

REGULAR DRAINAGE MEETING

Wednesday, March 3, 2021 9:30 AM

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

3/3/2021 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson BJ Hoffman opened the meeting, also present were: Trustee Renee McClellan; Trustee Lance Granzow; Mike Richards, Davis Brown Law; Lee Gallentine, Clapsaddle-Garber Associates (CGA); Cindy Ioerger, landowner; Michael Pearce, Network Specialist; and Denise Smith, Clerk.

2. Approve Agenda

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

3. Approve Minutes

Motion by Granzow to approve the minutes of Drainage Meeting dated 02-17-2021 and DD 11 Landowners Meeting 02-17-2021. Second by McClellan. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by McClellan to approve the claims for pyment with pay dat of Friday, March 5, 2021. Second by Granzow. All ayes. Motion carried.

DD 26 Lat 4 - Eng Svcs 1/20/21 to 2/03/21	Clapsaddle-Garber Assoc	\$636.75
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5. DD 14 WO 290 - Discuss W Possible Action - Landowner Concerns

Smith stated Cindy Ioerger is here with us today and she has expressed some concerns to Smith over a work order recently submitted in her property, and Smith stated she had spoken with Ioerger on Friday and Ioerger had expressed that she had another issue she would like to see go into the process. Smith stated she would leave the floor to Ioerger and she could express herself to the Trustees.

Ioerger stated she had heard through the grapevine that Ronny Vierkandt had come over here and paid for some stuff, Ioerger stated let me go all the way back, when the County tile was put in on our property, and Ioerger's property where her sister Annette Sweeney lives, Ioerger sold her the building spot, and Ioerger has 160 acres there and has 120 acres across the road, and on the corner of the NW corner of the 120 acres, there is 5 acres in CPR ground, and way back when and Ioerger is sure we can find this if it comes down to this, was put in, Ioerger's Dad has always said the Vierkandt had done something to that tile, we should drain before Vierkandt drains, that was in the 1960's or 1970's, something like that, Dad went to heaven in '81. Ioerger lived in Florida and California and Ioerger guesses at that time Annette was her tenant but is not Ioerger's tenant now, Ioerger stated she came home and her CPR had some massive trees growing up in them, so her tenant, Al Urhammer, we called Kevin Sheldahl who has done a lot of work for the County here for tiling and what have you, we called Sheldahl in to get those trees out of there because they were just massive. When Sheldahl was in there he ripped up a tile, at that point Ioerger had no idea any tile work was done there, Ioerger knows back in 2012-2013 she had a \$10,000 bill, and had no idea they had even done any work on the CPR ground, Ioerger thought there was something connected there, and she had to pay the bill so she paid it, so Al Urhammer and Ioerger were trying to figure out who did all the work in the CPR ground, so she called her brother in law and her nephew Jim, who is working for that company that is doing a lot of work, which is not right, and asked what that word was. Granzow stated it would be disinterested. Ioerger stated he shouldn't't even be involved, and he should be kicked off the Board he is on over here for what he has done, but Ioerger will get to that.

