway stated she knew Iowa Falls, Eldora had that. Granzow stated there are always complaints that the farmers don't want to be part of the City. Gallentine stated the City would be collecting property taxes of that farm ground also. Calloway asked if the City gets a share of that, Gallentine stated yes, the City probably gets the majority. Granzow stated because they are incorporated. Calloway asked what do they use it for. Gallentine stated he assumed it would go into their general fund. Balvanz stated the former mayor would have never gotten involved in all this. Granzow stated the Supervisors can not annex that land back into Rural, Calloway stated she understands that. McClellan stated it would be the town's agland evaluation which pays a lot less taxes than the actual City. Calloway stated if she had a problem on her two little lots there in town and she is single, and this is within the drainage district, Calloway blames the drainage district for basement water, Granzow stated we get that a lot, Calloway asked if all the people in town are going to have to help me fix my basement problem. McClellan stated if yours is that way there is probably a good chance that other people in that same area all have the problem. Granzow stated if district tile is plugged. Gallentine stated if district tile is not large enough that is a separate issue then you can request an improvement which is going to cause it's own issues. Calloway asked when did we fall into this pit of stuff with regulations. Gallentine stated 1954. Calloway stated she means the State Legislature with the Code. Gallentine stated Drainage Code started in 1904 or 1905. Calloway asked if that is what the basis of this study in 1900, which is now 121 years old,

which is online. Gallentine asked which study Calloway was referencing. Calloway stated she could not recall the author's name, fellow that wrote a book and talked about Hardin County and it is online. Gallentine stated there is a lot of stuff online, and is not sure what Calloway is talking about. Calloway stated it is pretty much a descriptor of the topography, the geological make up of Hardin County, Iowa, the rocks, the rivers, the streams. Granzow stated we deal with the Iowa Code. Gallentine stated he is not familiar with that one, Calloway stated well it is in there, in the Hardin County part of it as well.

Balvanz stated getting back to the drainage, Balvanz was told they were just going to repair the holes, the blowouts. Gallentine stated that is what this is, Balvanz asked at that amount of money. Gallentine stated yes. Calloway asked how far did it go. Granzow stated that included a headwall too. Gallentine stated we did not put in a headwall, so it started at the area over here by the stream, Smith has copies of the exact reports and Gallentine would have to look, but we went upstream for a couple of hundred feet, and did some replacements there was some blowouts along by the driveway and then there was tree removal. Balvanz asked if we removed trees, Gallentine stated yes. Calloway stated at some point she was reading over the weekend, anything over \$50,000 needs to be presented to a public hearing. Gallentine stated that is \$50,000 of construction costs only, not total project costs. Calloway stated so we split it into \$30,000 to \$20,000, is that how we do it. Gallentine stated no that is construction costs, this assessment is not just construction costs, it is construction costs plus all the other costs. Hoffman asked if we try to break it down into little bits and pieces to circumvent Iowa Code that is called supplanting and you can't do that. Gallentine stated has changed that, this year by the Iowa Legislature so as of July 1st, it goes up to \$130,000 that can be spent without notifying any landowners. Calloway stated that one of the things that has not occurred that possibly could have helped would have been to hold a conversation. Gallentine stated we held Landowner Meetings. Calloway stated amongst the citizenry, because she does not this she got anything. Gallentine stated Larry Balvanz was there, and that was when Neil Martin was speaking, the attendance was sparse. Balvanz stated we all had a meeting and it was here, Granzow stated it was right here. Hoffman asked if we had copies of the postcards. Smith stated we have copies of all the correspondence. Calloway stated we live in Eldora, and have property within New Providence, apparently we didn't receive any communication. Hoffman stated there was communication to every landowner within the district. Smith stated 2019 was when the last meeting was held, and all landowners within the district, no matter where you live, a notice is mailed to you based on your address on file for your parcel. Calloway stated she probably tossed it. Balvanz asked why, Calloway stated she missed the meeting. Gallentine stated you were not the only one, the attendance was very sparse.

