

**REGULAR DRAINAGE MEETING**  
**Wednesday, November 18, 2020 9:30 AM**

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

11/18/2020 - Minutes

1. Open Meeting

Hardin County Drainage Chairperson Lance Granzow opened the meeting. Also present were Trustee BJ Hoffman,; Trustee Renee McClellan; Lee Gallentine of Clapsaddle-Garber Associates (CGA); Angela Silvey, Board Secretary; Michael Pearce, Network Specialist; and Denise Smith, Drainage Clerk.

2. Approve Agenda

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

3. Approve Minutes

Motion by McClellan to approve the minutes of Drainage Meeting dated 11-10-2020. Second by Hoffman. All ayes. Motion carried.

4. DD 9 - WO 229 - Discuss W Possible Action - Change Order #2

Gallentine stated the original plans and profiles show the main tile and both laterals connect outside of the railroad right of way, once we went up there for exploratory, we found they both connect inside the right of way, so when we rerouted everything we made the reroute outside of the right of way, but it did require some extra lateral tile, which totalled an increase of \$3,500, but now we are not in the railroad's right of way. Gallentine stated that junction structure is 20' to 25' outside of the railroad right of way now. Hoffman stated so we can always get to it without needing the railroad's permission.

Motion by Hoffman to approve the DD 9 Work Order 229 Change Order #2 as presented. Second by McClellan.

In additional discussion on the motion, Granzow stated the decision was made without the Trustees authority but was made with the District's and the County's best interests in mind, and he knows us well enough, that yes, Granzow is fine with this, although we don't need to approve this, Granzow feels we should. Hoffman stated it was brought to our attention but it was not an actionable item.

All ayes. Motion carried.

5. DD 136 - Discuss W Possible Action - Heart Of Iowa Drainage Utility Permit #2020-16

Gallentine stated this was in the town of Cleves, Heart of Iowa filed a Drainage Utility Permit for DD 136, boring fiber optic through Cleves, Jay Duncan ended up contacting Gallentine last week, and Heart of Iowa does not end up crossing Lateral 7, they run parallel to Lateral 7, they are above the lateral, Heart of Iowa is only 2' to 3' deep and Lateral 7 is 7' to 8' deep. Gallentine stated he told Duncan he would talk with the Trustees, but was not sure what there was to shoot and monitor if Heart of Iowa is never crossing the district facility, that is what the purpose of the permit is for. McClellan asked if they are running above it instead of beside the lateral, Gallentine replied they are running offset of the lateral, Granzow stated they are running it through the easement, is that correct. Gallentine stated the district tile is about 2' of the road edge, inside the road right of way, Heart of Iowa is also inside the road right of way, the road right of way was there before the tile was, this is in DD 136, which was installed in the 1920's. Granzow stated that the only thing he would add on is that if it ever becomes a conflict, it will be Heart of Iowa's expense to fix it if we ever need to repair the tile. Smith stated that was noted in the discussion on the permit's original review and approval, so that is noted in the minutes as well. Granzow was happy that we don't have to cross any DD tile, Gallentine agreed, if we didn't have any damage to district facilities and they don't have to cross any he is happy with that.

Motion to acknowledge Drainage Permit 2020-16 and that Heart of Iowa is doing the right thing in their communication. Second by McClellan.

In additional discussion on the motion, Hoffman stated we need to remember instances like these when we deal with Heart of Iowa, that Jay Duncan and Bryan the staff of Heart of Iowa, this is a perfect example of going above or beyond, and whenever Hoffman sees Jay, Bryan or any of their technicians, he lets them know the County and the community really appreciates their efforts, when they don't even have to. Gallentine stated Heart of Iowa went ahead and found the tile, they located it to do their due diligence, even though they are paralleling the tile, they still wanted to make sure. McClellan stated she wished all of our utilities were like this.

All ayes. Motion carried.

6. Discuss W Possible Action - Midland Drainage Utility Permits

Smith stated she wanted to provide the Trustees an update that she had sent Casey Huff of Midland an email requesting info on the status of locating the open Drainage Utility Permits, and had not had a response from Huff yet, until this morning. Huff's email stated that Midland is not currently on schedule to have the locates done on their open Drainage Utility Permits, that they had hoped to have this completed by Thanksgiving. Midland has pushed completion on the locates back to the end of the year, due to the Covid-19 situation they have had some staffing issues, and as soon as they can possibly get to it they will, and they hope to have it wrapped up by the end of this year.

