

**REGULAR DRAINAGE MEETING**  
**Wednesday, December 16, 2020 9:30 AM**

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

12/16/2020 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson Lance Granzow opened the meeting. Also present were Trustee BJ Hoffman; Trustee Renee McClellan; Jolene Pieters, Lee Gallentine of Clapsaddle-Garber Associates (CGA); Bernie Oleksa, Alliant Energy; Adam Seward, Honey Creek Land Improvement; Michael Pearce, Network Specialist; and Denise Smith, 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 Drainage Meeting dated 12-09-2020. Second by Hoffman. All ayes. Motion carried.

4. Approve Claims For Payment

Motion by McClellan to approve the claims for payment with a pay date of Friday, December 18, 2020. Second by Hoffman. All ayes. Motion carried.

DD 11 WO 294 Eng Svcs Aft 9/25/20-11/27/20	Clapsaddle-Garber Assoc	\$ 527.60
DD 82 WO 301 Eng Svcs Aft 10/20/20-11/30/20	Clapsaddle-Garber Assoc	\$ 267.80
DD 9 WO 229 Eng Svcs Aft 10/30/20 to 11/27/20	Clapsaddle-Garber Assoc	\$8,924.80
DD 14 WO 291 Eng Svcs Aft 8/28/20 - 11/30/20	Clapsaddle-Garber Assoc	\$ 416.00
DD 14 WO 290 Eng Svcs Aft 10/30/20 - 11/30/20	Clapsaddle-Garber Assoc	\$ 364.80
DD 20 WO 302 Eng Svcs to 11/20/20 Invest. Blowout	Clapsaddle-Garber Assoc	\$ 490.75
DD 25 WO 209 - Eng Svcs Aft 10/30/20 to 11/27/20	Clapsaddle-Garber Assoc	\$ 645.60
DD 55-3 WO 201 Eng Svcs Aft 10/30/20 - 12/03/20	Clapsaddle-Garber Assoc	\$ 637.20
DD 128 WO 127 Eng Svcs Aft 7/31/20 to 11/27/20	Clapsaddle-Garber Assoc	\$ 340.00

5. DD 128 - WO 2020-4 - Discuss W Possible Action - Utility Crossing Summary

Smith stated that Bernie Oleksa from Alliant Energy has joined us for this meeting. Gallentine reviewed that this was for a utility crossing done by Alliant, right south of Dean Bright's place. Gallentine referenced the map included in the Summary, this utility installation was on the highway going up to D35, this was the same corridor that Heart of Iowa was in, they were also working in the area. Gallentine stated Heart of Iowa went out and did some potholing to try to find the tile, Heart of Iowa did not find Lateral 1, they did spend quite a bit of time on that. Alliant did not try to locate the tile, it was after installation that the Drainage Clerk had gotten a hold of Alliant, so Lateral 1 we don't have any data on, we don't know whether they cleared it or not, because we don't know where Lateral 1 is. Gallentine stated since Alliant's utility was already installed, they went out with their locator on the ground to try and locate which gave them the depth, it is Gallentine's understanding that the depth is not 100% accurate, but is not sure what the percentage of error is, Alliant indicated that they typically don't release that information, but this time they did, one of their employees told us.

Gallentine stated on Lateral 3, according to what Heart of Iowa shot and told us the clearance is only 1/2 a foot, your permit requires a foot, so this 1/2 a foot that was reported, there is no guarantee that the tile wasn't impacted, not saying it is. Gallentine does not know how accurate that is, and if you want to trust that or go out and pothole to locate the tile. Gallentine stated so that is Lateral 3 and Lateral 1 we have no idea because nobody has found it yet. Granzow stated from his standpoint, Alliant does have the depth indicator, we know the tile is within 1/2 a foot, are we going to go and make Alliant dig it out again to view it,