Calloway stated this will probably shake people up a little bit. Balvanz stated he thinks this is very awakening, we have people that he does not know how they will afford to pay it. Calloway stated this is another thing, it was suggested that if you can't afford to pay it, borrow it or finance it at the rate of 5% interest, come on now, 5% is exorbitant, even 3% is. Granzow stated it used to be 6% and we lowered it to 5%, we are not a bank, Calloway stated that is my point. Granzow stated the point is you can go other places to borrow the money, but if you cannot this is what we charge. Calloway stated so if this little old lady has little of anything is to go to her bank and say I need to borrow \$1,000 to pay the drainage district, for a basement-less house, Calloway has no basement, she is sorry but this is a little bit of taxation without real good representation, and is sorry that we can't be more, Granzow stated it is not taxation. Calloway stated it is an assessment. Granzow stated it is an assessment on your property, Calloway stated so it is my property taxation. Granzow stated your district not the County's district. Calloway stated it is within the County, Granzow stated no it is the landowners private district. Gallentine stated no one from outside the district can come in and have a comment, if Gallentine lived in Ackley, he could not come in and say he does not like how their drainage in this district is, you need to change it. Granzow stated we just manage it because you choose not to. Calloway asked we have a choice, and when did this occur, in 1954. Gallentine stated in 1904, ever since they adopted Drainage Code, you can elect your own Drainage Trustees. Granzow stated in the same meeting we had then, I brought this up, you can take it away from the Trustees at any time. Hoffman stated every time we have a landowners meeting he offers this, and Smith will say if you want to follow her up to her office, she can provide you the petitions to get it done and over with. McClellan stated, as she said earlier, every year you have an election to elect people that will be the Trustees. Calloway asked who is on our Drainage Board. Granzow stated we are, the Supervisors. Gallentine stated they are the Trustees. Granzow stated unless you petition to take it away from us per Iowa Code. Calloway stated then you don't have to listen to us, Hoffman stated that is not the case at all, Hoffman stated we have very educational, knowledgeable, respectful discussions, so it is not the fact that Hoffman does not want to hear, he loves this.

Calloway stated that this is agricultural benefit, but the City of New Providence benefits are very small in comparison to the agricultural benefits, when you look at the map of the drainage tiles. Gallentine asked if New Providence has a storm sewer system. Calloway stated it does not. Gallentine stated so you rely solely on overland drainage, and this tile, Gallentine was not around in 1954, but thinks if you took this tile and plugged it your drainage landscape would change dramatically. Calloway stated Jane Whitehead may have some idea, she would have been one of the older people that might had a connection, but doesn't know for sure. Balvanz stated we had what was called a green monster sewage plant for many years and in 2000 we decided to get rid of that and go to septic systems. Calloway stated it was right on the corner by the Edrich Addition, and that was Ed Perry

that built a new addition and only half of it is included in this district. Balvanz stated only half of it is in this part, the other half goes the other way. Calloway asked if there was another district north of us. Smith stated there is one south. Balvanz asked if there was one east. Gallentine referenced the map, and stated it was south and east.

Granzow asked if you feel that the part that is not in the district is draining into the district. Calloway does not know, they are right up the street from Calloways. Granzow stated that is a legitimate question, because if they are draining into the district they do not belong draining or they need annexed into the district. Calloway stated this is a comparatively new, it was built in the 1970's, compared to the many of the places, and Calloway's house is 1853. Granzow stated if we were to wipe this to plain dirt, this is how the drainage works, it doesn't matter if there is house on it, so if you feel that there are places that are outside of this district, that are draining into the district, you can request, and don't forget that this costs money every time, you can request that we do a survey and see if that map is larger than it really is. Calloway asked or smaller. Granzow stated you cannot take ground out of a district. McClellan stated it seems where Calloway is at the tile goes right through her property. Calloway referenced the map, and stated this is the Edrich addition, and it goes maybe a block and a half to 2 blocks long. Granzow stated if he looks at that, he would assume it wraps all the way around that. Hoffman stated that goes up to the Teske's property, Calloway stated yes, this is Teske's'es. Balvanz asked where does that drainage go on the east side. Calloway stated there isn't a tile on the east side, there is no drainage here at all. Granzow stated so if you feel that are is not draining well at all in this district, they are not allowed to drain into it or they need to be added into the district. Balvanz stated so there is not a drainage district on the east end. Calloway stated no so this goes north and south here.

Gallentine stated another thing to be aware of if the City takes over this Drainage District 167, be aware that everyone within the City pays for maintenance on that facility, even if they are not currently within a drainage district, and those in DD 146, will pay for work done in DD 146 and DD 167. Calloway stated this goes much further south than this goes west. Gallentine stated what he is saying is we are hearing from those folks who may be in town within the district that maybe aren't happy, also think of those folks who are in town that are not in a drainage district at all, how are they going to take it. Calloway referenced city limits on the map and stated so City limits go all the way to here, if that isn't something. Gallentine stated if this district gets turned over to the City , the City is responsible for all the tile that is outside the city limits and try to explain to your citizenry that you are spending money outside of City limits. Calloway stated she does not want that, Gallentine stated he is just saying every pro comes with a con. Balvanz stated the problem is that this shocked everybody, if it hadn't of been such a big bill, he does not think you would have heard anything. Calloway stated she doesn't think anyone complained over the \$15 or the \$30 bills. Gallentine stated that is always the tough thing, when we have the meeting in 2019, everybody agrees we can do repairs as needed up to \$50,000 in construction costs and that is what we did. Balvanz sated but it was over \$50,000. Gallentine stated not in construction costs, engineering, publication legal, all that combined went over \$50,000, but that \$50,000 applies just to the contractor.