loerger stated we were trying to figure out, older Gehrke did the work, and we tried to get a hold of his son, and were calling David, and when loerger was talking to Jim, she said you know what I feel like, I feel like going up there, your Grandpa always said when Vierkandt put that tiling deal up there, they did something, we should drain first, loerger feels like going up there just like Vierkandt, going in the middle of the night and just ripping everything the hell out of there, of course loerger did not realize that there was non-perforated tile at that point, and blah-blah it was just like learning about what had happened. loerger stated she and Urhammer went up to Iowa Falls and talked to Stacy and Nancy Swarts, and then we talked to someone else behind the desk there and they told us what Sheldahl could do in there because of the tile that was ripped up trying to get the trees out of there, so Al, friendly with Annette and David because they got to put their manure off onto the farm, there is another long story behind that one too coming up. loerger stated so Sheldahl is up there working, and the next thing loerger knows, Urhammer, her tenant was there, and the next thing we know, Jim is there, being the boss, being the boss, being the boss telling Sheldahl what to do and Sheldahl left even before he covered everything up, because he could not stand my nephew and what a big head he was up there, Sheldahl is one of the nicest people. Granzow asked loerger if she could calm down. loerger stated okay, Sheldahl is one of the nicest guys, loerger went to school with him, and he is a nice guy, him and Larry, so then apparently, loerger didn't know that they had these little things that you can go up the tiles and found out, because her Dad always said when Vierkandt did that, there is no way in heck we can ever, ever prove what Vierkandt has done because it is buried. loerger stated apparently he did more, he got ballsy and he put in more later, and Annette told loerger the CPR ground is getting out of control, that is when they switched it over to the CPR ground, and that is when loerger thinks Vierkandt put the other tile in and came up to the young lady over her (indicates the Drainage Clerk), and she said to loerger that he came in and was so apologetic, oh yes, it was my fault, I didn't realize. loerger stated that is a lie Vierkandt know exactly what he was doing, so you know, loerger's nephew was up there, he didn't even tell me the results of that, and then a little birdie told me that Vierkandt came over here and paid for this, he was trying to cover his butt, you saw Vierkandt in full acting mode when he came over, he was trying to cover his butt when he came over, so after telling Jim all about it and he ended up there. loerger stated so at that point she thinks her nephew thought as long as I am out there, growing up whenever we would go out there and cultivate, her Dad said those waterways are precious, do not make a turn on those waterways, go straight across them. loerger stated he would not even let her go out and clip them, a couple times she worked with him (her Dad) and we had the sickle bar out there and we would clip down with the sickle bar and go on the other end and go the other way with the sickle bar would be, if there was going to be a tile that was going to last here, it would have been on our farm.

loerger thinks when Jim was going to come out there and do all that with Vierkandt, and put the thing up the thing, he thought huh, you know, loerger thinks he loaded the manure loader full, had a blowout out back there where the three were reported for the last meeting on the 17th or whatever, and Urhammer called loerger, and she does not know if she was home yet or not but it has been 3 or 4 years ago or something like that, Urhammer called her and said we have a blowout out there, and loerger asked how much is that going to cost her, he goes Sheldahl charges about \$250-\$300 depending on how bad it is but Urhammer said he would go out there and look around. loerger stated Urhammer went back there and thought it was a fox that was in it, but he said it was so decomposed he really couldn't tell, he didn't need to get Sheldahl, Urhammer did it all by hand, dug that up, that gave loerger's nephew a good reference point for the three blowouts. loerger asked how often, you don't have any blowouts and all of a sudden you have three, loerger stated Urhammer said one of the blowouts is to the right and the other two blowouts are down the way, loerger stated she thinks her nephew went out there and loaded the manure loader full as he could get it and ran up and down that thing so the tiles would crush.

loerger stated she did not know the particulars of County tile, and has been educated here, loerger stated she called Annette up and said to her, I can get those blowouts done for like \$250-\$300 each, loerger stated Annette replied that is a County tile and you can't touch them, we had over \$200,000, loerger thinks it was on her north farm and middle farm up through there, we had \$200,000 it is only fair you pay to get those old tile out there, they are so old anyway they need to be replaced anyway regardless if there was blowouts or not, loerger stated quote unquote from our Senator. loerger stated so then we had the meetings, then across the road on her 120 acres, Annette lives right across there where loerger was raised and could be living now if she wanted to but sold it to them, so right across the way there, there is another and this is what I need the permission to do whatever with. loerger stated Urhammer said he thought that they had been when they took the manure over there, they went up there, and Urhammer said to loerger not this spring but the spring before, it was really wet, and the only way they could get out of the field there, they connected to some grain truck and the only way they could get out of there was Urhammer drug the

grain truck through there, and he thought he was the one who really did the damage to that tile and he wanted loerger to say today, when you go across to the 120, when you go right across there, there is an intake and he says the only thing we need help with and with an ok is to make sure that the intake is still working, he went out there and thinks it is still working, and we wouldn't even need the ok but he still would like to make sure that that intake is still working and from that intake on through where he drug the grain trucks through, he says there is about 150' to 200' that need to be replaced. loerger stated that Urhammer and Sheldahl, and Sheldahl will not come out there is any of the Sweeneys are going to be out there, loerger has texted Annette and David, and her two nephews, and there is no longer no trespassing on her ground, loerger got no reply from them. Granzow asked if loerger was talking about Kevin Sheldahl, loerger stated yes, he has done work for you folks. Granzow stated no, Hoffman stated actually he hasn't. loerger asked for the County he hasn't. Granzow stated he refuses to get any insurance so we can't use him. loerger stated so he had a connection with you something somehow, that 150' if you tell us what needs to be done there, and loerger told Urhammer when we do the work over there, she will come over there so if Jim, or David or Annette walk over there, loerger will call the cops and say you are no longer welcome on my property, so you guys have got to decide what we are going to do about that.

