

AGENDA
Regular Drainage Meeting
Wednesday, February 16, 2022, 9:30 A.M.

This meeting will be held electronically and in-person.

To access the meeting call: 1-(312)-626-6799, when prompted enter meeting

ID code: 820 7567 2007

You can also access the meeting online at:

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

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

Documents:

[01-26-2022 DRAINAGE MINUTES.PDF](#)
[02-2-2022 DRAINAGE MINUTES.PDF](#)
[02-09-2022 DRAINAGE MINUTES.PDF](#)

4. Discuss W Possible Action - Pipeline Crossing Policy

Documents:

[UTILITY PERMIT APPLICATION ACROSS DRAINAGE DISTRICT - CURRENT - APPROVED 11-10-2020.PDF](#)

5. Discuss W Possible Action - New Work Order Requests
6. Other Business
7. Adjourn Meeting

REGULAR DRAINAGE MEETING**Wednesday January 26, 2022, 9:30 A.M.****This meeting was held electronically and in-person.**

1/26/2022 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson BJ Hoffman opened the meeting. Also present were Trustee Renee McClellan; Lee Gallentine of Clapsaddle-Garber Associates; Michael Pearce, Network Specialist; and Michelle Kuechenberg, Drainage Clerk.

2. Approve Agenda

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

3. Approve Minutes

Motion by McClellan to approve the minutes of Regular Drainage Meeting dated 12/29/21, 1/18/22, Canvass Meeting Minutes dated 1/18/2022, and DD 56 Landowner Meeting Minutes 12/08/202. Second by Hoffman. All ayes. Motion carried.

4. DD 128 WO 279 – Discuss W Possible Action – Change Order #5

Gallentine stated that he talked with Dean after the meeting last week. Gallentine stated Dean informed him that there is still a spot of standing water directly above the new tile they had installed. Gallentine stated, his comment was, "I have no idea how that is possible." Gallentine stated he tends to agree with him. Gallentine stated he suggested that maybe we come in there in the spring dig out the soil and put in some rock so we can make a french drain so it can drain better and get into the tile. Gallentine stated Dean did not care, he commented that the Trustees/Gallentine should do whatever they think would be best. Gallentine stated Dean told him if there is no action taken, that is ok too. Hoffman stated he is ok if they do not take any action. Hoffman stated they already spent a ton of money out there. McClellan asked how big the spot was. Gallentine stated that Dean did not say. Gallentine stated, depending on if the soil is frozen there is a chance that standing water will can sit directly over the tile, if the soil is frozen. McClellan stated she was weary of doing anything right of way. McClellan stated she would rather get into spring, if he is not in any rush, we can assess it then. Gallentine stated Dean did not seem like he was in any rush. Gallentine stated that he had also asked him about the ownership of the tile. Gallentine stated Dean replied obviously the tile that is offset from the waterway that goes all of the way through his district. Gallentine stated, with the other tile that was just put in district money was used for, Dean told him he is good with whatever the Supervisors would like to do. Gallentine stated, Dean was ok if it was county tile or private tile. McClellan stated she wished Granzow was here, he might have a better opinion on this. Hoffman stated we did not have to do anything right of way. Gallentine stated it can be tabled until next week if Granzow will be around then. McClellan stated she did not think they should worry about it right now if Dean is not upset we should just give it this season to figure out what is going on. McClellan asked Gallentine about the private tile down in the Ditch. Gallentine stated that was the one we were just talking about, whether it should be district tile or private and Dean said he did not care, whatever the Trustees think. McClellan asked where the standing water was to the private tile. Gallentine stated it was right above it. Gallentine stated the tile is underground, above the tile is dirt, and above that is the standing water. Gallentine stated if the soil is frozen beneath it, that water will not percolate down there through frozen soil. McClellan stated she would like to let it go for now and see how the season goes. Gallentine stated to see if it mellows back in. McClellan stated correct. Hoffman asked if that was a motion. McClellan stated, yes.

Motion by McClellan to let this go through the season and see how everything goes in the summer. Second by Hoffman.

In additional discussion on the motion, Gallentine stated if that is the motion the Trustees want to do, we still need a motion on the Change Order and Pay estimate later. Hoffman stated ok.

All ayes. Motion carried.