7. Discuss W Possible Action - Drainage Utility Permit Invoices

Smith stated these are two drainage utility permit invoices from CGA for Drainage Utility Permits that have been closed. Gallentine stated these were for two different permits but similar to today's situation in DD 136, it took some time to get the information from the utility, to realize that they are not even crossing the district facility. There are two bills, one is for \$236 and one is for \$228, Gallentine had sent them to Smith, and Gallentine didn't know if the Trustees wanted to pay those, or if they want him to forward them on to the utility company, but DD 136 with Jay Duncan, as soon as he told Gallentine what was going on, Gallentine told Duncan he would just take this to the Supervisors, as we have such a good working relationship with Heart of Iowa, and that we understood the situation so quickly, there won't be any bill on that permit. Gallentine stated these two invoices reflect some emailing and work back and forth, the utilities filed the permit but didn't end up doing construction. Granzow stated unfortunately they filed for the permit and Granzow believes the costs still go with the permit, McClellan and Hoffman agreed. Granzow asked if the District should split half of it for their diligence. McClellan does not want to penalize them by making them pay the whole bill for being proactive and filing for a permit, and does not want them in the future to say well, we don't think we will cross it so let's not get a permit just in case, McClellan wouldn't have a problem splitting it but does not know if they would do that or not. Hoffman stated try to bill it all to the utility, and if they disagree let them come to us for a relief, and we can compromise at that time, but thinks most of these entities have a whole lot more money coming in than Hardin County has, McClellan would agree with that, send the utility the bill and if they have a problem with it they can contact us. Gallentine asked if the Trustees would like him to send it through CGA's normal billing or would they like to have the Drainage Clerk forward them on. Hoffman asked what the typical process was, Gallentine stated typically CGA would bill the utility, Hoffman would suggest staying with the typical / standard process. Gallentine stated these were a couple of older Drainage Utility Permits, and now with Smith on board, he does not think we will get to this point again, as Smith is taking a more active roll in pursuing the utility companies than Gallentine is any more, which he appreciates. Gallentine stated no further action is needed, he just needed some direction.

8. Discuss W Possible Action - Drainage Investigation Waiver

Smith stated in last week discussion of Drainage Utility Permits, we had discussed the Drainage Investigation Waiver that Franklin County uses, and McClellan has mentioned this waiver a few times, this waiver states that the landowner may be responsible for expenses that may be incurred if the issue is found to be private tile, Smith added this to the agenda today at the Trustees request, so that they may review it and decide if it is something they want to pursue or if they would like to make changes to the language, Smith could draft a copy or attorney Mike Richards could draft a copy for Hardin County, it is entirely up to the Trustees what they would like to do. McClellan stated it should for sure be run by Mike Richards, and

he will have to defend whatever may come out of it, and she does not know if Franklin County ran that by an attorney. Hoffman asked if Gallentine was already familiar with this. Gallentine replied that essentially what this ends up being is that if we go out and it ends up being private tile, then they just forward all the bills on to the landowner or whomever the requestor was. McClellan asked if they had any complaints over that. Gallentine stated yes, every time, but at least it starts the discussion and usually if they sign this type of thing and sometimes the Supervisors will say well we understand and we can pay half, but he can't think of an example where they have paid half, it is usually well you signed this so you will have to pay it. Gallentine stated the only issue he will point out is that sometimes they do not get work orders turned in because of this waiver, some guys will just gamble and go out and hire my own guy and fix it myself, well if you need this form filled out I don't need to tell you, but they can do that right now if they want to.

Hoffman asked if they get in over their head, do they have to finish what they started, at whose expense, that is one of those deals, where they might set out to fix it themselves and 6' of tile turns into 600', are they held harmless, and they say I started it but I don't have the means to finish it. Granzow would look at that as once you found out it was district tile, that was 600' you shouldn't have done. Hoffman stated or they may have known it was district tile when they started and they wanted to circumvent the process, Granzow stated if they want to circumvent the Trustees, then they can pay the bill, and we may redo it and charge you again. Gallentine stated the one thing you may want to think about is like open ditch clean-out, sometimes guys will think the open ditch has silt but they don't know for certain and if they have to sign it, they are really reluctant to tell you about it, but that doesn't happen too often. Granzow stated you can visually see an open ditch, you are out there with tripods, not digging with a backhoe, Granzow does not have a problem excluding open ditches. Granzow stated he thinks there should be some verbiage in there stating that if you do discover it is district tile, you cease and desist, you have no authority going forward, and any authority in going forward may cost you in fines and penalties, and damages.

Motion by Hoffman to have the Drainage Clerk send Franklin County's Resolution 2016-18 to attorney Mike Richards for review and constructive criticism and report back to us. Second by McClellan.

