

# REGULAR DRAINAGE MEETING

9/28/2022 - Minutes

1. Open Meeting

Open Meeting Hardin County Vice Chairperson Lance Granzow opened the meeting. Also present were Trustee Renee McClellan; Lee Gallentine of Clapsaddle Garber Associates; Michael Pearce, Network Specialist; John Torbert of Iowa Drainage District Association; and Michelle Witt, 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 the regular drainage meeting's dated 9/07/2022 and 9/14/2022. Second by Granzow. All ayes. Motion carried.

4. Approve Claims For Payment

DD 11 Report and attendance of meeting	Clapsaddle-Garber Assoc	\$1,222.00
DD14 Work plans replacement of lower portion MT	Clapsaddle-Garber Assoc	\$ 518.40
DD56 Project completion for main tile improvement	Clapsaddle-Garber Assoc	\$3,842.30

Motion by McClellan to approve the claims for payment. Second by Granzow. All ayes. Motion carried.

5. Discuss W Possible Action - IDDA Membership

Update from John Torbert of the Iowa Drainage District Association on member benefits & IDDA current events. Jon stated he was going to be a half hour early this morning until he ran into a 15-mile detour. Jon introduced himself and stated he thinks we all know, but as part of his routine he tries to visit with each of their counties with memberships annually. Jon stated he wanted to get everyone up to speed and what they have been doing in the association, but first he would like to remind everyone that they have the annual meeting coming up on, Friday, December 02, 2022, in Fort Dodge. Jon stated they will also have a newsletter coming out within the next three weeks which will have registration and information about the meeting. Jon stated they started the process a couple of years ago where the Drainage Clerks break off and have their own meetings. Jon stated that he's spoken with a lot of the Clerks, and they told him that session is probably the best thing they go to on an annual basis.

Jon stated the second thing he would like to talk about is something the IDDA has been watching at the Federal level. Jon stated for those of you that follow the water policy, the Waters of the United States has been an ongoing issue for probably 10 + years. Jon stated the regulation use to say, years ago, was that the EPA could regulate navigable waters. Jon stated a lot of people got hung up on that term navigable. Granzow stated which in definition is being able to float a boat every day out of the year. Jon stated that was right. Jon stated the Obama Administration comes along and the EPA under Obama changes the rules. Essentially the effect of the change was to take the word navigable out. Jon stated at that point the EPA can regulate the Waters of the United States. Jon stated that regulation was put into effect and immediately there were lawsuits filed to stop the regulation. Jon stated there was a Federal District Judge, Jon believes from Ohio, he put a stave on the regulation. Jon stated because he was a District Judge the stave applied in some states and not the others. Jon stated Iowa was one of the states that the rule never applied to. Jon stated it was held up by the court. Jon stated the Trump Administration came in and changed the rule again. Jon stated it essentially doesn't go as far as putting the word navigable back in, but it does create some room to have some flexibility. Jon stated now that the Biden Administration has come in, they're trying to change the rule again. Jon stated the good thing about this is that none of this happens quickly. Jon stated the Biden Administration rule closed for public comment in April and IDDA did have a comment. Jon stated they closed public comment and come up with a final word on it after looking at

everything. Jon stated when they come up with a final rule, they will be sued. Jon stated it was automatic that there will be another lawsuit stating they did not do enough or did too much. Jon stated if EPA is given total jurisdiction over every puddle in the United States including drainage districts you as Trustees would have to get a clean water permit from the DNR. Jon stated the DNR would have to make a decision with each application that you send, is to whether this is something under the clean water act, should you need a permit. Jon stated he thinks the Trustees understand rather quickly that with 3,600 drainage districts that the process would bog down rather quickly. Granzow asked if this is exposed water or underground water as well. Jon stated that is to be determined. Jon stated they are trying to avoid that situation of putting the DNR in charge of drainage repairs. Jon stated IDDA is following this very close.

Jon stated another thing he wanted to talk about briefly is state legislature this year. Jon stated there was not a great deal passed that had a direct impact on drainage. Jon stated they did have a bill earlier in the session which was 7,500 pages. Jon stated it was basically put forth by a State Senator who lived in a drainage county and had a drainage issue that he got upset with the Supervisors about. Jon stated his response was corrective law. Jon stated he came forth with a 12-page proposal that did a substantial rewrite of drainage law in terms of how you do business, what the bidding thresholds are, when you have to have Engineer's. Each statute has about 10 additional pages to it. Jon stated when he read it all three times he could never really decipher. Jon stated it was obscure, drainage law is already hard to follow. Jon stated when you complicate it further unnecessarily there is no need for it. The IDDA registered as opposed to it. Jon stated he would think that we all know the legislative process good enough that when a bill gets introduced in legislation lobbyists can do one of three things. They could either sit back or do nothing. They could register in favor of it, neutral, or opposed. Jon stated he does not think the bill has enough legs to get anywhere. Jon stated as of right now, if there is no re-writes, the IDDA is opposed. Jon stated at one point he took the bill and wondered if he could amend it to make it palatable. Jon stated you would have to strike the entire amendment and redraft it. Jon stated he will come out with an email within the next two weeks to ask if anyone had anything they would like to change in drainage so IDDA can help carry out that process.