5. DD 128 WO 279 – Discuss W Possible Action – Completion Letter

Hoffman stated this item is to consider the Completion Letter, that would include the Pay Estimate for DD 128 WO 279 to Jacob Handsaker, Hands On Excavation. Gallentine stated you would have to approve the Change Order first, or maybe they just did that, maybe he missed the motion.

Motion by Hoffman to approve Change Order # 5. Second by McClellan. All ayes. Motion carried.

Motion by McClellan to pay out the Pay Estimate to Handsaker. Second by Hoffman. All ayes. Motion carried.

6. DD 14 WO 290 - Discuss W Possible Action - Engineer's Report On Repairs Or Improvements

Gallentine stated this was the district it has Ron V. and Cindy Loerger. Gallentine stated they got the report done on that so we would need to schedule a hearing. Gallentine stated he believes it needs to be at least 40 days notice per Iowa Code. Hoffman stated he was ok with that. Gallentine stated that they're probably looking at the first part of March. Hoffman stated yes. Hoffman asked Kuechenberg if she can look at the calendar for the Large Conference Room and see what we have. Kuechenberg stated she believes we are looking at the 29th of March. Kuechenberg stated it has to be published too, right. Hoffman stated that was correct. Hoffman asked if we could aim for a regular Drainage Day. Hoffman stated the 30th of March would work. Kuechenberg stated that would work for her. Kuechenberg stated she will get that on the calendar. Hoffman asked McClellan if she thinks 10:00 would work. Hoffman stated this was not a huge district, they do not need extra room for this meeting. Gallentine stated he did not think so either. Gallentine stated the Large Conference Room was perfect for the last landowner meeting in DD 14.

Motion by McClellan to set March 30th, 2022 at 10:00 for the Public Hearing on DD 14 Engineer's Report. Second by Hoffman. All ayes. Motion carried.

7. Discuss W Possible Action - New Work Order Requests

Hoffman asked if Kuechenberg had any new work orders. Kuechenberg stated she did not have any new work orders. Gallentine stated he did not have any new work orders.

8. Other Business

Hoffman stated that he knows we got an email from Mike Richards earlier this week that he will put our stuff at the top of the pile. Hoffman stated we are good there. Kuechenberg stated she did not have anything new for other business.

Gallentine stated he just wanted to update the Trustees, he did go to the Carbon Pipeline Meeting for Heartland Navigator. Gallentine stated it was pretty well attended, it took about 2 hours and 30 mins. Gallentine stated he can forward the information on to Kuechenberg after the meeting. Gallentine stated the packet of information was identical to the first one, the only thing different would be the map. Gallentine stated they are looking at construction by 2024-2025. Hoffman stated he appreciates that update.

Hoffman stated he believes the concern about eminent domain will be the hot button issue going forward. Hoffman asked what, if any, mention of eminent domain was brought up at the meeting. Gallentine stated it was brought up at the meeting but mainly in the question and answer portion of the meeting by landowner citizens. Gallentine stated there was lots of questions on when eminent domain can be used and if there was a threshold if they would have to have so many voluntary easements to use eminent domain. Gallentine stated the response was that no one has requested eminent domain yet so no one can comment on it. Gallentine stated the pipeline company's response was they have no idea if they're going to use eminent domain or not because they could not talk to any of the landowners up until this meeting. Hoffman stated he keeps on getting inquiries from concerned landowners. Hoffman stated he has talked with someone at Summit and they have not once heard of eminent domain out of the pipelines company's mouth at this point in any of the meetings. Hoffman stated the utilities board has to mention it in their disclosure part. Hoffman stated it was only brought up in the question and answer part of the meetings he has attended. Hoffman stated he's talked with Summit's PR and they told him it is not a part of their agents spiel. Hoffman stated he does not think the pipeline company is using that tactic to get anyone to do something they do not want to do. McClellan stated she does not think they will now. McClellan stated she thinks it will come in place if they have a couple of hold outs. Hoffman stated that is right. Hoffman stated if they do that, it's not like they just condemn your land and you get nothing. Hoffman stated the request to utilize eminent domain goes to the utilities board and then it gets assigned to a county compensation commission. Hoffman stated he does not know who is comprised on that commission. Gallentine stated he did not know who is comprised on that commission. Gallentine stated that is his understanding as well that it will go from a utilities board to a county compensation

