

## **AGENDA**

### **Regular Drainage Meeting**

**Wednesday, March 02, 2022, 9:30 A.M.**

**This meeting will be held electronically and in-person.**

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

**ID code: 820 7567 2007**

**You can also access the meeting online at:**

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

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

Documents:

[02-16-2022 DRAINAGE MINUTES.PDF](#)

4. Discuss W Possible Action - Drainage Utility Permit Application

Documents:

[UTILITY PERMIT APPLICATION ACROSS DRAINAGE DISTRICT - MODIFIED WITH HAZERDOUS PIPELINE SECTION 2-22-22 DRAFT.PDF](#)

5. Discuss W Possible Action - IRUA Invoices
6. Discuss W Possible Action - Drainage Assessments
7. Discuss W Possible Action - New Work Order Requests
8. Other Business
9. Adjourn Meeting

**REGULAR DRAINAGE MEETING****Wednesday February 16, 2022, 9:30 A.M.****This meeting was held electronically and in-person.**

2/16/2022 - Minutes

## 1. Open Meeting

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

## 2. Approve Agenda

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

## 3. Approve Minutes

Motion by McClellan to approve the minutes of Regular Drainage Meeting dated 1/26/22, 2/2/2022, and 2/9/2022. Second by Granzow. All ayes. Motion carried.

Hoffman skipped to item #5.

## 4. Discuss W Possible Action - Pipeline Crossing Policy

Hoffman stated he asked to have the pipeline crossing policy and the utility permit added to today's agenda. Hoffman stated after the statewide supervisors meeting last week in Des Moines he and Renee got together and talked to people from both pipelines. Hoffman stated they got to talk to a gentleman that gave them some good counsel on making the process more friendly for local constituents and drainage districts.

Hoffman stated the first thing he would like to take a look at was in section 24 letter F. Hoffman stated in section 24 letter F it says: " applicants shall use district engineer and local contractors approved by the district for all work pertaining to televising, inspection, repair, and replacement." Hoffman stated he is asking to see if the Trustees believe our local contractors should be utilized for local crossings in construction. Granzow asked if they would have to televise before and after in our crossing. Hoffman stated that is what we should be asking Gallentine. Hoffman asked Gallentine if the parameters should be different with wind turbines, a pipeline, solar field. Gallentine stated he assumed we would get the route of the pipeline and determine what they would cross then we would ask that they go out and televise ahead of time. Gallentine stated the wind turbines are a little bit different, they have a different crane paths verses the transmission routes. Gallentine stated the crane paths really are not set, they leave it up to the contractor, whereas pipelines are all concentrated in the 150ft wide corridor. Hoffman stated the easements are 50 feet, that is just temporary, the permanent easements are 100. Granzow stated in the crane walk, did we have a weight specified on how heavy that had to be. Hoffman stated 8,000 pounds or greater. Granzow stated they can GPS it. Hoffman stated crane walks are in item B. Hoffman asked if we wanted all of the equipment 8,000 pounds or greater. Hoffman stated the application only states GPS to map crane walks. McClellan stated we might need to change that. Hoffman stated we might want it to say, "to map all vehicles and equipment." Hoffman stated he wanted to shore that up. Granzow stated it should say, "to map all vehicles and equipment with a gross weight of 8,000 pounds or greater." McClellan asked if we want to tweak this section or have seperate requirements. McClellan stated we would use most of this. Hoffman stated if we just strike the words "crane walks" "and" so it would state: "applicant shall use GPS to map ingress and egress of all vehicles and equipment with a gross weight of 8,000 pounds or greater." Granzow and Gallentine agreed. Gallentine stated he does not care if it is a crane or a unicycle, if it is over 8,000 pounds that is what is critical to him.

Motion by McClellan to remove the words "crane walks" "and" from section B of paragraph #24 in the utility permit application. Second by Granzow.

In additional discussion on the motion, Hoffman stated he would like the minutes to reflect that this will encompass all equipment greater than 8,000 pounds. Hoffman asked Gallentine what kind of data set will CGA ask the utility companies to provide to them. Gallentine stated they typically ask for a list of equipment that they're using and the weights. Granzow asked if we should change the weight. Hoffman asked if 8,000 is too much or too little. Hoffman stated he was going to call for a vote on the first item.

