

## REGULAR DRAINAGE MEETING

12/14/2022 - Minutes

1. Open Meeting

Open Meeting Hardin County Chairperson BJ Hoffman. Also present were Trustee Lance Granzow, Trustee Renee McClellan; Lee Gallentine of Clapsaddle Garber Associates; Dan Kumrow; Mike Bostrom; Matt Topp; Michael Pearce, Network Specialist; and Michelle Witt, Drainage Clerk.

2. Approve Agenda

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

3. Introductions/Attendance

Introductions were made and attendance was verified.

4. DD 56 - Discuss W Possible Action - Damage Claims

Witt stated we had two damage claims at our last meeting submitted by Mike Bostrom and Merlyn Hegland. Witt stated she verified that Bostrom had 9.18 acres and his total was \$13,854.46 using USDA crop insurance prices for 2022 at \$6.86. Hoffman asked Bostrom if he had anything to add to that. Bostrom stated that is accurate. Granzow stated Witt had the yield at 220. Bostrom stated he had his report from this year, and it was 242. Granzow stated he was just pointing that out. Granzow asked if Witt wrote that on his claim that it was 220 bushels per acre. Bostrom stated that was what he put on his original claim. Witt stated that is what she went off of the claim that was filed at the closing hearing. Granzow stated the other discussion we had when we talked about it before, I know you didn't put any inputs in, so should this be less than less. Granzow stated he knows Bostrom used fertilizer. Bostrom stated he put dry fertilizer down. Granzow stated he is assuming he sprayed it. Bostrom stated that is correct. Granzow stated he we should probably subtract the inputs we discussed. Granzow asked if that was fair enough. Bostrom stated that was fine. Granzow asked what Bostrom would estimate that out to be, 200 per acre? Bostrom stated 250 or so. Bostrom asked what Granzow was asking him for again. Granzow stated for the inputs. Bostrom stated his dry fertilizer was around \$200. Granzow stated he was subtracting, so the cost of the seed. Bostrom stated around 3-350. Granzow stated he thought around \$200. Hoffman asked Gallentine to be the calculator. Gallentine stated he would. Granzow stated he would subtract those two costs off. Gallentine asked if it was \$300 an acre. Hoffman stated so it would be \$300 multiplied by 9.18. Gallentine stated it would be \$2,754. Hoffman stated it would be \$13,854.46-2754. Gallentine stated it is \$11,100.46. Granzow asked if that sounded right to Bostrom. Bostrom stated that was ok with him. Hoffman stated we should probably approve these separate as we go then.

Motion by McClellan to accept Mike Bostrom's damage claim in the amount of \$11,100.46. Second by Granzow.

In additional discussion on the motion, Granzow asked Matt Topp since he walked in on the middle of the discussion if he was good with the decision or if he wanted to know how they reached their decision. Topp stated he went to the wrong place first. Hoffman apologized. Granzow asked if Topp wanted to know how they came up with the number. Topp stated he was good. Dan Kumrow stated he had a question. Kumrow stated this is about Bostrom and Hegland, did this area of corn just not produce or was it a lesser yield? Granzow stated it was not a lesser yield. Granzow stated it would have been a crop damage, but they got in prior to the crop being planted, in Mike's case and it was too late to plant. Hoffman stated so potential gains. Granzow stated so there were less inputs than he put in. Kumrow stated when they started, if he remembers right, there was a set number of years they were getting paid for because of compaction also, wasn't there? Granzow stated that was future years. Kumrow stated so they did not figure anything for this year's crop. Granzow stated that was correct. Kumrow stated so that makes sense. Hoffman stated these are good points. Granzow stated we had to get all of this verified by the Right of Way Agent as to how this was negotiated. Granzow stated we have a copy of that email up here if you would like to see that. Kumrow stated that was ok. Topp asked he just wanted to know how much more this is going to cost the landowners. Granzow stated so far, we have approved \$11,100.46.

All ayes. Motion carried.