that is Granzow's question or should we wait and state if there is any problem in the future, it will get billed to them, and asked what do the other Trustees feel. Hoffman asked if there was any precedence in the past on a situation like this. Gallentine stated no not really because most of them that have been located have cleared by a long distance, we have had a few that are less than a foot, and Gallentine does not think the Trustees made them lower the crossing, you just said hey if this is impacted you will repair it. Gallentine noted when Heart of Iowa found the Lateral 3 tile, it was in bad shape itself, it was broken when they found it, and it is clay, it either needs repaired or investigated, either way it needs something done with it. Gallentine stated if you end up doing that it will be exposed anyway, and we will end up getting a hard shot on it. Granzow asked if Alliant went under it by 6", Gallentine stated according to their depths they went under it by 6". Granzow asked what if Alliant is right in the plane where we would need to make a repair/replace that tile, will Alliant come out and move that wire. Gallentine stated according to your permit they are supposed to, it is the Trustees call. McClellan stated Alliant would have to, she would not want anyone out there digging, Granzow stated that should not cost the landowner any extra, that is why we have them bore underneath.

Hoffman asked if Lateral 3 was a viable facility. Gallentine stated he did not know what was hooked up to Lateral 3, it is like most of the tile out there, you just don't know. Gallentine assumes it was meant to drain that field that was at the southwest quadrant of that T intersection there between Lateral 3 and Lateral 1, Granzow stated that field is wet every year right there, you can see it on this map. Gallentine stated he does not know if that is a lack of tile or if that is an issue with Lateral 3. Gallentine stated where Heart of Iowa found it, it was collapsed. Granzow stated it is a County problem as well as there is always a washout in that ditch, McClellan concurred. McClellan asked if that is the whole extent of Lateral 3, Gallentine replied yes, they just went to the west side of the county road, and that is where the facility stops according to the map.

Granzow stated we will have an issue and does not see a point of going in there right now and doing anything, Granzow thinks the issue will be when we go to fix it. Gallentine is stated he is telling the Trustees it needs fixed now, he does not know how much of the tile, but it needs fixed. Granzow asked if Gallentine had talked to Dean Bright about this issue yet. Gallentine stated no he had not, Granzow stated Bright's son farms the land to southwest and it has been wet for the last 20 years. Granzow stated he would wait for a request from a landowner but was pretty sure you could call him and he would probably request it. Gallentine asked if that was a phone call the Trustees would like him to make or the Drainage Clerk to make, Gallentine stated the Trustees do have the authority to authorize anything they want if they choose to, without landowner input, but it is good to ask the landowners what they think. Granzow stated he would call the landowner, Gallentine stated maybe Bright knows more about that lateral to the south, like where it comes in or where it is hooked up, Heart of Iowa spent at least a day out there vaccing and they couldn't find it. Granzow stated he does not know about that one, he can ask Bright on that, but as far as the utility goes, Granzow does not see any point in having the utility go out and dig it up right now, we already know there is an issue there at that point. McClellan stated let's dig it up once. Granzow stated the utility company needs to be aware that they will be charged for something if that needs to be done, McClellan stated because it was their cause. Granzow stated even if it was their cause, they are not deep enough, Granzow used contractor Seward as an example, if Seward has to go out there and do a repair and it costs an extra \$2,000, that is on the utility, not us.

Seward stated why don't you just locate it and be done with it, then both companies would know exactly where it is at and if any damage was done. Granzow stated we will have to dig it up and replace the tile at some point. Hoffman stated that could be part of the work order. Seward stated if they can't even find the tile then you could go to the outlet and back up. Granzow stated they found the tile, McClellan stated they found Lat 3 but not Lat 1. Gallentine stated they could not find Lat 1, Lat 3 is the one we found and that is the one we have 1/2 a foot clearance, Lat 1 we know nothing about, Gallentine would request that the next time the utility would get a hold of us before the utility gets installed, and we could avoid these issues altogether instead of after the fact. McClellan asked if they had a permit for this, Gallentine stated they had a permit for this they just didn't contact anybody until after the Drainage Clerk reached out, it got overlooked when they were reviewing the project.