commission. Gallentine stated that question did come up at the meeting, "if eminent domain is used, will I get anything?" Gallentine stated the boards response was that they would get reimbursement per Iowa Code. Gallentine stated the pipeline company did not bring up eminent domain, it was all landowner concerns. Hoffman stated he is not sure if the 220% crop loss is something that the county compensation commission has to acknowledge or utilize. Hoffman stated he thinks there is some questions there that need to be answered. Hoffman stated if there is any potential, he would like to identify who that commission is going to be. McClellan stated it might be someone that we have to appoint. Hoffman stated right, but wouldn't you rather appoint someone sooner than later so you do not get outside artificial influence later on as who you appoint or do not appoint. McClellan stated true, but you do not know if anyone you appoint is going to be one that lets them go through. McClellan stated we do not know if they will have some type of conflict of interest. Hoffman stated he thinks we should ask Darrell who that commission or board is comprised of. Hoffman stated he thinks that is something that needs to be looked at. Hoffman stated the public fear of eminent domain of which he thinks would be valid after they filed their permits. Hoffman stated if the landowners held out, then he believes you should be concerned of the possibility of eminent domain. Hoffman stated right now, no one is talking about it on the development side. Hoffman stated it is all the fear from landowners. Gallentine stated he would agree. Gallentine stated there is two aspects that they're getting: (1) they need to get the easement to put the pipeline in, and (2) the crop damage, that is a damage thing and not necessarily an easement. Gallentine stated, really, there is two negotiations that occur. Hoffman stated it is a unique situation but he does not think there is any legal precedents or anything the Drainage Trustees can say or do that will influence anything at this point. Hoffman stated he listened to an interview that represented Bobby Kofman that was talking on this issue. Hoffman stated it is a really interesting interview just as much as there are people out there for this project there are some people out there against it so hard that they're persuading their neighbors not to do business. Hoffman stated there is another pipeline that is supposed to go through I80 and eastern Iowa from Cedar Rapids to ADM and not enough people signed up for that, they scrapped the project already. Hoffman stated, According to Bobby, 100's of people signed up for the Summit one so far. Hoffman stated he thinks what someone tells you at church on Sunday morning if you are a proposed easement holder and what they actually signed or did not sign in their kitchen are probably going to be two different things. Hoffman stated Iowa Land Records will tell the whole deal. Hoffman asked Gallentine if they have looked at Iowa Land Records to see where easements have been obtained? Gallentine stated he has not. Gallentine the interesting thing about this second company, it sounds like they're doing theirs through an options type system. Gallentine stated it sounds like they can get you to sign an option to give them an easement and if the project moves forward they actually get the easement. Hoffman stated he has seen some contracts like that for solar and wind. Gallentine stated the other thing to point out, according to the meeting, there is not any plant in Hardin County that will be connected to this second pipeline. Gallentine stated the one in Cleeves is connecting to the first one but no one in Hardin County is connecting to the second one. Hoffman asked what does Gallentine, because the use of eminent domain has to have a public benefit, what do you see as the benefit? Gallentine stated it is interesting, people in the crowd asked the Utility Board member that exact same thing he replied, "when it comes to that, the Utility Board essentially acts as a charge, people for it are acting as one side of lawyers and people against it are acting like the other side of lawyers." "It will be inappropriate for your judge to tell either attorney what they have to prove in order to sway their opinion." "I will not comment on it at this time, they need to present what they present and if you guys are opposed to it, you need to present what you present." Gallentine stated it was interesting because at both the Hardin and Franklin County meetings, right next to the land agents was a table set up with people that held up signs that say, "no carbon pipeline." Hoffman stated he thinks the argument for the public good side will be that this is saving us from Global Warming and climate change. Gallentine stated he thinks that is the argument for the world good side but not for the Iowa public good side. Gallentine stated there are a lot of farmers there that are convinced that they do not want to carbon dioxide out of the atmosphere because it will hurt their yield.

9. Adjourn Meeting

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

REGULAR DRAINAGE MEETING
Wednesday, February 02, 2022, 9:30 A.M.
This meeting was held electronically and in-person.

2/2/2022 - 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; Michael Pearce, Network Specialist; and Michelle Kuechenberg, Drainage Clerk.

2. Approve Agenda

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

3. Approve Claims For Payment

Motion by Granzow to approve the claims for payment with pay date of 02/04/22. Second by Hoffman. All ayes. Motion carried.