Granzow asked if loerger was making a request to do some televising, loerger stated if that's what it needs to be, but somebody else was out there, David like in December. Gallentine asked if he could interject, he thinks the tile she is currently talking about across from the Sweeney place is DD 41 which is a different district, that is the one where there are two tiles out there, there is a district tile that appears to be flowing and there is non-district tile that is private, that has been identified since the 1970's whenever Smith found that old letter. loerger stated that tile is concrete compared to her clay tile on 160 that is in the back, and it is a conflict of interest, those were the words I was trying to find out, her nephew should not have gotten involved with any of this, number one, being on some Board over here, Granzow stated he is not on a Board, he is an employee of the company. Hoffman stated but he is on one of our Boards and Commissions. Jessica Sheridan stated he is on the Board of Adjustment. Granzow stated he thought it may be Zoning, Sheridan stated it was the Adjustment Board, Hoffman concurred. loerger stated do whatever you have to do with that and like loerger said, she will go out there and actually help Urhammer and Sheldahl with that.

Granzow stated there are a couple of suggestions, Kevin refuses to get insurance so we can not use him he won't work for us, Hoffman stated as Drainage Trustees, Granzow stated you have to be hired by the Trustees to do the work so the option would be to petition to take it away from us, then you guys can do it how you see fit, McClellan stated that would have to be the whole district, Granzow stated the whole district would have to go. Hoffman stated he would add that first and foremost, he wouldn't be doing his job, he is going into year 5 here, and asked Sheridan to switch back to the zoom because he believes our attendees deserve, Hoffman wants to look Gallentine in the eye and say Lee Gallentine purchased Ryken Engineering and then collaborated with Matt Garber at Clapsaddle-Garber. loerger asked that is who Jim works for. Hoffman stated yes and can tell loerger that Lee Gallentine has the utmost respect in Hoffman's book, when Jim was finishing school at Iowa State, and had to take his professional engineering boards, we discussed what Jim could and couldn't work on, and it is one of those things where Code and our rules, the separation distance that is required is ridiculous. loerger asked who was out there in December. Hoffman stated it could have been Clapsaddle-Garber, loerger stated her tenant said he had never heard of anyone being out there in December, of all times, and not even contacting her, Jim had no right, he wants to be the big man because through finagling her mother's will, Jim will be getting that and that is a whole other deal. Granzow stated but that is not our deal though. loerger stated but he had no right even being out there or ordering anything.

Hoffman stated before we go down that road, we have addressed the disinterest engineer part of this, though Jim if he was out there as a tenant or, loerger stated he wasn't a tenant and that is something else they lied on, on the minutes for the meeting, all the orders, the order was put on out west by Jim, he was not a tenant, and the order on the one across the road was put on by loerger's brother-in-law, they had no business doing that. Hoffman stated he has talked to Smith about this, and we actually had to dig in and find out that there was a living trust or a living estate so Smith has acknowledged that she should not have taken any input from those people, shame on Smith. loerger stated you live, and you learn, right. Hoffman stated, trust me, this wasn't anything malicious, and Smith just isn't like that, she doesn't have the heart, she is here to work with you. loerger stated she agreed with that, but Jim is just trying to get this all taken care of so Aunt Cindy has to pay for it, it is just that simple, simple. Hoffman stated It him go back to the

Clapsaddle-Garber part, Hoffman does not believe unless Gallentine wants to correct him, that Jim has been out there working with Clapsaddle-Garber, Hoffman asked if that was correct, Hoffman stated he won't let him touch that. Gallentine stated he does not work on any districts in which he has relatives who are landowners and that just isn't Cindy Loerger's ground, that is George Loerger's ground, that is Westhenry Loerger's ground, and those are farther away relation than Gallentine believes Cindy Loerger to be. Granzow stated that is in all districts, not just this one, he is not allowed to work in any district with landowners he is a third cousin to. Gallentine stated it is not just this county it is in Franklin County too. Smith stated we have a signed Memorandum of Understanding with CGA. Loerger stated she knew Jim was up there for a fact on the CPR ground when they put the little thing through to find out about Vierkandt, Loerger stated she knew for a fact that he was there. Gallentine stated if he was, he was not there as an employee of CGA.