Hoffman asked what Gallentine's recommendation would be. Gallentine stated he personally does not trust the locating depth because he has been on too many construction projects where the locating depths can be off by feet, so Gallentine would say if Dean Bright wants a repair, while it is being repaired that would be

the time for the utility to expose it so we can get a hard shot on it, and if Dean doesn't want it repaired the utility company needs to expose it or be aware that if anything happens in the future, it will be their nickel. Hoffman would rather mitigate it now. McClellan stated in the meantime can you contact Bright and see what he wants to do. Granzow stated any of the landowners in the district can make the request, and Bright is right there and we can bring this back next week. Gallentine stated that Bright may say he doesn't even use the old tile, so maybe it needs to be abandoned then. McClellan stated on Lat 3, Gallentine stated either one, he does not know. McClellan stated it needs to be there for the drainage of the road ditch, Granzow agreed. Gallentine stated it is interesting, but there is no intakes there. McClellan stated maybe there needs to be. Granzow stated there has to be some beehives there, it takes a lot of water in there. Seward stated there would have to be beehives in the ditch and they are probably covered up. Gallentine stated that he thought so too but looked at the road plan, when it was graded, when it was staked and when it was paved, and they never mention the tile or a beehive. Seward asked if Gallentine was of the opinion that they just capped them then. Gallentine stated he does not think they were ever put in, when it was a gravel road they either didn't have them or they covered them over when they widened it for a blacktop. Seward stated that made sense then.

McClellan asked if there was a culvert there to take that water from one side of the road to the other. Gallentine stated there is culverts to take the water from one side of the road to the other, but nothing to get it underground to the tile. McClellan stated it washes the edge of their field right there, right down into the ditch. Seward stated that is what it needs then is some intakes. Gallentine stated hopefully Bright can provide us some insights, Hoffman asked if Gallentine was going to contact Bright or if the Trustees would like the Drainage Clerk to contact Bright. Granzow stated he could contact Bright, and the other landowners.

Motion by Hoffman to table this and put it on next week's agenda. Second by McClellan.

In additional discussion on the motion, Smith asked if the Trustees have any additional comments or questions for Bernie Oleksa while we have him on the line. Granzow stated well you know where we stand. Hoffman stated please don't ask for forgiveness after the fact, please ask for permission. The Trustees thanked Oleksa for his attendance.

All ayes. Motion carried.

#### 6. DD 14 WO 291- Discuss W Possible Action - Tile Repairs

Smith stated this was the tile repair that was done in Ron Vierkandt's parcel and the Trustees had directed Smith to reach out to contractor Adam Seward for a split on the invoice for those repairs, for what portion of those costs should be attributed to the private tile repair, Seward has come in to discuss that with us today as well as Gallentine to discuss that split as CGA had a couple of small invoices as well. Granzow asked if Gallentine had reached out to the IDDA attorney. Gallentine stated he did and it was an interesting email, the attorney indicated that neither he nor John Torberg who is the head of the IDDA's lobbyists, had been contacted by a landowner in over a year, so he indicated that that wasn't the case, but he did ask from the details whether the connections were originally installed by the landowner or the district. Gallentine stated they were definitely installed by the district, and his comment was that the landowner will be liable for it then and that if the landowner chose they could get reimbursed by trying to get it out of their contractor. Gallentine stated the short answer from Torberg is it is Ron Vierkandt's expense, the only thing Gallentine is a little concerned about is this maybe taken a little bit inside a vacuum because he just asked him that one specific question. Gallentine does not know how this is different than the golf course in Radcliffe, Gallentine knows that involves trees, and that is not a direct connection, but both of them were disrupting the flow of the tile, or that much different from Piel's down in Hubbard. Gallentine did not pose those different issues to him, but his short answer is, it is the landowners expense, Gallentine's concern is that are we cherry picking or setting up something different than what the precedence has been in the county.