Hoffman stated the next item up for discussion is Merlyn Hegland's claim. Witt stated Merlyn is not here with us today to discuss this claim, but she spoke with him over the phone so he could help to clarify some things with his claim. Witt stated Merlyn's original claim stated that he planted some in July to keep the weeds down, there was not much crop because frost had already hurt it. Witt stated she spoke with him, he had 40-50% moisture so he took what he planted and dumped it. Granzow asked if that was on corn. Granzow stated he planted some so he doesn't really know how to go about this claim. Granzow stated there is about 19 acres here. Witt stated he claimed 19 acres, according to the paperwork drawn up by the Right of Way agent there was 18.99 acres. So, about the same, but she used 18.99 in her calculation. Granzow stated he would like to know how many of that was actually planted. Witt stated she was under the impression that the entire 18.99 acres was planted. Granzow stated this is a little more interesting because he did plant it. He put the inputs in after the work was already done, he worked the field and planted it. Granzow stated he took the crop, the moisture may have been pretty high, there could be damages on moisture on crop loss, but he dumped it. Witt stated that is correct. Kumrow stated so what you are saying is that Hegland went out and combined it was too wet, so he dumped it in the field somewhere? Granzow stated that is what Hegland told our Clerk. A landowner asked why he did not blend it. Granzow stated he does not know he was not there. Topp asked how much he wanted. Hoffman stated \$30, 613.78. Hoffman stated he is not a farmer or a former 4h member so he would like someone to explain why you would want to plant something in July to keep weeds down. Kumrow stated that is logical. Hoffman stated it is logical to do that. Kumrow stated it depends on what your seed is priced at. Kumrow stated to control the weeds, so you don't have a mess. Granzow stated assuming you don't put any fertilizer or anything else down there with it. Topp stated so he wants \$1,500 an acre for it? Hoffman stated approximately, yes. Granzow stated his problem with this one is that he went and planted. Hoffman stated it is almost \$1,600 an acre. Granzow stated if he left it bare like Bostrom did then it is truly a claim. Granzow stated he does not even know if he put the inputs into it other than the seed. Granzow stated he does not even know what type of seed he put into it just to keep the weeds down. Granzow stated he understands the concept of it, he just does not understand. Gallentine stated he is also wanting \$15 bushel an acre more than Bostrom asked for too. Gallentine stated Hegland put down 235 whereas Bostrom had 220. Hoffman stated the thing is, this is not money that comes out of his pocket. Hoffman stated it comes out of the landowner's pockets, so he wants to very equitable, but he also wants to have some logic to it. Kumrow stated \$1,600 an acre is kind of extreme. Granzow stated he does not know anyone that just dumps corn. Kumrow stated he does not either. Granzow stated even if you blend it or got 100 bushel an acre you got something. Topp asked if you agree to give him \$20,000 instead of the \$30,000 if he can sue. Granzow stated he cannot. Hoffman stated the evidence is on the person to prove it. Hoffman stated Mr. Bostrom is here today to prove what he did or did not do. Granzow stated he planted it, if he got half rate then he got half rate. Granzow stated don't report me 0 because you dumped it. Hoffman stated the other thing is, Lance if you could verify here, he is claiming 235 bushels per acre of very immature corn. Hoffman asked where he gets that number. Granzow stated he got that off of the rest of it. Granzow stated Bostrom actually got 242 this year, but only turned in 220. Topp stated he does not want to make anyone mad and has no reason not to believe what Bostrom says but he does not know Hegland. Topp asked if he got any federal crop money for this. Granzow stated that he probably did not. Kumrow stated that the rest of the crop probably did good, so he probably did not receive any federal money. Topp asked if Bostrom got \$1,100 an acre what if we gave Merlyn that same deal. Granzow asked if everyone was ok with that. Topp stated he was ok with that. Kumrow stated he is ok with that. Hoffman stated you're going to get billed for it. Bostrom stated he did not put in a crop, so he did not have all of the inputs as Hegland had. Topp stated Hegland probably didn't either. Hoffman asked if you plant in July, do you honestly believe you will get a full yield? Hoffman stated he knows Harry Stein and he doesn't think Harry Stein would tell him he would get 235 in July. Topp stated if he gets the same amount per acre that Bostrom does, how can he be mad? Granzow stated that is a fair statement. Hoffman stated you can't argue that. Hoffman stated so that number would be \$20,900. Gallentine stated if you figure per acre, it is \$1,209.20 exactly on Bostrom's. Gallentine stated Merlyn's would be \$22,962.72. Granzow stated that was less inputs, right? Gallentine stated that was what you were paying Bostrom divided by the number of acres multiplied by the number of acres for Hegland. Gallentine stated it was just straight math, he did not figure anything else in there. Granzow stated he is ok with that number if everyone else is. Topp stated they are the only three at the meeting. Hoffman stated that is the thing, as county supervisors when they put their Trustee hats on, they are representing the best interest of the drainage districts. Topp stated \$1,200 an acre a year ago is more than anyone thought they were going to get. Kumrow stated it seems like