Hoffman stated he was going to speak for himself here, if this is something that we need to request to make Gallentine be very clear to Jim Sweeney, he really needs to distance himself from this, Hoffman does not want there to be any perception that he is involved or engaged in the day-to-day operations on any parcels or with any parties in any disinterested discourse. Loerger stated when we had that second meeting you folks sent David Sweeney a letter to Loerger's home, Loerger took that letter down to David and David's exact words were quote unquote well you Jim said, his company, those were the exact words out of her brother-in-law's mouth, Loerger stated if you don't think Jim Sweeney is involved with this you all have the wool pulled all over your eyes. Hoffman stated we are not judge and jury. Granzow stated let's go to attorney Mike Richards for comment. Hoffman stated one last thing, Hoffman has confidence if he needs to have a come to Jesus with Jim and remind him of what his professional and fiduciary duties are and what they aren't, Hoffman has confidence Gallentine will do that. Smith stated we do have a signed Memorandum of Agreement with Gallentine and Clapsaddle Garber that Jim is not allowed to work on any projects in which he has third generation removed relation. Loerger stated and he definitely was, Hoffman interjected and stated let me finish this up first, Loerger stated time for a lawyer. Hoffman stated my comments would be Gallentine if we ask him as Trustees, that Jim knows don't go out there with Honey Creek Excavation and don't go out there with Paul Williams Excavating, stay away because, Loerger stated no trespassing, Hoffman stated well that is a criminal thing and we don't have the authority, that is a you thing, but Hoffman stated he thinks Gallentine can help us reinforce that the farther he stays away the better off he is going to be, it is kind of like these no contact orders the Sheriff deals with, just because the person that doesn't want to see you has emotions today and is ok with you coming over for dinner doesn't mean you didn't violate that, stay away means stay away, Granzow stated or they are living together at the time, Hoffman stated so we, the three of us, can engage in a dialogue at some point, today or going forward, that Jim's boss needs to have this discussion and just say hey, stay out of this, this is a bad situation to get into, but Hoffman is not his boss, but he has the utmost confidence in Lee Gallentine to have that discussion if he needs to have it. Gallentine stated he will have that discussion, but he will say that he can not force an employee to give up any landowner rights they may have within a district, Hoffman stated absolutely, Gallentine stated he can tell him professionally they are not working on that, and that is what we have been doing and will reinforce that but if he is involved in any district in which he has relatives of a third cousin or closer, he is doing that solely as an individual and not as an employee.

Hoffman stated this is a slippery slope for us, for Gallentine and is hoping that Loerger stated it is totally a conflict of interest, no matter what they say. Hoffman asked Mike Richards to comment as the only attorney in the room today. Richards stated he would like to see the Memorandum of Agreement that Gallentine has and thinks we should have that conversation with him again to remind him, we have an allegation by someone that it is violated, it is just an obligation that we should do some digging into to determine if that was done or not done. Richards stated there is some question on whether he is doing something on behalf of a corporation or whether he is doing it individually, so Richards understands the allegations that were made, and again he wants to dig into it a little bit and is not prepared to say right now whether anything has been done right or wrong. Richards stated to him, with all due respect, it is simply an allegation and it is based on a person's perception, just like in a court of law, there are different points of view on various different things, Loerger stated she had witnesses, Richards continued on what is accurate and what is not, sometimes, it needs to be on impressions and facts from both sides. Hoffman asked if Richards could provide for all of us, who can start a work order or request work to be done, Hoffman knows it is up to the Trustees to initiate it, but who on the outside can initiate that work order with the Drainage Clerk legally. Richards stated they would have to have an interest in the land in order to do so or be affected by where the tile is, so you have to be somewhere in the drainage district and be affected by what you perceive to be an issue on the tile, so it doesn't necessarily have to be downstream where I think there is a plug, even though my property is adjoining that, that doesn't mean that I can request a work order on that

tile in that location, if it is affecting me then you can put a work order in to at least have an examination. Richards stated Gallentine would have more day to day involvement in this but the Drainage Districts and the Trustees have a permanent easement to access wherever there is issues with the tile, an adjoining landowner would have some right to put a work order request in if a tile has an issue on a property that is not his, if it is affecting his property, Richards asked Gallentine if he had any comment on that at all.