Granzow stated we also had the trouble in DD 22 where they did that with Randy Madden, and we did the televising, it was either DD 22 or DD 26, where they had shoved the tile all the way into the other end, but that was the district doing that. Gallentine stated yes that was the district paying for it, and Gallentine can't remember who paid for that, it was either Ryken or the district. Granzow stated he believed it was the district as part of the settlement that was all tied together. Gallentine stated he is not saying that Torberg is

wrong, Gallentine just does not know how much that previous history factors in, if it does at all. McClellan stated she would almost like to see the cost go to the landowner, and the landowner get it from the contractor, but we can't force Vierkandt to do that either, but it was definitely a contractor mistake. Hoffman stated Vierkandt has offered to take care of it too, Hoffman does not want the record to look like Vierkandt is the bad guy here, because he does not want someone who watches this today to say, well make that bad guy pay for it, he was very open about taking responsibility earlier for the record. Gallentine stated that Vierkandt admitted at the last meeting that he was unaware of the type of work performed by the contractor, he did not know about it until we exposed it. Granzow stated the discovery is the district's discovery, and that Vierkandt's repair is Vierkandt's repair, as he was the one who initiated it, he would have to go after the contractor. Hoffman asked if Gallentine and Seward would work together to split out the invoices and we can bring this back on the agenda in the next two weeks. Gallentine stated he could get his split, it would be no problem, and Gallentine assumes Seward can get his split too. Seward stated he does not have it split now. Gallentine stated you could bill it hourly and by materials. Seward stated he can split he is just saying he does not have it split now. Hoffman stated as long as you can get it split in a couple weeks. Seward stated that is no problem, initially Vierkandt wanted them to go north, and this is Seward assuming that was the case because he had already had a contractor to the south so he felt like everything to the south had been taken care of and/or fixed, that is why Seward and CGA's observer started in the north and worked our way back south. Seward stated he finally told Vierkandt we have to go south crossing the highway, it is virtually impossible to be north of the highway at this point, which is where we made the discovery. Seward stated if he would have let us be, we probably started from the south, ultimately it was the other contractor that caused 100% of this, because we wouldn't have been there if the other contractor had not made the connections that he made. Gallentine stated the other contractor caused 98% and then a pop can and a garbage bag caused the other 2% of it. Seward stated the other contractor was the reason we got the work order, but we can split it up whatever is responsible. Hoffman asked if when Seward has the invoice split could he send it to Gallentine for peer review, so that it shadows Gallentine's work so that we get something that is uniform, Hoffman asked the other Trustees if that sounded good.

Granzow stated after listening to all this, had Seward started where he originally wanted to start, we could have avoided all this, we wouldn't have had the discovery or had all the damages going uphill, Seward stated that was just a hunch and felt we needed to go south because that was the direction the water was going, we were going to have to cross the road, whether we started at the south and went to the north, or vice versa. Seward stated ultimately we wouldn't have gotten the work order if the other contractor had not made that connection. Granzow stated he gets the other contractor not doing the work, and is wondering if Vierkandt was keeping Seward from doing the work where he originally thought first. Seward asked if it was maliciously. Granzow stated not maliciously at all, McClellan that is between Vierkandt and his contractor. Granzow stated where did Seward originally want to check, and he was told not to check here, it has to be higher. McClellan stated she thinks the whole thing is the district's responsibility, that whole thing is Vierkandt's responsibility, and if he wants to take responsibility for part of it or try to pass it on to his contractor, that is up to him. Seward stated he felt like Vierkandt felt that this part has been fixed, and really truly thought that it was north of there, and was being helpful, he was very helpful and we enjoyed having him on the job, this is just how it turned out, and eventually we exposed to where the problem was and realized we could have saved a lot of time and money, that we should have started where Seward thought we should have.