DD 128- Change Order #5- Final Pay Estimate #5	Hands On Excavating LLC.	\$14,619.32
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4. Discuss W Possible Action

Kuechenberg stated Mike Richards, our Drainage Attorney, reached out to her and informed her that the Utility Pipeline Resolution we sent him to would change a lot of the standard verbiage in our existing Utility Pipeline Permit Application. Kuechenberg stated Richards suggested if the concern was related to permitting, we should add a Section III to our current pipeline application and pull out some of the key terms from there. Hoffman asked if he could do that for us and send us a draft. Kuechenberg stated she could ask him to do that, she just wanted to update the Trustees on where we were at.

Motion by Granzow to have Mike Richards add a Section III to our current Pipeline Application and present a draft to us for approval. Second by Hoffman.

In additional discussion on the motion, Hoffman stated he would rather have it come from the Attorney to make sure the verbiage and language is consistent through the whole document.

All ayes. Motion carried.

5. Discuss W Possible Action - Water Of The United States

Hoffman stated the next item to discuss is WOTUS, Waters of the United States. Hoffman stated this is the navigable waterway, puddles that will form in your driveway that they're trying to gain control of. Kuechenberg stated John Torbert with IDDA reached out to her in an email and informed her that they're trying implement a new federal regulation concerning Waters of the United States. Kuechenberg stated, according to Torbert, under this proposed regulation, Drainage Districts could be classified as being under the jurisdiction of the Clean Water Act. Kuechenberg stated, according to Torbert, potentially that means the County Board of Supervisors acting in their compacity as Drainage Trustees would have to get permission from the Iowa Dept. of Natural Resources to do drainage improvements, repairs, and maintenance. Kuechenberg stated public comment on the rule is open until February 07, 2022. Kuechenberg stated IDDA has already issued their comments to the EPA. Granzow stated he is sure their comments are the same as his on that. Hoffman stated he believes Bobby Kofman gave the comment on this. McClellan came in to the meeting. McClellan asked what this was on. Hoffman stated Waters of the United States. Hoffman asked if John was asking us to comment on this. Kuechenberg stated John suggested a comment at the bottom of the email. Kuechenberg stated the comment Torbert would like us to submit to the EPA is as follows: "I am a (Supervisor, Drainage Engineer, Drainage Clerk) from Hardin County. I urge you not to implement the proposed Waters of the United States rule, it potentially takes decisions we are required to make to keep our drainage infrastructure in good condition and transfers that authority to a state bureaucracy. While the proposed rule is supposed to add clarity and understanding, it does exactly the opposite. Thanks." Hoffman stated he liked that. McClellan stated she did too. McClellan asked if they needed to each individually do it or if they should do it

as a board. Granzow stated they should do it as a board. Hoffman asked if there was anything they should add to it. Kuechenberg stated she would forward John's email to the Trustees so they could have a copy of it. Hoffman stated he would like if Kuechenberg could forward it. Kuechenberg stated she would do that when she got back up to her office. Granzow asked if this was the policy, should it also adhere to the policy that the stationed and managed districts that do not want to be managed by themselves. Hoffman stated they can collect. Granzow stated he thinks that is what they want because with that, we would need their approval. Gallentine stated one point, public comment closes on February 7th, so you probably want to do something today if you would like to comment on it. Hoffman stated we should get that done. McClellan stated we should do that asap. McClellan stated that this might have to go by email and snail mail. Hoffman stated that he thinks there is a portal that you can upload your comment to. Kuechenberg stated there is a portal on the EPA's website. Granzow stated he does not like the carbon copy comments. Granzow stated when you see them all the same you just overlook all of them. Hoffman and McClellan agreed. Granzow stated he gets it though, this is something that definitely requires attention. Hoffman stated when there is a new president it will change back. Granzow stated they tried it 2 years ago. Hoffman stated it got overruled, WOTUS is not a thing right now. Granzow stated nevermind, he thinks it might have been 6 years ago. Hoffman stated but the puddle in my pasture was going to have to be regulated, or navigable. Granzow stated you shouldn't be driving through it. Hoffman stated the Drainage District Conference was the last time we saw anybody driving on a barge down creek.

Motion by Granzow to have Kuechenberg upload the verbiage from Torberts email. Second by McClellan.

In additional discussion on the motion, Hoffman stated he thinks it is that much more important to keep the pressure on the Senators of Iowa when they are in the area and out of the State's hand.

All ayes. Motion carried.