Gallentine stated you are 200% right , anybody that has an ownership interest or an interest in land within the district where repairs need to be done, Gallentine stated he believes even the Trustees can self-initiate repairs, Richards stated that was correct and forgot to mention that. McClellan asked if Jim, McClellan is not sure if he owns ground in the district, loerger stated she does not believe he does, McClellan stated if he is acting on behalf of his parents or something, and not acting under CGA association there, if loerger were to get a restraining order, Hoffman stated a cease and desist, McClellan stated some kind of an order to keep them off the property, he would have to send someone else out there in order to, Granzow stated he would anyway, McClellan stated she means it would come here, and we would send somebody, and McClellan is curious as to what that would be. Richards stated loerger has a right to enforce her property right for her property, so if she wants to prevent Jim from accessing her property then she can, and be it especially, the only exception to that rule would be if Jim was on that crew that was going to fix tile, and Gallentine has already said that is a situation that never happens, Richards can't really provide advice to someone other than this Board, because then that gives Richards a conflict of interest, but she has property rights, that she can enforce against any individual. Gallentine stated just for clarification, he misspoke when he said the tile east of the Sweeney place was DD 41, it is actually DD 42, excuse me. Granzow asked if in DD 42 is where loerger wants to get it televised, Hoffman asked if loerger was requesting a work order. loerger stated yes or that other thing you were talking about. Hoffman asked if we could move on from DD 14 and excuse Richards. Granzow asked do we want to look into an investigation as of right now to the allegations. Hoffman stated yes.

Motion by Granzow to put an investigation to look into the allegations.

In additional discussion on the motion, Granzow asked if that was what Richards was looking for. Richards stated, yes, and Richards needs to be provided with information in regard to the letter of understanding with regards to how you get information on the letter, if Jim accessed the property in December improperly, Richards does not know the answer to that question. Gallentine stated he can give Richards copies of all the time sheets for both DD 14 and DD 42 and they both clearly show Jim Sweeney was not working in those districts. loerger stated she thought Dave was out there on the east part. Richards stated he would like to review all of that and confirm it and then report back to the Trustees, Granzow stated that is what he is asking for.

Second by McClellan. All ayes. Motion carried.

Granzow stated Dave is not an employee of CGA. Gallentine stated Dave Sweeney is not an employee of CGA, the only Sweeney we have employed is Jim. loerger stated she did not think so, but he had no business being over there. Granzow stated that is civil that is not drainage.

Hoffman stated just to circle back, Smith will provide the MOU (Memorandum of Understanding) to attorney Richards, Hoffman asked if Ms. loerger wanted a copy of the MOU also, to see what Jim did or didn't sign. loerger stated sure. Hoffman stated you will provide that, and you will provide loerger with the petition and instructions for dissolution of the district. Smith stated yes.

Hoffman stated now on to issue two, Hoffman asked if loerger was asking for a work order to be issued because of issues on that property, is that correct. loerger stated yes. Granzow stated she asked to petition also, before we spend any money on a work order, should we see if she wants to petition first. Hoffman asked Smith how many people were in that district, Smith stated she would have to pull the schedule and look, it is not large. Granzow stated Smith can get all of that information to loerger. Smith stated she can mail it to loerger. Hoffman asked if loerger would rather wait on a work order which is going to cost something or would you rather look at the petition. loerger stated the cheapest way for all of us and the easiest way for all of us. Hoffman stated well the petition is not going to be easy. Granzow stated he can guarantee we are at least \$5,000 in to make that motion. Hoffman stated for a petition, let's just say if there are 50 owners you are going to have to get signatures, Hoffman asked what percentage of signatures