All ayes. Motion carried.

Hoffman stated the next item would be the weight. Hoffman asked Gallentine if 8,000 pounds is too much or too little. Granzow stated 8,000 pounds can get a skid loader or an excavator. Granzow stated anything larger than that, you would be over 8. Hoffman stated as brittle as some of these are he is fine with 8. McClellan stated it depends on how shallow they are. Granzow stated a tiling machine would be too heavy. Granzow stated tractors are too heavy but they are not out there doing work. McClellan asked if 8,000 pounds would crush old shallow tile. Hoffman stated even if it is an 8,000 pound vehicle or equipment that sat on top for 5 hours idling. Granzow stated should we add in there with the exception of AG equipment. Granzow stated this is just a work permit, you do not need a permit to farm. Granzow stated he is just wondering if it throws in the complication of putting a hog tank across. Hoffman stated this is with the installation of utility. Gallentine stated if he remembers correctly, part of this GPS mapping was if we got a blow out there 6 months down the road, we have a GPS that says the utility tracked over it. Gallentine stated it is a prevention thing but also a tracking thing so we know who's responsibility the blow out was. Hoffman asked if it is vague in when they would have to track their movement? Hoffman asked if they got a permit to get a crossing and they have to drive 400 yards to get there, where are we tracking them from? Hoffman asked if we were tracking them once they entered the district. Granzow stated he thinks we only have the right to ask them to track in the easement. Granzow stated for their simplicity, it would be better just to have it all. Hoffman stated but the crane walks would be crossing tiles just to get to their easements. Granzow asked if we are requiring them to kick it on when they go across our drainage tile. Hoffman stated he thinks they should have it on when working in our district. Gallentine stated he thinks they need to have it on when they are working in the district unless if they have dug up that tile and exposed it, then he only cares about 100ft within that tile. Gallentine stated most of them are going to say they will just flip it on the whole time. Granzow stated he thinks it is cleaner to say within the entire district. Granzow stated that gets you private, if they were off a 100 feet on the map. McClellan stated it is good for their purposes too. Hoffman stated in Section II of the utility permit it is Wind Turbine Requirements. Hoffman stated he is wondering if we need to re-amend this section and put Wind and Pipeline Requirements. Granzow stated "utility". Hoffman stated that is where we would put the screws hard to our fibre optics coming in with little equipment. Granzow stated most of them are under 8,000 pounds. Hoffman stated he would rather just have it Wind and Pipeline Requirements. Granzow asked if we should add Solar in there too. Hoffman stated we should include solar and pipeline after anything that says "wind turbine". Granzow stated he thought we were putting in an addendum to this so we would have our wind on one and pipelines on another. Hoffman stated it did not matter to him. Granzow stated he thought that was what our Drainage Lawler was doing. Kuechenberg stated Mike Richards is going to add a Section III to our current Utility Application pulling terms from the Resolution relating to the Pipeline.

Hoffman stated he and McClellan spoke with spoke with the gentleman at the statewide supervisors meeting about the cost per crossing. Hoffman stated he thinks that needs to be different than what we charge Heart of Iowa or something. Hoffman stated a pipeline and Heart of Iowa are two completely different things. Gallentine stated the Heart of Iowa installations and the Rural water installations are serving residents within the county. Gallentine stated there is some revenue generated off of wind towers and pipelines but it does not have the same direct service to the residents of Hardin County so he believes there should be a difference in price. Granzow asked if they come through with a natural gas line that they are going to drill the residents also, it would be a conflict. Granzow asked if we can distinguish between county right of way and non county right of way. Hoffman stated he thinks so. Granzow stated you would have different costs for county right of way vs non county right of way. Hoffman stated most of these crossings in other counties have been upwards of \$5,000 per crossing to a pipeline. Hoffman asked if Gallentine recalled how many crossings they anticipate. Gallentine stated it will be a lot. Gallentine stated the other thing is, Heart of Iowa, we are use to working with those guys and they are use to working with us. Gallentine stated they are easy. Gallentine stated the pipeline guys, he is not sure because he does not know who the contractor will be. Granzow stated they talk to us on a regular basis, they can ask for us to lower it down.