Balvanz asked the county used to have their own people come in and do the work to fix this. McClellan stated Secondary Roads used to do that, but they haven't done that for years. Granzow stated we haven't done that in at least 8 years. Gallentine stated and they would bill the district for that work. Balvanz stated they came in and he was not aware they were there, they came in his private pasture, and they started digging up his pasture, and not letting him know at all. Calloway stated let me know about the culverts alongside the roads, we are digging those up and replacing these. Granzow stated that is Secondary Roads, Calloway stated under driveways, they are replacing those under the driveways into farm fields. Granzow stated those are all paid by Secondary Roads and those are a Secondary Roads cost. Gallentine stated those are not district costs. Calloway stated with a drainage district, doesn't that get charged to the district. Granzow stated that all gets charged to Secondary Roads, within the drainage district as well. Calloway stated secondary to the costs doesn't the drainage also have an effect on the places the water goes after it goes in the ditch and under and through the culvert, and where it goes from there, somebody is getting the benefit of that. Granzow stated they are getting an assessment in that district as well, and they pay 100% of that road crossing. Calloway asked the farm people. Granzow stated the County does, Secondary Roads, so everything between the fences, they not only have an assessment for their roads, the key thing that gets done under a road, which did not happen here like a jack and bore or something like that that goes under a road, is 100% paid by the County, the Secondary Roads department. Hoffman stated the same thing geos for railroads. Granzow stated no, the district does not pay for what is under the road, Gallentine stated this also applies to city streets as well, so if we replace a tile that runs under the city street, the street replacement is 100% the City's cost, Granzow stated that is why you have the City of New Providence with a bill as well.

Calloway asked if the Roundhouse was assessed as well, and who pays for that. Granzow stated they were assessed it is under the Renewal Community, Gallentine stated everyone within that district's boundary should be paying an assessment. Hoffman stated the Roundhouse has 3 assessments, one for \$3,157, \$986, and \$342. Granzow stated the hardest part is that when you buy a piece of property, it does not state in the abstract that you have drainage tile. Balvanz stated on this, this was something no one was aware of until the bill came, Balvanz has a big bill, but up on his station it is only \$15.00, he is not going to complain. McClellan stated that is on the south side of Main St, Balvanz stated yes it goes on the other district, but everything has been hit, property taxes

have been raised. Calloway stated interest rates have gone up, everything has gone up, and we have all been home with Covid. Gallentine stated it is the expense end that goes up and not the income end. Balvanz stated he thinks this explains a lot, and it is too bad there are not more people here. Calloway stated most people do not think they have a voice in anything. Granzow stated to be truthful they don't have a voice in this and that is why we do landowners meetings, so that you get your voice. Calloway stated that yesterday there was a drainage meeting on the 11th if she read the calendar correctly, Hoffman stated no, Calloway stated it was on the County Calendar of Drainage meetings, Gallentine stated the agenda for today's meeting would have been posted yesterday. Calloway stated this was posted on the 11th of May that you meet once a month, that was on the County calendar. Hoffman asked if that was on our website. Calloway stated on the Hardin County Meetings calendar. Hoffman asked Pearce to display the Calendar. McClellan asked where Calloway was looking at that. Calloway asked if there was a button for County Meetings. Pearce displayed the Meetings and Agendas page of the County's Website, Smith directed Pearce further down the page to find Drainage. Calloway stated there it is on the 11th. McClellan stated that was for a Conservation meeting. Calloway stated no that it was for drainage, she stated she would hunt it up and send it to the Trustees. McClellan asked if that would have been on the 2020 year. Calloway stated she thought it was there, she didn't know. Granzow stated back to what you said that you don't have a voice, we want you to have a voice, this is why we do landowner meetings, but we have to have attendance. Calloway stated but we need to encourage people to do this. McClellan stated we have the landowner meetings prior to having the work being done. Calloway stated most people don't think they have anything to say in a landowners meeting, they think it is all farmers. Granzow stated then he can't help you, that is why we send you the invite. Hoffman stated a lot of time in drainage there is something legal going on that is minuscule and it will cost more of the Clerk's time in postcards, because we don't want to spend anyone's money without representation and getting their opinion, and there are some districts where the Clerk will send out 60 postcards and we will get 2 people, and there are some districts she will send out 40 postcards and get 25 people to participate. Calloway stated look at us as an example, our Mayor had an appointment today, another landowner had an appointment today, we are older, this is something that seems to occur all the time with elderly people, the town of New Providence is made up of elderly people. Balvanz stated we are getting some more young ones now. Granzow stated those younger people may be working and they can't come either. Calloway stated and they need childcare, and look at the day and age of computers we should be able to communicate more clearly than we have been but, for many of us over 65 we don't do the computer well. Gallentine stated he thought they did a great job of communicating here though, you got a hold of Hoffman and the Clerk, there are still phone numbers for all these folks too. Calloway stated she emailed too, and thanked Smith for being so helpful. June Balvanz stated she was very polite to us. Smith stated thank you. McClellan stated Smith is very helpful and informative and if you can't make it to a meeting Smith will explain everything. Calloway stated she did a good job.