Granzow stated he thinks the whole expense goes back to the original contractor screwing it up through Vierkandt. McClellan agreed. Granzow stated he would not have said that if you hadn't gone out and done discovery, and you did discover where you thought you should start and he talked you out of starting where you thought you should start. Seward stated so to speak, we just kind of had a hip pocket discussion, all of use were there, it was around tassel time, it's not like we make a practice out of knocking down corn. Granzow asked whose field was on the other side, Seward replied Vierkandt's, Granzow stated that makes a big difference to him on that. Seward stated they pretty much, have a four section, or are close to farming all four section, and if Seward recalls correctly that tile hits all four sections of their farms there. Seward stated it was a guessing game at that point trying to verify location. Granzow stated he was fine with that, he just wanted to make sure we hadn't plowed into someone else's field there, Seward stated no, Vierkandt took the brunt of all the crop loss damage. Smith stated Vierkandt has not turned in a crop damage claim yet. Gallentine stated it looks like the field to the north is owned by James Vierkandt. Seward stated that would be Ron Vierkandt's son, Gallentine stated the one to the northeast is Ron Vierkandt's and straight east across the road is Cynthia loerger. Seward stated he thought Ron Vierkandt farmed loerger's parcel as

well,

Seward stated there was significant crop loss because he had to get rock bedding in there, Seward could not cross the ditch with a truck and trailer, so he had to go through the field, knock down corn to get material back there. Granzow stated he thinks we are back to our original, have Vierkandt pay for the repair, because it is his to fix, that Seward did, and the discovery the district can pay for and if any damages are turned in, Granzow thinks he would deny them at this point. Hoffman stated knowing the cause and effect, Granzow stated yes. Gallentine stated he would get his bill split up and if Seward would reach out to Gallentine when Seward's bill is split, that would be great. Seward stated he would reach out to Gallentine via email, and have Gallentine look over Seward's split and see where we can go from there. Gallentine stated yes, that works for him. Smith asked if the Trustees would like Ron Vierkandt to join the Trustees for a meeting when we re-agenda this so it does not come as a total surprise. McClellan stated yes, just let Vierkandt know when it will be and that gives him the opportunity to come if he wants to. Hoffman stated he thought that was fair. Smith will do that. Granzow stated he is not trying to pinpoint Vierkandt as the bad guy, Seward stated he thought Vierkandt thought his own contractor was going to do a good job and life would be good, ut just happened this way. Granzow stated it is in County Code that they need to contact us when they are tapping district tile, Smith stated she believed so, yes, if not it is in the Private Tile Connection Policy, which Smith can pull and have available for the meeting as well. Granzow stated they should be using tap tees, Smith stated that is in the policy as well. Granzow stated that using the tap tees was neglected and what other connections did McDowell do that in in the field, that maybe Vierkandt should have addressed or dug up, just because we found one problem, that does not mean we found them all. Seward stated there is a good chance it could have been done in other spots, as McDowell put in a large amount of tile in that area, in the southwest corner of that intersection at D41. Granzow stated if you send a letter to Vierkandt, have him bring in his private tile maps as well. Smith stated she would make that request. Smith asked if the Trustees could direct her to re-agenda this with a date for a meeting so that she could communicate that to Vierkandt.

Motion by Hoffman to revisit this on December 30th Regular Drainage Meeting and to let Vierkandt know that, and for Seward and Gallentine to join us that day as well. Second by McClellan. All ayes. Motion carried.

7. DD Big 4 - WO 2020-2 - Discuss W Possible Action - Utility Crossing Summary

Gallentine stated this is a Midland Power Co-op Permit, Midland had filed for a bunch of permits earlier this year, and it was Gallentine's understanding that most of the work had been done even though they hadn't contacted us or been out and exposed a lot of it. Gallentine stated we went out and did the work on the open ditch ones because that didn't require anything to be exposed. Gallentine stated this is on the main of Big 4, there is not a great map in the permit application, it is on 120th St, there were no issues, the nearest powerline is 82' from the centerline on the main open ditch. It is beyond the edge of the spoil bank but not very far, they are not very close to the main open ditch, we had no issues with this one at all. Gallentine stated they appear to be all overhead lines.