Hoffman stated with the wind turbines people felt a little better if they knew that local contractors, they did not have a bitter taste after that. Hoffman stated we can write in that they shall use our local contractors just like it says in the wind turbines. Hoffman stated he does not think a lot of the contractors are really starving for work but some of them are going outside of the area. Granzow stated if they have this job that they can local contract to they would keep it home. Hoffman stated the gentleman he and McClellan spoke with said other counties add in their utility application that local contractors should be used. Granzow asked what would happen if local contractors cannot work as fast as they want. Hoffman stated they would have to come ask for an acceptance he would think. Hoffman stated these are some items he would like to see in our revised utility application along with the per crossing fee. Hoffman asked Kuechenberg what fund the utility permit money ends up in when they come in. Kuechenberg stated they make that payment to the Treasurers office so she is not sure but she would check on that for the Trustees. Granzow stated he thought the fees would be distributed to the district. Hoffman stated lets just say \$5,000 on the short side, if there are 80 crossings, that would be \$400,000. Hoffman stated he would like to know how we would invest that or if it goes into each ones account so the next time there is a reclassification or work we could use that as a tax relief. Granzow stated it would be. Granzow stated there is usually extra money in their accounts anyways in case there is any small work that needs to be done. Hoffman stated right, some have more than others. Hoffman just wants to make sure we are talking about these kinds of things because it was very insightful to talk to other people about it. Hoffman stated it seems like there is some very big pockets, why not

make it worth our while and ensure everything is taken care of as it should be. McClellan stated this is something that should not be a money making process for us but we need to be able to cover other costs. Hoffman stated CGA is getting paid no matter what. Hoffman stated this permit is really just coming back to us, it is the ability to do business within that district or make that crossing protecting and maintaining the interest of the facilities. Hoffman stated this is maybe one of those areas for someone that is opposed to the pipeline could see that the county is trying to work in their best interest where we're making the money on the drainage district side to offset any future costs. Hoffman stated it is a small token. Granzow stated we're not trying to make money. Gallentine stated his end goal with this permit has always been after the project is done the drainage district facilities have not been adversely affected by the construction. Gallentine stated he does not think the district or the landowners should be worse off after the project than before it. McClellan asked Gallentine if CGA under our agreement being the observer out there, is it for our purposes or does it serve them? Gallentine stated it serves them in the fact that it is a code requirement that they have to satisfy. Gallentine stated but that role is the county inspector for restoration of AG lands. Gallentine stated that would be soiling, private tile, district tile, but the drainage district has the authority to impose more restrictions beyond what the state code says. Gallentine stated the company generates an AG restoration plan that they're going to repair a tile per Iowa Code which might allow the use of core metal pipe, if the district doesn't want core metal pipe, they have the authority to say no we do not want that we want something more. Gallentine stated that is what this permit really is about is to get you above that base level that Iowa Code dictates and into a level that you're comfortable with for the district.