Hoffman stated one of the solutions of this would be to have the legislature, like we have to disclose a super-fund sight, hey, I am in a drainage district so that when people buy these parcels they are already aware of it, because if you knew, it is like going into a casino, I'm going to do this but in 20 years I may get a \$10,000 assessment. Hoffman stated he lives in southern Hardin County, and a drainage district touches 20' into one of his fields, and Hoffman never knew it until he got his first drainage assessment, it is not a huge district, DD 54, he would never have known, Hoffman wishes his grandparents were still alive so he could ask them, it is one of those things, and wishes everyone was like the Perry's, Hoffman stated Ed Perry has told Steve everything that has gone on and Steve has told his boys. Hoffman wished we just knew those things. Calloway stated we are not informed or we don't pay attention when the information flows by, because she has written letters to federal and state legislators, sometimes she gets a response and sometimes she does not, and has had the same form letter 3 times from Senator Grassley, maybe with one little bit of a sentence changed. Hoffman stated change the adjective and pronoun. Calloway stated this is one of the things in the State Legislature, since she is a Democrat, many of the Republicans don't want to answer her with anything more than thank you for your note, her questions are seldom answered, think of all the other people that don't get answers, that don't take the time to write or call or whatever. Calloway stated she warred with the VA for 3 years, finally got someone to listen and sometimes it is persistence but at the same time Calloway often feels her concerns and worries are never addressed by a person who is in a position to do something about it, Calloway is not sure if it is because we differ politically or church-wise. Hoffman stated it is sad that it has to come to that. Calloway stated it is terrible, Hoffman stated he thought we had a good conversation today. Calloway stated we did, and is he appreciates it, and wasn't going to let Hoffman get away without it. Hoffman stated he feels that is what he owes to Calloway. Calloway appreciates that very much, and wishes all people that we put into elected office felt that way, because that is not necessarily the case.

Gallentine asked if he could summarize and asked the Trustees to correct him if he is wrong, if the breakdown of these percentages is not what you feel is equitable or fair, then you need to request a reclassification, however if one landowner goes down, someone else's will have to go up. Hoffman stated the sum of 100% has to be achieved. Gallentine stated and that will cost money, alternatively you could follow the procedure to become Private Landowner Trustees, which means there will be an election and 3 landowners within the district will replace these three, you are still governed by the same rules, you still have to keep the tile maintained and you still have to assess landowners. Gallentine stated the other option is that the Trustees could turn the district over to the City, but then the City is responsible for the finances of the district and paying for all the repairs, or if you meet the requirements you could totally dissolve the district, but then you are not under any obligation to fix it if you are an

upstream landowner and they are downstream. Hoffman stated that is as clear of a synopsis as you are going to get. Balvanz asked he owns 20 acres, that is all he has there, and some of these other parties own 100+ acres, and the percentage is not right. Granzow stated when they originally established this, he is assuming that was a wet area at your place, so when they originally established this district they might have said, hey we are going to charge you more because we are running this tile for you, and since then it has never been reclassified. Balvanz stated he would take that up with Jake Whitehead someday and talk to him. Gallentine stated the other thing he would comment on was those dashed lines that we referenced on the map that were already in place, some of those landowners may have gotten a credit for a prior establishment of a tile and they didn't pay for as much of that tile, because they already had tile in the ground. Smith stated she does want to note that there is a petition out there now, one of the other landowners called and asked Smith for a petition, Sharon Hanson called and asked for that so Smith sent that out this week, so you may see someone coming around and asking for your signature to be a private Trustee. Balvanz stated he won't sign it. Smith stated that is entirely up to you. Hoffman asked what she has to achieve. Calloway asked what Hanson was assessed. Hoffman stated Hanson's assessment is \$435.22. Gallentine asked how many signatures were required, Smith stated a simple majority, Gallentine asked if it is a simple majority of persons that own 60% of the ground or is that for a remonstrance, Smith stated she would look, she highlighted that section of Code and brought it down, Smith stated it was a simple majority of persons owning land in the district. Hoffman stated he does not want to withhold any options as he is not doing his job if he does that, he told Hanson a year ago a handful of people from Union wanted to create a drainage district. McClellan asked how many signatures would that be. Smith stated the requirements to sign that petition is that you have to be a landowner over the age of 18, corporations, trusts, entities get one vote. Granzow stated he does not believe you guys think these straight lines are the true district and if anything east of those lines are draining into ours we can force them to annex in or sever. Calloway asked how do you do that without forcing a survey. Gallentine stated it is like everything, everything in drainage is 100 years old, so you tell someone to go do it and draw up a report, you send notices out to landowners by mail, because that is what we did 100 years ago, and you have a hearing after 40 days, but that all costs money. Calloway asks what happens if they submit this petition. Granzow stated we cease and desist the second it is filed, Gallentine stated and then we have an election, three people within that district would be elected, and if you have an issue with drainage you go and talk to those three people, and they determine whether it gets fixed or not. Calloway stated we should really have a town meeting and have people that know what they are talking about talk, Granzow stated we could ask Gallentine to do that. Hoffman stated if you want to schedule something with Gallentine, please do. Calloway stated she had Gallentine's information.