are needed for the petition. Smith stated she thinks it has to be a majority of landowners, Hoffman stated let's just say there is 50 owners, you are going to have to collect 26 signatures, go door to door, and door knock to get those signatures to dissolve. Smith asked if she is looking at DD 42 or DD 14 on dissolution. Granzow asked Gallentine if DD 42 was correct. Hoffman stated no, DD 14. Gallentine stated he thinks loerger is talking about both, DD 14 is the district that has Ron Vierkandt and DD 42 is the one that is across the road from Sweeney house. Hoffman stated ok so DD 42, Hoffman stated he does not know the number but let's just say there are 50 people in that, 50 landowners, you are going to have to get a majority of signatures and then asked what the process then looks like, the two-cent version. Smith stated the two-cent version is once that petition has been signed by the people you have gathered signatures for, you just need to let Smith know, we will need to present it to the Board at a meeting, just let Smith know and we will put it on the agenda and the Trustees can review the petition. Smith stated if you gather enough signatures, it is Smith's understanding that all work will cease in the district and we will have to go through Code and review those sections, Smith has not done a dissolution yet so Smith will have to make sure she has reviewed Code and will make sure she provides loerger with copies of Code as well. Granzow asked if Smith would get loerger a list of all landowners as well in both districts. Smith stated she would. McClellan asked if there was a minimum number of acres that has to be represented in that also. Smith stated she would have to check Code, maybe Richards knows. Richards stated he did not know off the top of his head and would need to look. Granzow stated he thought it was landowners and did not think it was a remonstrance. Hoffman stated Smith provided him a sample for what district he is in. Hoffman stated we will get that to loerger and asked if we want to recess for the 10:00 AM meeting after drainage. Smith stated you can recess or table the remainder until next week. Hoffman asked what Gallentine's schedule looked like the rest of the day. Gallentine stated he is available the rest of the day. Granzow stated we are done with Richards. Hoffman stated Richards is more than happy to be excused. The Trustees thanked Richards for his participation. Hoffman stated he would accept a motion to recess and that would give Smith time to go upstairs with loerger and get her documentation and we can have our 10:00 AM meeting and reconvene. loerger stated back to the CPR ground on the corner and how Vierkandt has roused loerger and her family for years, is it time for a lawyer. Hoffman stated he can't answer that. Granzow asked if loerger has filed anything at this point. loerger stated no, that is why she came today. Granzow stated this is the beginning, the is the starting point, we don't go backwards, that is the easiest way to put it, if we never do a problem, and if we go backwards in life, we could correct a lot of things. loerger stated well the thing is he went over to Smith and admitted that he put that tile in. Granzow stated ours is investigation of the drainage tile and thinks loerger is talking private tile. Smith stated Work Order 291 has been dealt with, that was the private tile that Vierkandt installed and joined to district tile and found the issue on. loerger stated for years he got by with it, and the act he put on with you.

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

6. DD 160 - WO 283 - Discuss W Possible Action - Update

Motion to by Granzow to come out of recess. Second by McClellan. All ayes. Motion carried.

Smith stated this was for the issue we had up by Pine Lake Processors, we had an issue with a culvert in the ditch that needed to be removed so that they would have an open path to the drainage structure below. Curt Bunte of Iowa River Railroad reports that the culvert has been removed and mentioned it under Other Business last week, just in case you want to have CGA go out and verify that the culvert has been removed, and maybe we could close the work order if that is the case.

Motion by Granzow to have CGA verify removal of damaged culvert. Second by McClellan. All ayes. Motion carried.

7. Discuss W Possible Action - Drainage Assessment Project

Smith stated the Trustees had asked Smith to reach out to Richards with some questions and Smith reached out to attorney Mike Richards, Smith stated we had a few questions for him: what are Richard's thoughts on the legality of a \$40 per parcel assessment as opposed to one based on their percent of benefit under the classification schedule. Smith stated she does not have a reply back from Richards yet, the other questions we had asked were the Treasurer had expressed concerns about what Richard's thought would be if the Trustees can assess more than the projected budget needs for the year, Smith asked Richards

that also. Smith stated she also asked the Treasurer's question is there a reason we give the landowner until September 30th to pay their assessment if they do not select a waiver option. Smith stated she is just really waiting on a reply from Richards on that, once we have that Smith will agenda this again, we also have the letter to review. Hoffman stated just to be fair Richards explained in the one email he had been in arbitration; he has been very busy. Smith stated she did not want to pester Richards, she just wanted to make sure he could be here. Smith stated if the Trustees wanted to review the letter for possible assessment that would be going out to the Private Trustees, we could do that today or another day, whatever they prefer, Smith provided the Trustees with another copy today with your agendas. Granzow asked if this is the letter which proposes all of this to the Private Trustees. Smith stated yes, and that is her original draft and we have made no changes. Granzow stated let's not review that letter until we have our review of the questions by Richards. Smith stated that pretty well covers all she has for the Trustees on this item. Granzow stated and # 8, Smith has one more question on # 8.