Granzow stated he did have a question when it comes to hiring local contractors to do repairs and maintenance for this. Granzow asked if they would have to have the GPS trackers on their equipment as well. Hoffman stated they will have to. Granzow asked if an established drive could be made. Hoffman stated that would change every day. Hoffman stated his suggestion would be, in the very near future, we ask when the best time would be to get the lottery contractors in for a meeting. Hoffman stated we could ask Kuechenberg to contact them and have them come in. Hoffman stated he thinks it would be good to touch base with all of them to see what they need and don't need or want/do not want. Hoffman stated we should also make sure their fees are up to date. Hoffman stated he has a feeling if they do not have a current fee schedule with fuel and labor updated on file here it would be hard for us. Hoffman stated he is guessing that no one has really been updating their information. Kuechenberg stated she just looked at that information this morning. Kuechenberg stated the contractors have been staying up to date with their insurance but not with fee schedules. Granzow stated when you talk about your local haulers, your Kim Faris, are we going to require him to put a GPS tracker on his truck. Hoffman stated he thinks we should. Hoffman stated that is something we would discuss at our meeting. Hoffman stated he talked to one contractor a few weeks ago that if Kim Faris or Curt Crosser with his dump truck having to work they would just sub it instead of having Kim or Kurt having to go through everything to be a contractor. Hoffman stated they would still need to have the GPS equipment but that would become Gehrkes, Hands On, Honey Creek, or Paul Williams responsibility to put the GPS tracker on. Gallentine stated he thinks that meeting would be good in general because we do have a few new contractors SouthFork and Jory McDowell. Hoffman asked the Trustees if they would like to have a contractor meeting. Granzow stated he thinks we would have to. Hoffman stated he thinks they should all know what this is going to be and not going to be. McClellan asked if they think this is what is happening everywhere or if the contractor that is doing this will already have people lined up. Granzow stated they will come in with their own crew. Hoffman stated if you have local people that are willing to do the job that people already know and trust it will just be better. Hoffman stated Summit will use Ellingson out of Minnesota, he has heard mixed reviews. Hoffman stated he does not know if they will be able to keep up with work in all 6-8 counties. Hoffman stated he does not think other counties are doing this. Hoffman stated they're more worried about writing a letter of protest than they are looking at other things. Hoffman stated it will happen, with or without a letter from us. Hoffman stated if he has to do that, he will take the sting out and help Gehrke, Handsaker, Honey Creek etc. McClellan stated she knows this but we have waiting times even for those people to take on a job so who is to say that they will be available. Hoffman stated that is right. Hoffman stated if Gehrke knows now that we are going to farm this out, instead of taking a job in Belmond and Charles City he may say we will sit tight and try to keep our equipment and staff closer to home. McClellan asked how we will know if the pipeline will agree to that. Gallentine stated the second pipeline, Navigator, they asked the landowners in their meeting if the landowner has a preference on a local contractor because that is who they wanted to use. Gallentine stated they did not have an Ellingson or a named company that they were planning on using. Gallentine stated they wanted to use a local contractor as part of their sales pitch. McClellan stated it would make people feel a lot better. Granzow they can say whatever they want, if it is not in writing, it does not mean anything. Gallentine stated he gets that but he sees the advantage in a year from now they have an issue they probably will not call the pipeline as much as they would their local guy who did it and you will let him deal with the pipeline. Gallentine stated he will do it because he is local and he wants the business. Granzow stated they might subcontract to the locals and skim off of the top. Gallentine stated he is sure they will have a construction manager that gets a percentage. Granzow stated which makes sense. Hoffman stated if you think having a lottery contractors meeting would be beneficial we should do it. McClellan stated she thinks that would be good anyways. McClellan stated there is a lot of things we can go over at this meeting. Hoffman stated he would like to know who can do what. Granzow stated maybe we are trying to create something that they're not interested in doing. Hoffman stated he thinks Paul Williams is the only one that does televising right now and in our current utility permit there is a lot of televising. Hoffman stated he would like to see what they are capable of and what they are not capable of. Gallentine stated if there is enough televising maybe Paul would want to upgrade

and get a second camera or maybe another contractor wants to get a camera. Hoffman stated he thinks they even know each others capabilities are. Hoffman stated there is enough work right now that no one should be fighting amongst the contractors. Granzow stated and maybe they have a different idea for GPS tracking. Hoffman stated maybe we could do what Taylor is doing with Verizon so we could get that data set and a permanent way to store it. Hoffman stated that is relatively inexpensive. Hoffman stated we use Verizon GPS tracking on all of our Secondary Roads equipment that way someone cannot say we haven't seen a county plow vehicle in 6 years. Hoffman stated with Verizon we can pin point the amount of times we go through that general area and at what speed. Hoffman stated he did not know if it needs to be in an official motion but we should reach out to the contractors by email or phone. Kuechenberg stated she could reach out to them with a phone call. Hoffman asked how many contractors we have right now. Kuechenberg stated she would have to take a look. Gallentine stated we should have close to 8 contractors or so. Kuechenberg stated she does have a list in the Auditors Office, she does not know how current it is though. Gallentine stated he would take a look at it with Kuechenberg if she wanted to update it with what she knows and send it to him to see if he has anything to add to it. Kuechenberg stated she could do that. Granzow stated it is important that they come. Granzow stated maybe if Kuechenberg sends a letter it should state to maintain a lottery position they should come to the meeting. McClellan stated she is wondering if we should have a seperate area for heavy equipment instead of adding it to our Wind Turbine section. Granzow stated we should rescind the motion.