McClellan stated if you don't fix it you are going to end up with more people with water in their basements, Granzow stated he is happy to answer the questions but he can only do so much. Gallentine stated he is happy to attend a meeting and listen to the people and try to explain the drainage process, Gallentine does not have the authority to change anything, Gallentine does not want it to turn into oh you are the Drainage Engineer, we are going to complain to you it's all your fault, because it's not, Gallentine does not do anything without being authorized by the District Trustees. Balvanz stated people will complain and we tell them come to the meeting and do they show up, no, that is the answer right there. Gallentine values landowner input, this is your district these guys are just the administrators of it, it is your drainage, at the end of the day if your tile does not work it is your house that floods, not me. June Balvanz asked if at the end of the day, this petition would be a huge mistake. Gallentine stated he would not say that, there are about one dozen or so private landowner districts. Smith stated there are about 15. Gallentine stated he did not know if any of them were in town, most of them are out in the country with farmers, Smith stated they are all out in the country. Gallentine stated it is the same rules, it is just a different leadership, what private Trustees have discovered is that it isn't easy for these folks to spend landowners money, it is even harder for your to tell your neighbor you are going to spend their money. Calloway stated that is the issue, a lot of these people can't afford what they are assessed. McClellan stated a lot of these people don't realize what they are getting into, or they think it is unfair. Smith stated going to a Private Trustee district won't make the assessment go away, she just wanted to make that clear too, unfortunately these repairs have already been done and the invoices have been paid by the County and this is the County's only way to recoup that cost. Gallentine stated even if we reclassify to re-apportion those benefits or to annex ground in, it won't change those assessments that have been sent out, that is a done deal, that horse has left the gate, that would just be for the future moving forward.

Balvanz asked how many years has this party been involved in working with tile. Gallentine stated it was Adam Seward, two to three years maybe. Calloway stated he is the Honey Creel on the expenses. Gallentine stated he is most often the only one who will do it, most companies you can not get to do it, Gallentine stated this is a lot of money but they won't mess with a job this small, Gehrke's won't hit, McDowell's won't hit it. Hoffman stated Paul Williams will not, Granzow stated he got out of it. Gallentine stated occasionally he will but he can make more money putting in sewer and water services than he can replacing district tile, it is very hard to find contractors to do small tile work. Hoffman stated tell your kids and grandkids. Gallentine stated Seward is actually branching out and doing other things because there is just not enough tile work to keep him busy, Hoffman stated directional boring.

Balvanz thanked the Trustees for their time, and still does not have an answer. The Trustees thanked the Balvanz's and Calloway for coming in. Calloway stated we are grateful for the opportunity to meet with someone,

Calloway stated she was uninformed and appreciated the information available online. Gallentine stated he appreciates being able to help inform people, and when you talk to people on the street you can help inform them, because maybe they couldn't come today.

Hoffman motioned to recess the meeting for a quick break. Second by McClellan. All ayes. Motion carried.

5. DD 128 WO 279 - Discuss W Possible Action - Contractor Update

Hoffman reconvened the meeting.