8. Discuss W Possible Action - 2021 Drainage Assessments

Smith stated she is going through the 2021 assessment process and one of the steps in her assessment process is to verify all of the parcels are within the boundaries of the drainage district on the map, so that she is assessing the correct parcels, and the right people get that notice. Smith stated she has run into a couple of issues with the districts she is working on, Smith has emailed Gallentine for some clarification, and just wants to make sure the Trustees are aware that she is making those communications, Smith stated a good example would be in DD 123, she had some discrepancies with 4 parcels, and Smith just wants to make sure she is interpreting the maps correctly, and if there is a fee for Lee's time on that, Smith stated she feels it should go to the District she is working on, that that should go to them because we want to make sure these schedules are correct, especially as we look at going into next year. Smith stated she does not really have a good resource to pull in right now for these types of questions, so Smith just wanted it to be on the Trustees radar and if it is all right with the Trustees that she has these communications with Gallentine. McClellan stated absolutely, we need to know we are assessing the correct properties. Smith stated some of these districts that we haven't assessed in a long time, we may see some of that, Smith just wants to make sure that when everything got transferred into Tyler that it got entered correctly. Gallentine and like most district projects, if it doesn't take much time, we are not going to bill you for it, it is just an email or two or just some phone conversation, we don't bill you for that. Smith stated she appreciated that and thanked Gallentine for his help.

9. Other Business

Granzow asked what Smith found out with loerger on dissolution. Smith stated loerger did not stay and wait for the information, Granzow asked if she got the information though, Smith stated no, she would not stay while Smith was looking up the information for her. Smith stated she pulled her Code book out and started to look for dissolution because Smith has not done a dissolution, Smith wanted to make her copies of Code, Smith stated loerger said she will return tomorrow morning for them, but would not give Smith a time, Smith will have copies prepared for loerger on dissolution and taking a district to a Private Trustee district, and Smith will give her a sample petition, but she refused to stay. Granzow stated he didn't care if she stayed or not, he just wanted to make sure she got her information. Smith stated she didn't, she left, she is coming back tomorrow.

Smith stated she had an update form the Trustees on the IDDA, she got an email back from John Torbert of the IDDA, he thanked us for your membership and said as far as billing us for the upcoming year, their year usually operates on a July 1 to June 30th fiscal year so he didn't think it made sense or was fair for us to have just pay a full years dues and then get billed again in a few months, Torbert stated he would break down our dues to a monthly equivalent to amortize them, our annual dues were \$3,300, so he would break that down to a monthly payment. Our dues paid in February 2021 will be good until January of 2022, so when we are invoiced next spring it will be just for 5 months of membership, February through June, and then when they go back to a full year schedule, we will get an invoice for the full amount. Hoffman stated instead of issuing a refund and giving us credit, they are going to do this. Granzow asked if the Trustees knew Franklin County pulled out of it, Granzow did not know this until just recently last week, the other Trustees were unaware of this. Granzow stated they told him, and he forgot why, they told him they were

unhappy with the support they got from the IDDA, Granzow asked Gallentine if he knew why. Gallentine stated what he thinks Franklin County was pushing for was they wanted the districts to pay for road crossings instead of secondary road department, and they wanted IDDA to change the legislation and the IDDA didn't feel that was an important thing to push. Granzow stated they did not tell him that part. Gallentine stated if memory serves him, he was not sure why they think the district should pay for the crossings instead of the road department but that is what they were thinking of. Granzow stated because it is expensive. Gallentine stated it definitely could impact Secondary Roads budget. McClellan stated it could also affect the drainage district if it is theirs. Hoffman stated but a county road crossing has how much percentage of benefit, Hoffman stated he could argue it both ways. Granzow stated he would rather push the fact that he does not believe that Secondary Roads should be assessed anything through the fields, only the road crossing. Gallentine stated they get hit twice, because they pay for the assessment and they pay for the road crossing too. Granzow stated he believes it should be one or the other, and could argue that fact easier, McClellan agreed, Granzow stated because it is a road crossing and they should pay it, and in the same statement he believes the railroad should pay for their crossing. Hoffman stated they are making money on the commerce, that is a device, a facility of commerce, compared to a road where no one is making anything on that roadway, that rail, they are charging per bushel or per gallon. Granzow stated we do make fuel tax.