Motion by McClellan to rescind the previous motion.

In additional discussion, Hoffman stated he would like to see what Mike Richards comes up with. Kuechenberg asked if the Trustees would like her to bring it back to the table next week. Kuechenberg stated she reached out to Richards and he told her he should have the revised utility application by the end of this week. Hoffman stated he may be out of town next Wednesday. McClellan asked Kuechenberg to email it to the Trustees once she receives a draft from Richards. Hoffman stated we should set the Drainage Contractor Meeting up for early afternoon. McClellan asked if we really want early afternoon. McClellan stated she thinks it would be better to have it early before they get out and start working. Hoffman stated we could do it early morning. Granzow stated he could do it early morning on a Thursday if we have to. Hoffman stated early morning 8 a.m. Granzow stated how about a little after 8 a.m. so Kuechenberg doesn't have to walk in here and have to rush to the meeting. Hoffman stated that works for him. Hoffman stated we can have it at the Large Conference Room in the Courthouse because there is not that many of them. Kuechenberg asked if the Trustees had a preference if she called or emailed. Granzow stated if you have the opportunity he would prefer that Kuechenberg talked to each one personally. Kuechenberg stated she could do that. Granzow stated he thinks that is important because they might say why do I have to be at that if Kuechenberg calls she can explain that to them while on the phone. Hoffman stated another thing to provide them might be a blank rate sheet. Hoffman stated he is looking at the 1st or 3rd of March for a meeting date. Granzow stated he would prefer Thursday. Kuechenberg stated both days are open, she will see which one works best for everyone when she calls. McClellan stated she did not care which day we have it. Hoffman stated we should aim for those two dates. Gallentine stated this is not just about individual blowouts, it could relate to work on the pipeline itself. Gallentine stated some of our contractors do not think a half day job appeals to them but if they're doing tile repairs related to a pipeline that is a different side.

Granzow asked if anyone has filed any permits on the ground yet. Hoffman stated not that he knows of, but they have been signed. Granzow stated if they recorded an easement and we tried to change policy on them I agree with them, they recorded it with this current policy. Granzow asked if we have the addendum from Richards. Kuechenberg stated we do not have it yet. Kuechenberg stated she messaged Richards yesterday. Hoffman stated they have not been given any of the construction permits from IUB. Gallentine stated he can tell the Trustees he does not know how long it will be until we see filed easements on the second pipeline because they are doing an option system. Gallentine stated they are not purchasing easements up front they're purchasing options and then when they move forward they will get actual easements. Granzow stated this is no different than our windmill situation. Granzow asked if we changed it before or after they filed their permits. Granzow stated he thought they changed it before there were permits. Granzow stated if they filed a permit, they already have it in place. Granzow stated he would like to get the addendum written into the utility permit application. Granzow stated he would like the addendum to the utility permit application on next weeks agenda if we could. Kuechenberg stated she would do what she could. Kuechenberg stated the last time she spoke with Richards she told him we worried about grandfathering issues with the permit application because Navigator and Summit are starting to make moves right now. Kuechenberg stated with that, she did ask Richards what the typical crossing fee was that he has seen on permit applications and he replied it is usually around \$1,000 then additional fees (publication costs or legal fees are common). Richards stated in his email to Kuechenberg that \$2,000 is on the higher end of what he has seen so far. Kuechenberg asked the Trustees if they would like to lower that crossing fee for utility companies like the Heart of Iowa that are less invasive and raise the cost for pipelines that are more invasive. Hoffman stated directional boring is less invasive. Granzow stated he thought it might be easier to credit it back in one policy. Hoffman stated we could have our own numbers in Section III for the pipeline. Hoffman and Granzow agreed that we could put a specific dollar amount in the Section III to the pipeline. Granzow stated we're not changing the current policy, we're just adding in for a pipeline. Gallentine stated charging a minimal amount and then saying

they would have to pay additional fees can be a collection nightmare. Gallentine stated CGA still has invoices out there for rural water. Gallentine stated he thinks they are better off to get a decent amount to start with and get a refund.

All ayes. Motion carried.

