

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.



SECTION III – HAZARDOUS LIQUID PIPELINE / PRESSURIZED PIPELINE REQUIREMENTS

26. This Section shall apply to applicants related to the installation of hazardous liquid pipelines / pressurized pipelines (collectively referred to herein as "Pipelines").
27. Section I above shall also apply, but to the extent the requirements of Section III herein are incompatible with those in Section I herein, those in Section III shall apply.
28. 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.
29. 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 \$10,000 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 \$30,000). 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.
30. 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 the Pipeline's construction and land restoration to review tile conditions.
 - B. Applicant shall use GPS to map 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 any above-ground Pipeline facility 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. Applicant shall use the District engineer and local contractors approved by the District for all work pertaining to tile televising/inspection, repair and replacement of District facilities. The District shall maintain a current price list for local contractors' services and rates and shall be provided at the applicant's request.
 - F. Any time Pipeline undergoes changes, modifications, repairs, or any service to Pipeline that requires use of vehicles and equipment with a gross weight of 8,000 lbs. or greater, the District facilities near 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.
 - G. 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 Pipeline.
 - H. 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.
31. The term "applicant" shall mean the permit applicant, the applicant's agents, heirs, successors, assigns, and facility owners.



32. The requirements above are in addition to the requirements set forth in Iowa Administrative Code 199 Chapter 9, including the creation / filing of a land restoration plan.

SECTION IV – OVERHEAD ELECTRIC UTILITY REQUIREMENTS

33. This Section shall apply to applicants related to the installation of an overhead electric utility (“Overhead Electric Utility”).
34. Section I above shall also apply, but to the extent the requirements of Section IV herein are incompatible with those in Section I herein, those in Section IV shall apply.
35. The prepaid inspection fee made payable to County Treasurer’s Office shall only be \$2000 for an Overhead Electric Utility.
36. CROSSING DRAINAGE DISTRICT FACILITIES AND TILE LINES: Overhead Electric Utility crossings shall be constructed as follows:
- a. An Overhead Electric Utility shall designed and constructed by the Applicant to ensure all installations are at least twenty-five feet (25’) from any and all drainage district facilities and tile lines.
 - b. All drainage district facilities and tile line locations encountered during construction shall be protected in accordance with the terms of Sections I and IV, and pursuant to federal and state laws.
 - c. Following completion of construction of an Overhead Electric Utility, the Applicant will be permitted to perform routine, essential, or insubstantial adjustments to existing utility facilities, including maintenance, improvement, repair, emergency repairs, rearrangement, reinstallation, protection, relocation or removal of the existing utility facilities, including existing underground facilities, so long as the utility returns the work area to its existing condition, and so long as the work does not result in the Overhead Electric Utility facilities installation to be less than the required twenty-five feet (25’) distance from any drainage district facilities and tile lines.

Ann Larson

From: Richards, Mike <mike.richards@dentons.com>
Sent: Tuesday, August 29, 2023 11:38 AM
To: Ann Larson; Lee Gallentine
Subject: overhead utilities.
Attachments: Utility Permit Application Across Drainage District - Modified with Overhead Electric Language.DOCX

Ann,

I've gone back and forth on this issue. I've tried to redraft their application. I've tried to modify ours. And after considering it in several ways, I've decided I agree with Lee Gallentine. It is really dangerous to allow the overhead utility company to have all the things they want, and frankly they shouldn't need to get them either. Instead of modifying their document, I created a Section IV (in red font for now since it's a draft) that applies to Overhead Electric Utilities. It gives them some of what they ask for to account for the lesser intrusion that they would have. (1) It reduces the total application fee to only \$2000. (2) It modifies the crossing the drainage district requirements to make it applicable to overhead utilities - making the requirement only that they stay 25 feet away from the drainage district facilities instead of having the rest of the stuff that doesn't apply. (3) it says they don't need to re-permit when they are performing maintenance, etc., as long as the work doesn't result in the electric facilities being within the 25 foot clearance area. But the rest of the utility permit applies.

I disagree with their comments that our requirements are "overkill". They just want to put their stuff up, put the burden on us of finding a problem, then only fix what we find. That's not how its supposed to work.

Mike Richards
Shareholder

 +1 515 288 2500
mike.richards@dentons.com | [Bio](#) | [Website](#)

Dentons Davis Brown PC | The Davis Brown Tower, 215 10th Street, Suite 1300, Des Moines, IA, 50309, United States



Our Legacy Firms | Client Experience (CX)

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