a logical answer. Hoffman stated he thinks it is equitable. Kumrow stated he just wants to know if he really dumped the corn. Topp stated if that is what he says then that is what it is. Hoffman stated that is why we found the middle ground.

Motion by Granzow to accept Merlyn Hegland's damage claim in the amount of \$22,962.72. Second by McClellan.

In additional discussion on the motion, Hoffman asked how we know there was not an insurance payout? Granzow stated he thinks the insurance would be the price of the whole field if the yield is dead. Hoffman stated he is just not familiar, so he is trying to learn something. Granzow stated you cannot segregate that little section out. Kumrow stated federal crop insurance is designed for things like a flood or drought. Kumrow stated if you kill it with a bunch of herbicides on accident that is not paid under federal crop damage.

All ayes. Motion carried.

#### 5. Comments/Discussion

Topp stated he had a question. Topp asked Gallentine if the district was divided up now. Gallentine stated the districts were split up as far as classification as far as things are paid for. Gallentine stated it is still one district 56 west and 56 east. Topp asked if that was always this way. Gallentine stated it was not. Gallentine stated it was split when they did the classification hearing and the reclassification hearing. Topp asked date did it get split? Topp stated he was asked to ask that question. Gallentine stated that a long time ago he does not remember that. Witt stated she will try and look on her phone. Kumrow stated so there is now an east and a west and they take care of their own districts, is that correct. Granzow stated the cost of this project is getting split out of both districts. Gallentine stated that is correct  $\frac{1}{2}$  goes to the east and  $\frac{1}{2}$  goes to the west. Topp stated so from now on there is an east and a west. Gallentine stated so if something is done on the main in the east portion the west will not pay for it. Gallentine stated anything that is done on the new pipe the west will only pay for it because it only serves the west now. Gallentine asked Witt if she found anything yet. Witt stated her phone does not get good signal in her she is in the process of downloading the report. Gallentine stated he thinks it was a couple of years ago. Witt stated she thinks so, it was definitely before her time. Gallentine stated it was before they had plans for the project. Kumrow asked if the districts share the same money. Gallentine stated they will not. Topp stated he came in late and asked if they have a total amount for the project. Granzow stated there is not because we just approved these damage claims and there will likely be one more bill from engineering. Witt stated that was correct. Witt stated she handed out an estimate at the last meeting and has the same ones with her at this meeting. Witt stated her phone finally pulled up the reclassification report. Witt stated the meeting had to have been in 2020 sometime when the report was dated. Granzow asked Witt if she had copies of the estimate. Witt stated she did and handed them out to the landowners that were interested. Witt stated for those that want to pay early she can get put together a new estimate including the 2 claims + the interest through October 01, 2023, and send a new estimate out. Topp stated his mom would like that. Topp stated his mom will probably stop in next week sometime if that is ok. Witt stated that is fine. Witt stated she is expecting one more bill but does not know that amount. Witt stated as long as that is fine. Topp stated that is ok as long as they can pay early.

#### 6. Other Business

#### 7. Adjourn Meeting

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