#### 5. Discuss W Possible Action - New Work Order Requests

Hoffman asked Kuechenberg if there were any new work order requests. Kuechenberg stated she did not have any new work order requests. Gallentine stated he did not have any new work order requests either.

#### 6. Other Business

Hoffman stated yesterday they had the senate study bill hearing that would eliminate eminent domain for these pipeline projects. Hoffman stated he wondered if that pipeline was filed, lets just say the second of February, if the day before, the pipeline filed their permit with IUB. Hoffman asked Darrell if they would be grandfathered in or not. Darrell stated that was an interesting question. Darrell stated if someone tipped them off that they're going to file this legislation tomorrow if we filed today would we be grandfathered. Hoffman stated he just wanted to let everyone know this he did talk to Darrell this morning about that to see how that might impact things. McClellan stated so, we do not know yet. Granzow stated if you change the rules after, they would be following the rules the previous day. McClellan stated that is what we are doing. Hoffman stated there is no exact routes or anything.

DD 102 -- Gallentine asked if there was any more movement on Drainage District 2. Gallentine stated he has met with the other commissioners and they are ready to wrap up the report. Gallentine asked the Trustees if they wanted him to go ahead and wrap it up. Hoffman stated he would like to talk to Steve Perry first. Gallentine stated we could add the laterals that we're proposing to abandon in the report and then if they're not we could do a separate report for them. Gallentine stated the main needs to get done. Hoffman stated Steve Perry was on vacation and Brent never called him back. Hoffman stated he would call Brent and get back to Gallentine by the end of the day. Gallentine stated he did not know if there was any movement with the other landowners. Kuechenberg stated she did have an update on that. Kuechenberg stated she sent a letter out inviting the four landowners to a Drainage Meeting on February 23rd to discuss abandoning the laterals that we spoke about at our last meeting. Kuechenberg stated she also came across a section in Iowa Code about dissolving a drainage district that she had asked Gallentine if it would apply to the laterals or not and she has an update on that. Kuechenberg stated according to the legal opinion she found from 2017 from Mike Richards we would need 60% of the landowners in the district to file a petition to abandon those laterals. Hoffman asked if we would need to have a landowners meeting. Kuechenberg asked if we should get the opinions from the four landowners that we're inviting to next weeks meeting and go from there. Hoffman stated we need 60% of the total landowners. Granzow stated but at that meeting we can tell them if they want to turn around and petition to dissolve these laterals. Gallentine stated his only question is if we need 60% of the landowners in the whole district or in just that lateral. Granzow stated it would be the whole district. Kuechenberg stated, according to Richards, " a drainage district may abandon or transfer improvements when any drainage district is free from indebtedness and it shall appear that the necessity of it no longer exists." "Iowa Code section 468.250 a petition must be filed by a majority of the landowners who own 60% of the district." Granzow stated that would mean the entire district. Kuechenberg stated Richards also wrote, "it is likely that when abandoning a portion of a district, a drainage district should adhere to the same procedure that applies to dissolving or abandoning an entire drainage district. Granzow stated we are not trying to get rid of an entire drainage district, we're trying to get rid of a lateral. Kuechenberg stated that is what the legal opinion was for, we were trying to abandon lateral tiles. Granzow stated we are just trying to close a lateral within a main, we can abandon a main too. Granzow stated that is no different than what we were talking about with the Perry's. McClellan stated but it says when you're abandoning a portion of the district. Granzow stated he knows, but the district is a portion of the physical land. McClellan stated she is thinking a portion of the tile. Gallentine stated, really, we should probably try to abandon a portion of the main that was vacated underneath the wetland so it is official that it is not district responsibility. Gallentine stated as long as we are doing this, we should probably vacate that little chunk of main in there. Granzow stated he thinks they are two separate things. Granzow stated he thinks the tile and the laterals are within the district but we are not abandoning any portion of the district, we are just abandoning a piece of the tile. Gallentine stated, ya, the facility. Kuechenberg stated Mike Richards provided this legal opinion to Tina Schlemme specifically to determine how to abandon lateral tiles. Kuechenberg stated, Richards wrote, "You asked me to review Iowa Code Chapter 468 to determine how to abandon the lateral tiles." "I've looked at this issue and concluded the following." Granzow stated he should listen first. Granzow stated, you told me that already, didn't you. Gallentine stated we will hold on the reclassification report but he just wanted to let the Trustees know it is ready to be wrapped up and sent out. Granzow stated we