6. Discuss W Possible Action - New Work Order Requests

7. Other Business

DD 56- Gallentine stated he just wanted to give the Trustees an update on DD 56. Gallentine stated he just talked to Gehrke, they are planning on starting next week. Gallentine stated Gehrke would like to get some temporary driveway built and some dirt stripping and then moving on to pipes. Granzow stated that is faster than he had thought. Gallentine stated he is fine with that, they are having issues getting pipe but there is probably enough stock that they can get started as deep as that is.

Granzow asked how the pipeline process is going. Granzow asked if Richards got back to us on that. Kuechenberg stated Richards did get back to us on that, he is working on a draft. Granzow stated he just wants to make it clear that they are doing their jobs as Trustees are doing something. McClellan stated they are required to follow our procedures. Hoffman stated correct, the current permit and when we get a draft from Richards. Hoffman stated he thinks it is imperative that Mike has an update for us next week. Hoffman stated he does not want to have the grandfathering issue or anything like that. Hoffman asked Kuechenberg if she can bring a printed copy of the current Utility Permit. Hoffman stated he would like to take a look at their fees. Kuechenberg stated the fees on the Utility Permit are \$2,000 per crossing currently. Kuechenberg stated the Resolution was \$750 per crossing. Hoffman stated he thinks we need to look at those. Hoffman stated he thinks the road crossings are even more and it is a whole lot easier to mess up a drainage facility than it is a road crossing. Hoffman stated he does not think we are looking at apples-to-apples here. Hoffman stated if you screw up a drainage crossing it will impact acres. Hoffman stated he thinks there needs to be a negligible dollar amount set to that. Hoffman stated he does not want to get behind on things like this so he would like to agenda it for next week and spend some time discussing it. Hoffman stated they have filed their permit. Gallentine stated he does think bonding in conjunction with a fee is a good idea. Gallentine stated you want the fee to cover your immediate up front costs. Gallentine stated you do not want to have to fight with an insurance company to figure out whether they will pay \$500 or not, the bond is there for bigger long term implications. Hoffman agreed.

Hoffman asked if Gallentine was in Franklin County for the meeting last week on commercial wind production. Gallentine stated he was not. Gallentine stated he will give them a little bit of an update, going back to the carbon pipelines, he was at the most recent meeting in Iowa Falls and the topic of Drainage did come up and the Office of Consumer Advocates had a question about Drainage Districts in particular and I did give him your current permit. Gallentine stated he informed him that as the County inspector, it is not like we are going to ignore drainage tile but he believes drainage districts have a right to more protection or a separate agreement beyond just the pipelines restoration plan. Gallentine stated the gentleman he spoke with stated he would look into it. Gallentine stated he was from the Office of Consumer Advocate. Gallentine stated essentially what they do is attend the meetings as an impartial party. Gallentine stated they are not a part of the Iowa Utilities Board but based off all of the data they gather they comment on behalf of the general public of the State to the Utilities Board.

8. Adjourn Meeting

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

REGULAR DRAINAGE MEETING**Wednesday February 09, 2022, 9:30 A.M.****This meeting was held electronically and in-person.**

2/9/2022 - 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; Michael Pearce, Network Specialist; and Michelle Kuechenberg, Drainage Clerk.

2. Approve Agenda

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

3. Approve Minutes

Motion by McClellan to approve the minutes of Regular Drainage Meeting dated 1/12/22. Second by Granzow. All ayes. Motion carried.