Jon stated the last thing he would like to discuss is a grant that the IDDA has been involved with for a couple of years. Jon stated they were approached by a group, the Iowa Ag Water Alliance, which is an outgrowth of the Iowa Soybean Association, and they were applying for a federal grant for what has turned conservation drainage and they wanted IDDA to support them in that process. Jon stated essentially what they were trying to do is encourage conservation drainage. Jon stated that will impact you is principally when you have a drainage improvement, right now when you do a drainage improvement you are basically just increasing coefficient by adding bigger tiles to carry more water. Jon stated what conservation drainage would say is that as long as we are in there and re-plumbing the system and making substantial changes in the drainage infrastructure, the question was if we could do that more environmentally friendly and are there conservation practices that could be built into that system as it is being re-designed. Jon stated add bioreactors, nitrate capture wetlands, or saturated buffers, any kinds of those conservation practices could be incorporated into the improvement. Jon stated the tricky part of that, as drainage Trustees, you all do not have the authority to bill landowners for conservation practices. Jon stated if there was a conservation practice designed into the improvement it would have to be paid for and that's what this grant is doing. Jon stated potentially the grant could pay for the conservation practice. Jon stated his best description of this is a very large improvement project going on in a county just west of here whereas part of the improvement they're building in a wetland that would capture the rainwater and denitrify it. Jon stated in this case, it is over a million-dollar improvement, but the cost of the wetland is going to be paid for.

Jon wrapped up his presentation and asked if the Trustees had any questions for him. Granzow asked Jon if they could have a couple meetings/year for the Clerks instead of the one because the clerks deal with a lot and things are constantly changing. Jon stated that is something they could certainly look into. Jon stated he would talk with the Clerks and see what they thought. Witt stated the breakout session at IDDA's meetings are very beneficial and she thinks the Clerks would all say the same thing. Granzow stated that is all he had he thinks the Drainage Clerk's feed off of each other a lot. Witt stated that was true. Granzow stated we sit in these seats, but they're the work behind everything. Granzow stated he knows we all talk, but anytime they could get in that group setting is always beneficial.

6. Discuss W Possible Action - New Work Order Requests

DD 42- Witt stated she received a call from the tenant on Robert Topp's farm, Brandon Winter. Witt stated he called about 3 blowouts on the main tile of DD 42. Witt stated they're all located in the waterway; he is hoping to get this fixed as soon as possible. Witt stated his original request, which she could not locate, was made two years ago. Witt stated Winter called to check up on things and to see why we have not gotten to that. Witt stated she had to add a new work order in our software because we did not have one for him. Granzow stated he does not remember a work order for that area. Gallentine stated he does not remember anything for DD 42 either from that long ago. Gallentine stated we are definitely that far behind on work orders. Witt stated she just apologized to the landowner and told him we would get to it as soon as we could. Granzow stated we would like to send CGA out to investigate and if it needs to be fixed, get a contractor out there as soon as possible. Granzow stated, he knows Lee looks at them if the tile is in bad shape, but 3 blowouts in one waterway might need an investigation. Granzow stated it could be a fluke, but if it needs more just report back to us. Witt stated 42 is a smaller district, we might want to bring landowners in if it needs a lot of work. McClellan stated maybe they're real shallow and might not require that much work. Granzow stated that could be. Granzow asked Gallentine to investigate for sure and get back to us with it. Gallentine stated they will use their judgement.

Motion by McClellan to send CGA out to investigate and report back. Second by Granzow.

In additional discussion on the motion, Gallentine stated if it is straightforward, we will go ahead with the repair, if it is not, we will report back. Gallentine stated the Trustees would hear a report from him either way.

All ayes. Motion carried.

7. Other Business

DD 56 - Witt stated we have a Public Hearing on October 05, 2022 for the completion of DD 56. Witt stated she just wanted to remind the Trustees. Pearce asked where that was going to be at. Granzow stated we could not have it here. Witt stated she didn't see anything on the schedule for the EOC when she booked it. McClellan asked what district this was. Witt stated its for DD 56. Granzow stated we could move them to the Engineer's Office. Witt stated she would check with Lori and Taylor and see if the meeting room was available for that date. Witt stated she would also send everyone a letter to notify them of the venue change. Pearce stated we might not be able to do zoom over there. Pearce stated he might be able to figure something out if the Trustees want Zoom. Granzow stated that would be fine, the EOC is not available because there is an all-day training event going on. Pearce stated it was FEMA training. Granzow stated we definitely have to try and get those letters out for the location change. Witt stated she would get those out today and hope that the landowners get them in time. Witt stated she would also post something on the doors of the EOC the day off in case anyone shows up there. Granzow stated he thinks they would get them on time. Gallentine stated it is a completion hearing so there is not a statutory requirement for the dates on those. McClellan stated if Witt could get those out today and have a note on the door of the EOC the day of for any stragglers.

Motion by McClellan to have Witt send out notices for the DD 56 Completion Hearing notifying landowners of the change in venue on October 05, 2022, at 9:30 a.m. at the County Engineer's Office.

In additional discussion on the motion, Granzow asked Witt to talk with Taylor. Witt stated she would do that first thing when she got back to the office. Granzow stated he does not think Witt did anything wrong. Granzow stated the Trustees scheduled that meeting way too early. McClellan stated she doesn't think Witt did anything wrong either. McClellan thinks the event wasn't planned yet when Witt would have posted on the EOC calendar, and she is happy that it was brought up at this meeting.

Second by Granzow. All ayes. Motion carried.

8. Adjourn Meeting

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