Motion by Hoffman to approve the DD Big 4 Permit #2020-2 Utility Crossing Summary as presented. Second by McClellan.

In additional discussion on the motion, Smith asked if Hoffman wanted to include in his motion to close this permit if this concludes Midland's work on this particular drainage permit, Hoffman stated yes please. Gallentine stated we may want to check, there may be other districts on this permit other than just the Big 4. Smith stated this permit covered work in DD 142 and Big 4, Smith asked so we can close the Big 4 portion. Gallentine stated he thought so, yes. Granzow asked for any other discussion, hearing none, Granzow called for the motion.

All ayes. Motion carried.

8. DD Big 4 WO 2020-3 - Discuss W Possible Action - Utility Crossing Summary

Gallentine stated this one was on DD Big 4 on Lateral 1 on C Ave. on open ditch, same thing, Midland out

in overhead lines, they are 86.6' away from the centerline of open ditch, so again there is plenty of clearance there, there is a little bit more than the last one since Lat 1 is a smaller open ditch. Gallentine stated you could probably deem the Big 4 portion of this permit closed.

Motion by Hoffman to approve the DD Big 4 Permit #2020-3 Utility Crossing Summary as presented, and close the Big 4 portion of the permit #2020-3. Second by McClellan. All ayes. Motion carried.

9. DD Big 4 - WO 2020-5 - Discuss W Possible Action - Utility Crossing Summary

Gallentine stated this one is a little bit more interesting, this one has the main on 110th St, the main is an open ditch, they cleared that one by 71.3' so that is pretty good, they cleared Lateral 1 on D Ave., this one they got a pole really close to the open ditch. Gallentine stated you could see in the photo they got pretty close, the Main was ok, on Lateral 1 they put a pole essentially right at the top of the foreslope of the open ditch, potentially you could have stability issues at the bank, it could cause sloughing. Gallentine stated the Drainage Utility Permit language doesn't require them to be a set distance away from an open ditch, but that one is pretty close. Hoffman asked if there was a way we could ask them to put some mesh down in the spring and/or some riprap around it that wouldn't interfere with the agricultural land. Gallentine stated he thought that would be reasonable, they did not contact us ahead of time, they are contacting us after they went out and did all this so we are finding it out after the fact. Hoffman stated he would like one of our contractors to do this so it gets done and done right, rather than waiting for a crew from Louisiana or Ontario, Canada to come down and do it. Granzow stated, so your motion will be to send a contractor out and send them the bill, Hoffman stated that was correct, we have dealt with this plenty. McClellan asked if we need to let Midland know we are going to do that. Hoffman stated yes, they can contest it, but a line is drawn in the sand. McClellan stated do we give them a date that they must do it by. Hoffman stated he is beyond that at this point, Granzow stated they are aware.

Smith stated Midland had 10 open utility permits when we started the Drainage Utility Permit review process, so on none of those we had received prior notice or 24 hour notice of construction, Smith stated the they need to be aware that there could be potential side effects of not following their permit processes. Hoffman stated from a construction and engineering standpoint, this is putting the netting in and some rip rap in that area, and it probably needs to wait until spring. Gallentine stated that at this point, even if there is a foot of frost in these ditches, you run the risk of destabilizing stuff, it will probably have to wait until spring, unless we get a nice warm streak. Granzow asked if you want to give them the option of relocating the pole. Hoffman stated that would have to wait until spring to, Hoffman just wants to take care of it, this is common sense.

Granzow stated as the farmer, I like the poles location, Hoffman stated it come back to the left of the photo image, Hoffman noted he is point to the left of the image in the grassy area. Gallentine stated if they moved to 20' to the side, it would be perfect, Hoffman indicated that was where he was pointing. Granzow stated he would make the proposal that we would hire someone to do the mesh and rip rap at their expense or they can come back and move the pole.