4. DD 102 - Discuss W Possible Action - Engineer's Letter

Gallentine stated as they were wrapping up the reclassification for DD 102 there were four laterals that they noticed that are small sized diameter tile with short runs and only one or few landowners. Gallentine stated CGA suggests that those laterals be abandoned or vacated. Gallentine stated if you look at the map, I tried to highlight which laterals they were. Gallentine stated laterals 3 & 4 are up by the road way. Gallentine stated lateral 3 is only 200ft long and 6 inches in diameter, that one involves 2 landowners. Gallentine stated lateral 4 is only 150ft long and 6 inches in diameter, that only involves 1 landowner. Gallentine stated at the time it was probably a pretty decent undertaking to put them in but with modern machinery, he thinks it is more economical for the landowners to maintain those rather than the district. Gallentine stated lateral 9 in the middle is 650ft and 7 inches in diameter, that one only involves one landowner. Gallentine stated that upstream and downstream from lateral 9 is private tile, it is like a district lateral in the middle of run of private tile. Gallentine stated lateral 11 is down at the south end there. Gallentine stated lateral 11 consists of 400ft and 6 inches in diameter, there are 2 landowners that share that lateral. Granzow stated the 2 that have 1 landowner, that is a no brainer but he thinks the other 2 we should ask. Hoffman asked if Gallentine looked at who the landowners are. Gallentine stated he has not looked at that yet. Granzow stated it could be just the same person. Gallentine stated we could keep them as district laterals if the district wanted to maintain the 150 foot of 6 inch tile. Gallentine stated he just believes the landowners can do it far more economically. Granzow stated they could if the landowners like each other, if they do not, they will not let each other through the field. Gallentine stated the one up towards the north end of the district on the east side of the road, lateral 2, it ends up by the hog confinement. Gallentine stated Bill Schnormeir Trust, Jeff Cook owns the confinement. Granzow stated he is assuming it was one landowner and then cook bought the hog sight. Gallentine stated that is what it looks like. Gallentine stated he does not even know if the tile was still there when they built the hog sight or if they had to destroy it. Granzow stated he thinks we should call Jeff Cook to verify if he has an issue, Granzow does not have an issue, Jeff is the one that is connected though. Gallentine stated he does not know if he is connected but it does go through his ground, it starts on Schnormeir's and ends on Cook's ground. Gallentine stated the other thing is, if that tile goes up into the hog confinement, it does not do anything for AG. Granzow stated it does not do much for a house either, it is a piece of ground. Gallentine stated, right, but a house is more than likely hooked up to a septic where a hog confinement they would not want any connection to. Granzow stated unless they want to irrigate the field. Gallentine stated lateral 11 is on the south end of the district. Gallentine stated Pr Cook is on the west side and Luke Mannerter is on the east side. Gallentine stated if you click out you can see DD 78 and DD 102 almost touch. Granzow asked if the Trustees wanted to call both of the landowners right now. Gallentine stated, however they would like to handle it. Granzow stated he knows he has Luke's number. McClellan stated she would like to invite them to a meeting. Hoffman agreed. Hoffman asked if Kuechenberg could contact the landowners and see if they would be willing to come to a meeting. Kuechenberg stated she could do that. Granzow asked Kuechenberg to explain what they're talking about. Granzow stated they might even say they do not care. Gallentine stated the other item is he is not sure what legal process they need to follow to vacate a lateral. Gallentine stated he has seen it done in Franklin County a couple of times and in both of those cases it was initiated by a petition from the landowners. Gallentine stated he does not know what code section that came from. Gallentine stated we're in a area where he is unfamiliar with the process. Granzow stated we should contact all four landowners and see if they would like to vacate it. Granzow stated the outside ones for

sure. McClellan stated maybe we should have her contact our Drainage Attorney to find out what we need to go through to abandon those. Granzow stated he thinks if they sign a petition it should be ok, we're just initiating the petition for them. Granzow asked Kuechenberg to contact all four landowners. Kuechenberg stated she would get a hold of them and see what their availability was. Granzow stated if you ask him and he is the only landowner he would rather just get rid of the tile. Gallentine stated he knows the ones in Franklin County the landowners did not even know they were district tile, they were just maintaining it on their own. Gallentine stated they have for years. McClellan stated that might be happening now. Granzow stated when you have it connected to another landowner that is what he worry's about. Gallentine stated they are working on wrapping the reclassification up without the laterals. Gallentine asked the Trustees if they wanted them to stop on that process until they hear back from the landowners about the laterals or would the Trustees like CGA to move forward assuming we will abandon them. Hoffman stated he will give landowner Steve Perry a call to give him an update because he has been asking for updates with this reclassification. Hoffman asked what the consensus was on the wetlands. Gallentine stated he did not have an update, he is hoping to have one next week. Hoffman asked who was all working on this one. Gallentine stated Denny and Chuck.

5. Discuss W Possible Action - New Work Order Requests

6. Other Business

DD 56- Gallentine stated they are not going to start until next week. Gallentine stated pipe production, they have about 1,000 feet of pipe made but he does not want to start until he has a little bit more. Hoffman stated they are kind of busy on another project right now too. Gallentine asked, "are they?" Gallentine stated Gehrke did not tell him that, he was in Minnesota when he called. Granzow stated they came back from Minnesota to work on a fuel leak. Granzow stated the DNR has it halted at the moment, they're waiting on a drilling permit. Hoffman stated that he saw them down there firing up the equipment this morning.