Gallentine stated this is up at Dean Bright's place, we had rain over the weekend but Handsaker did get back with Gallentine with some pricing, there has been an increase in pricing since that project was originally bid, which is going on 3 years ago now, the price was \$12.75 per foot for 8" tile back then and it went up a couple of bucks per foot, so in order to put in that 850' you are right under \$11,000, that would put you in tile trenched in with a backhoe with rock bedding down the middle of the waterway. Granzow asked what part of this bill should be split. Gallentine stated that is why he is bringing it to the Trustees, you can tell Gallentine. Granzow stated the job did not get done correctly, one to save some money, but it didn't work. McClellan asked if Dean did not originally agree to tile that, Gallentine stated Dean agreed with Handsaker not to fill in the hole to save the district money, but Dean did not anticipate this saturated bottom that he has got, Gallentine does not know if anyone could have anticipated that, we would have nobody would have said do it. Granzow stated but even at \$11,000 it would be a large cost savings as opposed to moving dirt in. Granzow stated the price increase needs to lay back on the contractor because this issue has been brought up long before that increase was, and asked what the Trustees feel, Handsaker has been called out there numerous times and he just has a hard time showing up. Gallentine asked if he was interpreting this correctly, you are willing to pay up to the original bid price, for that 852'. Granzow stated no the bid price of the tile. Gallentine stated yes, so what he bid back in the day, you are willing to pay that much, just any increases since then to now, you are not paying. Granzow stated he thinks some of that responsibility is on them for not getting back and finishing the job when we called upon him, this has been going on for how long, a year and a half. Gallentine stated probably two, plus he was out there once and at that time everyone thought there had to be a tile out there that was not connected and then he did some excavation on site and there was not tile. Granzow stated he also got stuck because it was that wet and had to pull mini excavator out. Gallentine stated it has been clear that there has been an issue for quite a while, there hasn't been any clear solution. Granzow asked if it is our fault we didn't him out there sooner, every time we try to go out there it is always wet, it was wet in the driest time of the year. Hoffman stated it was a wet winter out there. Granzow stated he does not think he is asking to much to have him pay the difference on the cost of the tile on this. Hoffman stated he thinks the responsible thing to do. Gallentine stated he can go back to him and say that original bid cost the district will pay but anything above that, that will the contractors, and asked if that was reasonable. McClellan stated she thinks so. Granzow asked bid cost of the tile, correct. Granzow stated original bid cost got the dirt filled in and everything and you got a large dollar amount. Gallentine stated what he is saying is the bid price per foot on the tile you guys are willing to pay, if it is above that, that is his problem. Granzow stated he thinks that is fair for both, and asked the other Trustees if they thought that was fair. McClellan stated she did not have a problem with that either. Gallentine stated roughly he would be eating about \$1,500 to \$2,000 of what he told Gallentine the new price is, Gallentine stated he just wanted to make sure he didn't strike a deal the Trustees did not want, he would prefer not to bring it back next week so he could get out there and get it done before it rains next week.

Granzow asked how much retainage are we holding onto on this one yet. Gallentine stated he would have to look. Granzow stated just curiosity what if he throws his hand up in the air and walks away and says he keeps the retainage. Gallentine stated the interesting thing is he has performance bonds, so then you can go to the bonding company, which would be an insurance company and then you can say hey, this guy is refusing to perform, their first reaction is going to be to play nice, they don't want to have to file a claim, insurance companies don't always agree, but you do have another lever besides the retainage. Granzow stated he thinks that is fair for everybody.

Motion by Granzow that the district will pay the original bid price per foot on tile of \$12.75 per foot to install 850' of tile in the waterway, any additional cost above that, that will be the contractors. Second by McClellan. All ayes. Motion carried.

6. DD 120 - WO 298 - Discuss W Possible Action - Engineer's Report On Improvements To Main Tiles

Smith stated the Trustees had her send out letters and postcards to be returned by landowners, Smith did that, in the letter she detailed full single tile upsizing options and partial tile upsizing options with 1/2" and 1" coefficients and the postcard was to be returned and landowners could select yes I am interested in holding a public hearing or no I am not interested in holding a public hearing. Smith stated unfortunately when she sent out the letters and the postcards, she had the date was wrong on the postcards, Smith had the date written as April 12th instead of May 12th, Smith did get some back and had a couple of phone calls. Smith received 4 NO responses returned and 1 yes, Smith did have one phone call requesting the postcards be re-sent out. Smith stated she does not think you

have a lot of landowner interest in this simply due to the cost, so if you would like Smith to resend postcards, she would be happy to do that, it is entirely up to the Trustees, but Smith has 4 "NO"s and 1 "YES". McClellan asked how big of a district this is. Gallentine stated this is the district with Kent Picht and Kevin Vierkandt, up there between Ackley and Iowa Falls. Smith stated costs run from \$840,000 to \$1,300,000. Granzow asked who was the yes reply. Smith stated she did not put names on the return postcards and left them anonymous.

Granzow stated we can end this with these replies, we have lack of interest, lack of funds and lack of response, put it in the minutes that this is a dead issue. Smith stated ok.

Motion by Granzow to direct the Clerk to reflect in the minutes that this report is good for ten years, that we did not have enough response from landowners and that if it gets brought up again in the next 10 years we can still utilize the same report. Second by McClellan. All ayes. Motion carried.