In additional discussion on the motion, Granzow asked if Hoffman wanted the open ditches to be excluded as part of that motion. Hoffman stated yes, he would amend the motion "to include the exception of open ditches in the waiver language".

All ayes. Motion carried.

Hoffman stated at this point maybe this is all we need to do today, until attorney Richards responds, and then address this again as soon as possible upon receipt of Richard's reply. Granzow asked if the Trustees would like to have Richards to address the question of how to keep people from working on district tile without permission. Hoffman stated sure, and he thinks that some of that falls onto the three Trustees that may need to work with the Drainage Clerk and Mike Richards on how we can put something out in the newspaper to let people know this is what the process is and the consequence is if you start something and you end up in over your head, it is your bill. McClellan asked if when a farmer puts in private tile, doesn't he then know where that private tile is located. Granzow stated they are GPS'ed now. Hoffman stated with absentee landowners and people that purchase farms in huge farming operations like the one up by Britt, they don't know the history of a farm like you or I would know the history of our family farm, you know where to look if something is not working, these people that are buying up 80 acre parcels every other Wednesday at the Legion Hall, they don't know that history. Granzow stated you may not even get private tile maps with that, Gallentine stated if you have 5 acres under water, it's got to be the main to them, but sometimes it isn't. McClellan stated to her it seems you should dig up your private tile first to see if it is the issue. Hoffman stated but that costs them, if they refer it to the district then everyone in the district pays. McClellan asked can't they refer to their own contractors. Granzow stated as an example that happened to him, his neighbor has a pond, that pond is about 3/4 of a mile from Granzow's outlet, so the neighbor takes it upon himself to take his ranger and drive it through Granzow's corn field to listen to the water run, he got a phone call, and yes they have responsibilities, yes he took responsibility to make sure the main was running, now he knows it is a private tile, he didn't do enough damage to have crop loss but it is the concept that the neighbor did not have the right to drive on Granzow's property, Granzow stated we do have that right as Trustees, but landowners do not. Granzow's point is that at least the neighbor took the diligence to look and see that the main was flowing, and he hasn't filed anything yet. Granzow stated this is a touchy thing because we still have the possibility of going in reverse in doing this and we still have an issue coming up of

a \$24,000 bill for private tile, now contractors when they go do GPS they can be off as far as they want, they just click, they don't mark the spot they put the tile.

Hoffman stated he remembered his first GPS, back in 1993 that he bought for ice fishing only, which was guaranteed to be within 12 meters, now GPS is less than a meter. Granzow stated it can be as accurate as about 3", Hoffman stated yes depending on the quality of equipment, Gallentine stated it used to get you in the room now it can get you down to the carpet. Granzow stated if they put the mark where they actually connected they might be that far off when they actually push the button, McClellan was just thinking that if this is your main and your private tile comes through here, private tile depending on where the pond is, check your own first or check and see that the main is running. Gallentine stated that in Franklin County, they may get one a year that this waiver applies to, it really is not very many instances this applies. Granzow stated he hoped the most cost would be for digging the hole, Hoffman stated a lot of people will hurry up and wait and see if it resolves, and if we have a really wet time, you may have a hard time realizing what the drainage coefficient should be, and if we have a really dry time and then you get a little rain, you have to have the hydrology of the soils to add up to an issue, most people will wait and see if it resolves.

Smith asked if Gallentine had any issues with unreported repairs on district tile, where they may just go ahead and make a repair on district tile and not let anyone know or repairs not being done to district standards. Gallentine stated the only thing he runs into is once in a while he will get a call from a contractor who is in the field doing private tile and the district main may need repaired and the contractor will say I need to replace 100' and you need to authorize that, Gallentine tells them I can't authorize that, you need to talk to the Auditor's office and turn in a work order, and a month later I will ask the Auditor, did you ever get a work order, and the answer is no, Gallentine stated either the contractor didn't fix it or didn't go through the effort to report it. Hoffman stated the contractor is not going to let equipment set for two weeks waiting on a work order authorization. McClellan asked if the landowner pays for that then, Gallentine stated yes. Granzow stated we have taken steps to help in that instance by authorizing the Drainage Clerk to authorize repairs up to \$1,500. Gallentine stated that is mainly in Franklin County he runs into this, as Hardin County has been good at communicating that you need to reach out to the Drainage Clerk. Gallentine stated the one from Franklin County this year, was hey I have been out out here 3 years in a row and replaced another 20' of the main, we need to replace another 400' of it, Gallentine stated he can't authorize that, and never got an official request on it. Granzow asked if the Franklin County Auditor has any authority to replace district tile. Gallentine does not think so. Granzow stated he thinks it saves people a lot of money by doing that.

9. Other Business

10. Adjourn Meeting

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