Hoffman motioned to instruct the Drainage Clerk to contact Midland on this Drainage Utility Permit to request that Midland relocate the pole to an identified spot that CGA will identify when they are ready to do it or we will have our contractor at Midland's expense, place netting and rip rap to stabilize the backslope of the open ditch. Second by McClellan. All ayes. Motion carried.

10. DD Big 4 - WO 2020-14 - Discuss W Possible Action - Utility Crossing Summary

Gallentine stated this Drainage Utility Permit crossing is another one of Midland's, it is on Lateral 4 on B Ave, they are 46' away from the centerline of the open ditch with their closest pole, which puts them about 16-1/2' away from that top of the ditch, so this one is okay, they are back off the top of the ditch and we could get in their to do some work in the future if you need to.

Motion by Hoffman to approve the DD Big 4 Permit #2020-14 Utility Crossing Summary as presented and close the DD Big 4 portion of permit #2020-14. Second by McClellan.

In additional discussion on the motion, Smith stated DD Big 4 is the only district listed on this permit so we can just go ahead and close it.

All ayes. Motion carried.

11. DD's 93, 94, & 128 WO 2020-12 - Discuss W Possible Action - Utility Crossing Summary

Gallentine stated these are all Heart of Iowa permits, on DD 93 they cleared the Main tile and the closest they got was 1-1/2', the only two things we have going are they did on two of the three crossings they went over the tile, instead of under it, if you want to waive that, that would be great and they have signage present but it does not state Heart of Iowa's phone number and address on it, the signage just tells people to contact One Call.

Motion by Hoffman to approve the DD 93 portion of Drainage Utility Permit #2020-12 Utility Crossing Summary for Heart of Iowa as presented. Second by McClellan.

In additional discussion on the motion, Granzow stated that would include the waiving. Hoffman stated that the next time Heart of Iowa orders stickers for signage, could the Drainage Clerk make a request to them to include their address and phone number on them. Smith stated she would do that. Hoffman stated they probably order a thousand stickers at a time, but the next time they order them, could they put their number on them. McClellan stated that has come up before. Smith stated the last time this came up on a Heart of Iowa permit, we granted a variance to Heart of Iowa on signage. Granzow asked if two of the lines were above the tile. Gallentine stated one was above the tile by 1-1/2' and another was above the tile by 4.8' and the tile is fairly deep at least in the one spot. Granzow noted if it ever causes a problem and we have to go across there, they will fix and repair at their expense, is that correct. Gallentine states that is what your permit reads, and that is what he told them on previous ones but it wouldn't hurt to remind them of that. Hoffman asked if the Drainage Clerk could remind them of that in the letter to Heart of Iowa. Smith stated she would include that in the letter. McClellan asked if this was something we need to put in the drainage permit. Smith stated that language was in the drainage utility permit.

All ayes. Motion carried.

DD 94 - Gallentine stated this was on the Main and Lat 3, they crossed north of those and the closest they came was 6.5' to 6.6', this was the same thing again with the signage, they put out signs, they just don't have their address or phone number on them.

Motion by Hoffman to approve the DD 94 portion of Drainage Utility Permit #2020-12 Utility Crossing Summary for Heart of Iowa as presented. Second by McClellan. All Ayes. Motion carried.

DD 128 - This is the exact same route we just talked about with Alliant, Gallentine knows the Alliant gentleman is not on the line with us anymore, but Gallentine felt bad for Heart of Iowa, Heart of Iowa did all the tile exploring, Alliant didn't do anything, they just showed up and locate their tile, so Heart of Iowa did a lot of work that Alliant relied on. Again, the Lateral 1 tile we could not find, but Heart of Iowa was smart enough that they scooted over and put their installation in the road bed, they are only a foot below the road ditch, even though they are above Lateral 1 tile Gallentine does not know how they could have impacted Lateral 1 tile, they are not that much deeper in the road ditch. Lateral 3 they crossed that with no problems, they were 6.7' below it.