Gallentine stated he would add one thing, when we were out there doing the report, like in most drainage districts we could find something wrong, at the outlet which is south of everyone's property who had the request, there is a decent amount of tree growth along the tile route, there are some beavers downstream that have created a dam on the open channel, it is not a district facility it is just an open waterway and there are multiple tiles we found broken. Gallentine stated just to be clear, water is flowing but there are some maintenance issues down at the lower end. Granzow stated he thinks the trees are on us, the broken tiles - water is flowing, Granzow thinks in the minutes report what Gallentine said, and if we can send a copy of the minutes out to the landowners that would be awesome. Granzow stated he did not know if Smith had their email addresses or not, Smith stated she might have a couple but not all of them. Granzow stated we can offer a clean-out but at this time until we have a request for that, he does not know why he would want to push it. Gallentine stated it is like most districts, if you look around long enough you can find something wrong, as long as the Trustees are aware of what is going on so in a year we do not ask why didn't we fix that. McClellan asked if she need to second a motion. Granzow directed Smith to notify landowners of their decision that this issue is dead unless further request for repair or clean-out is received. Smith stated she could do that and would reflect that in the minutes.

7. DD 9 WO 229 - Discuss W Possible Action - Completion Reports On Upper Main Tile Diversion

Gallentine stated this is the project on Tom Robert's place, this is the Completion Report and we are waiting to see if you wanted to combine meetings on the same day, the Trustees can tell Gallentine when they want to hold the Hearing. Smith consulted the calendar, Smith stated this needs to be 10 days out past the mailing and publication date, we could look at May 26, June 2, and June 9th you have a large agenda, so would avoid the 9th. Gallentine suggested June 2, 21. Smith stated June 2nd would work, she could have notices out this week and publication next week. Gallentine stated he preferred June 2nd. Smith suggested June 2nd at 10:00 am.

Motion by Granzow to hold the DD 9 Work Order 229 Completion Hearing June 2, 2021 at 10:00 am in the large conference room of the Courthouse. Second by McClellan. All ayes. Motion carried.

8. DD 25 WO 1 - 6501 - Discuss W Possible Action - Completion Report

Gallentine stated this is the same thing, the Completion Report of tile installed south of Garden City, we just need to schedule the Completion Hearing.

Motion by McClellan to hold the DD 25 Work Order 1 Completion Hearing on June 2, 2021 at 11:00 am in the large conference room of the Courthouse. Second by Granzow. All ayes. Motion carried.

9. Other Business

Smith thanked the Trustees for their help with all of the DD 167 landowners this morning, it is appreciated.

Gallentine provided a few updates on the work orders last week:

DD 131 was approved, we were to go out and look at it and if it is nothing big it can go to the lottery system. It appears to be a plugged tile, we are not quite sure of the exact location, but Gallentine thinks we can just send that to the lottery system.

DD 86, we went out and tried to find, the railroad tracks that they said it was by, it is actually by the other tracks, it is up by Monarch Pond, so we are going to try and go back out and locate that one again. McClellan asked if that was DD 126, Gallentine stated DD 86, that is up by Monarch Pond and Dago Lake.

DD 121, which is on the southern part of the County, the Trustees had authorized an investigation, Seward was out there last week, and there was obviously some issues going on, he called into Smith and asked when can I get this fixed, Gallentine stated we will get you the repair summary and then you can authorize a fix, it is not quite as widespread as we thought but there is still a decent amount of work that needs to get done there, lots of tree roots and repairs, just lots of issues. Gallentine just wanted to provide an update on some of the open work orders.

Hoffman stated the only comment he had from the earlier part of the meeting today, Hoffman would beg to differ with Calloway, Hoffman stated he would tow the line, this is definitely not taxation without representation, Granzow stated this is not even taxation. Hoffman stated a service and product were rendered, and does not want the public to believe that they don't have a voice in this. McClellan stated they do, they just choose not to attend. Granzow stated they may not have a voice, we allow them to have a voice, they just chose not to attend. Hoffman stated you can look at our minutes and our meetings, we more often than not have landowner meetings over some of the most ridiculous and minuscule things in our eyes, but we 99.9% of our time we go out of our way to make sure the landowners have a voice, and whether it is balloting or a raise of hands, or sheer opinion, Granzow stated or postcards, Hoffman stated he thinks that communication goes back 10, 20 or even 40 years. McClellan stated if they can't attend they can always call the Clerk. Hoffman stated there are more options today than there have ever been to have a voice, so he would strongly disagree, but he got a hug from Calloway so that is all that matters. Hoffman asked for adjournment. Gallentine stated being around County government, City government and drainage districts, Gallentine thinks that drainage districts are the only government entity that Gallentine knows of, if you spend \$50,000, soon to be \$130,000, you have to notify the landowners, the City when they come up with their annual budget, they don't send postcards out to the landowners, they just follow the publication requirements, and that is true of most County projects too. Gallentine thinks drainage districts are actually one of the more informed forms of government to the landowners. Hoffman stated until you get the bill, then it hits home.