would also need a petition on the other one too. Gallentine stated it sounds like it. Granzow stated it sounds like we should call him in. McClellan stated we can call them in and tell them in what they need and it is up to them to get it signed. Granzow stated they might have enough people already to get it signed and be done with it. Gallentine stated there cant be that many landowners in this district. Kuechenberg stated there is 23 unique landowners in this district, it is not that big. Gallentine stated the Perry's might be multiple landowners. Granzow asked if it was 60% of the owners or land. Gallentine stated 60% of owners who own 60% of the ground. Kuechenberg stated Bill Schnormeier Trust, in our group next week for a meeting, owns quite a bit of land in that district. Granzow stated the Perry's do too. Granzow stated the two of them might even make up the 60% and we would need half of the people to sign the petition. Granzow stated they probably could get it. Granzow stated it probably would not hurt if they had that copy. Kuechenberg stated a copy of the petition. Granzow stated hang on a sec. Granzow stated he was going to call Brent Perry to see if we could solve this right now. Granzow said hello to Brent and told him we were in the Drainage Meeting. Granzow stated we have a legal opinion here that might complicate things. Granzow stated they have the reclassification almost ready but in order to abandon any type of the tile a petition needs to made. Kuechenberg stated 60% of the owners with 60% of the ground. Granzow asked Brent if there was any chance he could stop by the courthouse and get this information from Michelle Kuechenberg in the Auditor's Office. Brent stated he could do that. Granzow stated once we get that petition then we know which direction we are going but we have a legal opinion saying we can not even abandon a lateral. Brent stated that sounds good. Brent stated he could stop in and get that information. Granzow stated that is perfect. Perry stated he would swing by the Courthouse and pick up the petition on his father's behalf. Perry asked what kind of time frame we are dealing with on needing these done if that is the route we are going to go. Granzow stated he would prefer next Wednesday if he could do it. Granzow stated the sooner the better so we can keep moving forward. Perry asked what is the opinion of the Trustees, is that the right route that we are going with? Granzow stated yes because the main tile was severed anyways. Granzow stated should you guys be responsible for that main tile or should we. Granzow stated we need this petition to put that in the permanent records that it is severed and you guys are no longer responsible for that. Perry asked if the district was still responsible for the main that comes into it and the main that exits it. Granzow stated as of right now, yes. Granzow asked Gallentine if we were trying to change the main into it in a lateral. Gallentine stated it will be a separate classification, we call it upper main, not a lateral. Gallentine stated only the folks that feed into that would pay for it. Perry stated he sees. Perry stated it should be the responsibility of everyone within the district to continue to control the main leaving the wetland. Gallentine stated everyone on the lower main that is below the wetland, everyone in the district will pay a share of that. Perry stated that sounds good. Perry stated that is all new so there should not be any issues with that. Granzow stated we are just getting the I's dotted and the T's crossed to make sure 50-100 years from now they know what it was and we did it legal. Perry stated he would come in and grab that stuff and look it over. Perry asked who he would need to talk to about that. Granzow stated Michelle Kuechenberg in the Auditor's Office. Perry asked if Kuechenberg could explain the process to him in more detail. Granzow stated she could do that. Granzow stated Kuechenberg would have all of that information ready for him. Perry stated that sounds good and he appreciates everything. Gallentine stated so we are talking about dissolving a portion of the main that is inside of the wetland and the four laterals that we discussed at the meeting last week. Kuechenberg stated she would get that information together. Kuechenberg stated she would assume if there were any objections we would discuss them at the reclassification hearing. Gallentine stated he would recommend one joint hearing for both.

## 7. Adjourn Meeting

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

## 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](mailto:drainage@hardincountyia.gov)

*For Office Use Only*

Application Approval:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
*Board of Supervisor Chairman, Acting as Drainage District Trustee*



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. 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.
30. The term "applicant" shall mean the permit applicant, the applicant's agents, heirs, successors, assigns, and facility owners.
31. 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.