Motion by Hoffman to approve the DD 128 portion of Drainage Utility Permit #2020-12 Utility Crossing Summary for Heart of Iowa as presented. Second by McClellan.

In additional discussion on the motion, Hoffman stated for the record he is glad that someone at Heart of Iowa has shown common sense and a little ingenuity. Gallentine stated they are very good to deal with. McClellan stated she wished all the utilities were like that and as conscientious.

All ayes. Motion carried.

12. Discuss W Possible Action - Aureon Drainage Utility Permits 2019-1, 2019-2 & 2019-4

Gallentine stated Aureon put in a bunch of stuff a year or two ago, and they contacted us for the first two districts they crossed, and they never called us back again, Smith has reached out to them pretty successfully, and they have sent us as built information because we didn't even know for sure where they were at. Gallentine stated they have sent us three different sets of as built plans, and Gallentine has not looked at them in depth, and referenced sheet 2, this shows the information their as built shows. Gallentine stated here you see what they do, the blue line is what they bored, it says Drainage District tile - refer to DD 1 for installation requirements, which is the other pdf document Gallentine provided by email, which is literally a copy of your permit and nothing else. Gallentine stated this as built shows me nothing, it does not tell me what tile they found, if they found the tile, how deep they are or anything, all it tells me that there is a DD tile there, which Gallentine knew based off looking at Beacon. Hoffman asked it just refers you back to our own permit. Gallentine stated he does not know how you want to proceed or how many districts are impacted, it would be based off the as built, Gallentine asked Smith if she thought it would be between 15 and 30 districts. Smith stated she would think so, and can pull the original permits and look and see how many districts they listed on those as she brought their file down. Smith stated she would see if she could find that information for you really quickly based off the original permits.

Gallentine stated if you want to go back go back to the pdf of one of the plan sets, it shows the route they are taking, they went D25 down S27 and back all the way to H Ave for quite a few miles, and that is just one of three sets they sent us of as built. Granzow stated that is a lot of drainage districts. Gallentine stated their contractor contacted us for the first two drainage districts out of the gate, over on the Hamilton County line and then we never heard another word from them. Smith stated it looks like we have a total of 22 districts they have crossed as she looks at the original permit applications filed by Aureon, and just tally up the three permits all together. Granzow stated we better call them in, and they better have a better explanation, not only that we will give them a cease and desist letter. Hoffman stated he would like to have someone here either next week or the following week, or we will assign the work to a local contractor, they knew what to do they just chose not to do it, this is just ridiculous. Hoffman stated if they just ignore it they hope it and we will go away. McClellan stated there are a lot of counties that don't pay attention and they get away with it. Granzow stated with all the law suits we have had, we are more of a leader with this than a follower.

Motion by Hoffman to instruct the Drainage Clerk to contact Aureon and request their presence at a meeting on December 23rd or December 30, 2020, to discuss immediate mitigation of this. Second by McClellan. All ayes. Motion carried.

Gallentine asked if the Trustees wanted him to pull which districts we are talking about before the next meeting with Aureon. Smith stated she can pull that information of the original applications if that would be sufficient, or is there anything else Gallentine or the Trustees think we would need. Granzow stated he thought it would be more interesting for Aureon to tell us which districts they crossed, McClellan and Hoffman agreed. Granzow stated if they don't even come close to lining up with our tile lines, then you know they didn't do anything. Hoffman stated he would like them to explain what they did, and in their first two jobs, and see if they are coming close, Hoffman stated he did not want to set this up as a trap but did want to see if they are competent in doing their jobs. McClellan would like to see that they are honest. Granzow stated he did not think they wanted to spend so they went and did it anyway.

13. Other Business

14. Adjourn Meeting

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