Granzow asked what we found out on the permitting process. Kuechenberg stated Mike Richards is working on a draft he will let me know when he is finished with it.

7. Adjourn Meeting

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



HARDIN COUNTY

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

HARDIN COUNTY DRAINAGE DISTRICT UTILITY PERMIT APPLICATION

Applicant:

Company Name

Address

City State Zip

Applicant Contact:

Name (_____) _____ - _____
Phone

Email

Utility Type:

Drainage District(s) Crossed:

Facilities Crossed (specific tile, open ditch):

Description of Work:

*(Location plan of
proposed utility must
be attached.)*

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

Applicant Signature

Date

Submit Form and Location Plan To:

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

For Office Use Only

Application Approval:

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

Date: _____

APPROVED PERMIT #: _____



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

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

SECTION I – Standard Requirements

1. The Applicant shall furnish the Drainage District, or its representative, plats showing the exact location of the proposed construction. If it is found that such locations are in conflict with the present or proposed facilities and that a more desirable location is possible, the Applicant shall review such possible alignment changes. **No construction is to commence with the drainage facility without an approved application.**
2. Upon approval of the application, and prior to the commencement of any construction, the Applicant is required to pay a prepaid inspection fee made payable to County Treasurer's Office. The prepaid inspection fee shall be equal to \$2,000 per crossing of any of the Drainage District's facilities (by way of illustration, if an application includes a scope of work that would result in crossing over the Drainage District's tile in three (3) locations, the prepaid inspection fee would be \$6,000). Within thirty (30) days after completion of the installation, the Drainage District or its designee shall remit any unused portions of the prepaid inspection fee to the Applicant, along with a statement for services rendered. Inspection fees and cost in excess of the prepaid inspection fee are the responsibility of the Applicant.
3. Applicant shall comply with Iowa One-Call requirements prior to commencing any work.
4. The Drainage District shall provide Applicant access to maps or other information regarding the location of all known drainage district facilities so that reasonable care may be taken by Applicant to avoid un-necessary damage to said drainage district facilities.
5. The Applicant shall hold the Drainage District harmless from any damage that may result to the Drainage District facility because of the construction or maintenance of the utility, and shall reimburse the Drainage District for any expenditures that the Drainage District may have to make on said Drainage District facilities resulting from Applicant's construction and installation of utilities, or their subsequent repair or modification.
6. The Applicant shall take all reasonable precaution during the construction of said utility to protect and safeguard the lives and property of the public and adjacent property owners and shall hold the Drainage District harmless from any damages or losses that may be sustained by adjacent property owners on account of such construction operations. Further, Applicant agrees to replace, repair or reimburse all damages to private property occasioned by Applicant's installation of subsequent modification or repairs.
7. The Drainage District assumes no responsibility for damages to the Applicants property occasioned by any construction or maintenance operation of said Drainage District facilities, subsequent to Applicant's installation.
8. A copy of a certificate of insurance naming the County/Drainage District as additional insured for their permit work shall be provided to the County Auditor prior to installation. The limit of liability under the insurance policy shall not be less than \$1,000,000 per occurrence.
9. The Applicant agrees to give the Drainage District twenty-four (24) hours (Saturday and Sunday excluded) notice of its intention to commence construction on any lands within the jurisdiction of the Drainage District. Said notice shall be made in writing to the County Auditor or to the designated Drainage District representative.
10. The Applicant agrees to place permanent, visible markers or monuments at locations where utility crosses Drainage District facilities. These monuments or markers shall identify the owners name, address and phone number.
11. The Drainage District Trustees may appoint a representative to inspect and approve all construction across Drainage District facilities as part of this permit. All compensation, wages, mileage and other expenses for this representative will be paid by the Applicant. It will be the responsibility of the Applicant to make all contacts with private parties (adjacent owners/operators) to determine the location of private drainage facilities. Said representative will also inspect all crossing of Drainage District facilities and may, if required, observe the crossing of private drainage facilities, and shall have the authority to require the Applicant to excavate and expose the crossing of any Drainage District facility where the representative believes it prudent to visually examine Applicants crossing of the Drainage District facility. Further, said representative has the authority to suspend construction and installation by the Applicant within any Drainage District jurisdiction by verbal order to the contractor at the site and a telephone call to Applicants contact person listed on page 1 within six (6) hours of the verbal order.



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



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



SECTION II – WIND TURBINE REQUIREMENTS

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