10. Adjourn Meeting

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

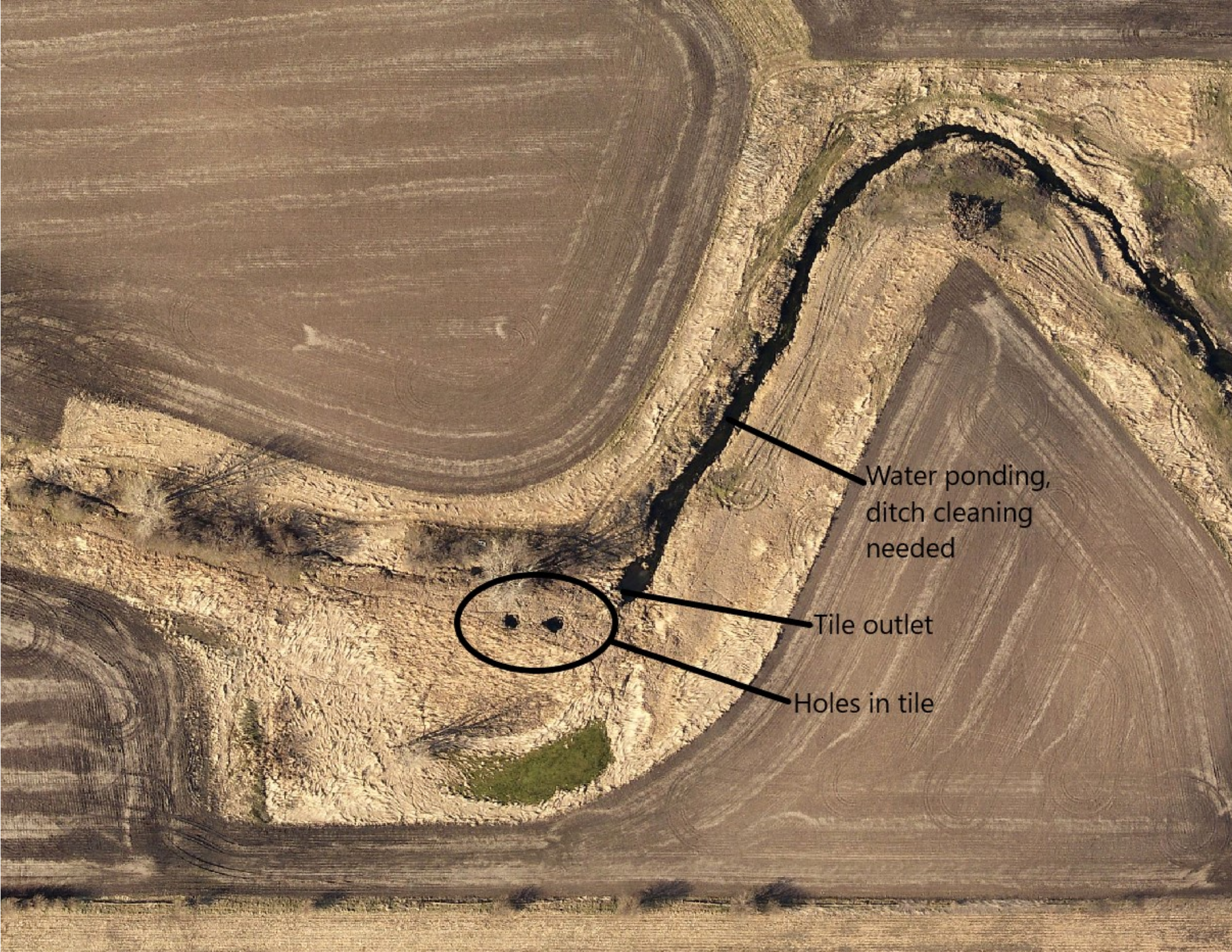


Hardin County

Drainage Claims with Pay Date of 6/25/2021

DD 42 WO 297 Tile Inv, repair, labor, equipment	Honey Creek Land Improvement, LLC	965.00
DD 131 WO 310 - Tile repair, parts, labor, equip	Honey Creek Land Improvement, LLC	2,979.48
DD Big 4 Main - Repair of slough on ditch	Jensen Excavating Inc.	4,675.50

Total Regular Payables: 0.00
Total Stamped Warrants: 8,619.98



Water ponding,
ditch cleaning
needed

Tile outlet

Holes in tile