DD 17 – Smith received a call from John Wibholm in DD 17 this morning just before the meeting, he had some drainage issues that Smith needs to write a work order for, in his own parcel, so Smith will get that on a work order for next week.

DD 14 - Hoffman stated he wanted to go on the record to make sure we all understand that nobody needs to be at fault for what happened on this reporting thing, if you look at who is listed as the owners of that parcel, it does have Cynthia and it does have Annette Sweeney with ET AL estate, husband and wife, so out of good nature, it needs to be on record that Mike Richards and or Cynthia's attorney at some point, Hoffman is guessing want to get involved with this, the reason that it was assumed that both were interested parties it is because their names are on Beacon and the title, that is why Smith, Hoffman believes appropriately initiated things. Hoffman just wants that to be noted that Smith was doing her job, and while Cynthia today might say she is fine with that, it goes without saying that putting something on the record today that we agree that she was doing her job, it could be argued later that she wasn't doing her job, and she didn't contact the correct person. Gallentine stated he could chime in by saying he has seen quite a few Drainage Clerks, and Gallentine stated not only does he feel she is doing her job, she is doing her job very well. McClellan stated she does too. Smith thanked the Trustees and Gallentine. Hoffman stated he knows, and maybe Smith doesn't want her to say this, she took it very personally, she takes her job very personally every day, it doesn't matter if you are Cindy loerger or you are Randy Silvest or you are Steve Perry, she takes her job serious, a last name doesn't matter to her, she does her job. McClellan stated and it shouldn't matter, Hoffman stated McClellan was right. Granzow stated he was up there with Smith in her office, and we pulled that up and got the living estate with both names and at that point, Granzow asked what his comment to Smith was. Smith stated I think we are covered or something similar to that effect, Smith stated she really wants to do a good job and she certainly took that report with no malice and no forethought because honestly Smith does not know who a lot of these landowners and does not know who their tenants are because for Smith to be assumed to know that for 200 districts it is kind of tough. Granzow stated in hindsight, he does not put that weight on Smith's shoulders, that is the Trustees shoulders, McClellan stated exactly, Granzow stated you took the message and you brought it to the Trustees, and we made a decision, the weight is on our shoulders, not Smith's, was the question asked to you at that time, no, who is at fault if anybody, don't take it personal, it is on our shoulders not yours, it is on your shoulders when we ask you something and you potentially give us the wrong answer. Smith stated she certainly tries hard not to do that, that is not her intention ever. Hoffman stated agreed, he just wants the record to reflect that because he does not think we have heard the end of this by any means. Smith stated just so you are aware she did call Smith last Friday, and it is really difficult for Smith to circle back to the issue at hand, and expects she will get more phone calls yet, just so that the Trustees are aware that Smith tries to keep the lines of communication open because that is also her job, Smith will do the best she can in every way. Granzow stated it may be important to ask if she has gotten an attorney at any point, Hoffman stated he would make that one of Smith's number one questions, Granzow stated at this point it would be in litigation and I can only talk to the attorney. Hoffman stated even if she has consulted with an attorney, that should be enough to say we need to stop the conversation for the moment and we need to engage Mike Richards. Smith stated loerger's comment prior to today was that if she felt she did not find satisfaction in today's meeting that she would contact her attorney, and she gave a name,

it was Coonley and Coonley, and Smith did not remember what town they were from, but she expected that if she needed them, they would be utilized and she would possibly bring them to the Drainage Hearing on the Engineer's Report, that would be our next step meeting when that Engineer's Report for that district is generated, just so the Trustees are aware. Granzow stated she has already said in the meeting she is planning that so it sounds like that could very well be the answer. Granzow asked if that is what she told you. McClellan stated that is what loerger said here, Granzow stated he meant when she was talking to Smith, so Granzow would ask if she has legal we are done, we will deal with legal. Smith can communicate that to her, Hoffman stated he would wait until loerger brings that to you, he would not scare her off with that. Granzow stated if she has legal at this point, we need to know, and then the attorney can get all that information from you. Hoffman stated saying that, let's say she does get legal involved, and Mike Richards has to be involved, Hoffman stated then that district gets charged, Hoffman stated so she will pay for her legal and she pays for the districts. Smith stated just so you are aware, there is another district Smith will assess this year in which she is a landowner in that district as well, just regular assessments.

10. Adjourn Meeting

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