

Stanwood Drainage District

January 5, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board.
Ayes: Agne, Gaul, Bell, Kaufmann, Smith

The Board reviewed copies of the plans and specifications for the Main Open Ditch Repairs. Sup. Bell questioned who was overseeing/supervising the repair. Engineer Etler was called. Engineer Etler stated that the decisions regarding which Engineer supervises the project would be decided at the bid letting. At the bid letting the Board will appoint a Construction Engineer. Etler stated that if Bolton & Menk is chosen they would sub contract with a local company to stake out the area and would send someone there once a week to oversee the project. Etler thinks a local contractor would be a better option for supervision. Etler stated that he has been in contact with the railroad and does not anticipate any hold ups with cleaning out the bridge. A copy of the un-approved minutes will be sent to Etler.

Moved by Kaufmann seconded by Agne to accept the plans and specifications for Main Open Ditch Repairs.

Ayes; Smith, Agne, Gaul, Kaufmann

Nay: Bell

Moved by Kaufmann seconded by Gaul to set the Bid Letting date for the Main Open Ditch Repairs as January 26, 2016 at 9:00 a.m.

Ayes: Bell, Kaufmann, Gaul, Agne, Smith

Moved by Bell seconded by Gaul to approve the Board Minutes of December 29, 2015.

Ayes: Agne, Kaufmann, Bell, Gaul, Smith

Robert Dircks met with the Board to get a status update on the missed tile repairs. Dircks stated that he has not seen Crawford Engineering or B.W.C. since December 15, 2015. Engineer Crawford was called. Crawford explained that B.W.C. did repair the tile located at Lateral C (C6 and C8) on the east side of Monroe. However, B.W.C. did call Crawford to report that due to muddy conditions they were unable to continue to other repairs until conditions improved. Chairperson Smith stated that Dircks should contact B.W.C. directly for any repair questions. Dircks will call B.W.C.

Moved by Gaul seconded by Bell to return to regular session.

Ayes: Gaul, Bell, Kaufmann, Smith, Agne

Stanwood Drainage District

January 12, 2016

Moved by Agne seconded by Gaul to convene as the Stanwood Drainage District Board.

Ayes: Agne, Kaufmann, Bell, Gaul, Smith

Chairperson Smith reviewed the Claims Status Report submitted by Crawford Engineering and Surveying.

Moved by Gaul seconded by Kaufmann to approve payment of \$4,954.00 and \$370.00 to Bolton & Menk for invoices #0185834-#0185835.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Moved by Bell seconded by Kaufmann to approve the Board Minutes of January 5, 2016.

Ayes: Agne, Smith, Gaul, Bell, Kaufmann

Moved by Kaufmann seconded by Agne to return to regular session.

Ayes: Bell, Kaufmann, Agne, Gaul, Smith

Stanwood Drainage District

January 19, 2016

Moved by Kaufmann seconded by Bell to convene as the Stanwood Drainage District Board.
Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Bid letting for the Main Open Ditch Repairs is scheduled for January 26, 2016 at 9:00 a.m. Sup. Bell suggested that the Stanwood Drainage District landowners that had tile blow outs or missed tile be notified to submit claims prior to the Completion Hearing. Sup. Bell was not sure how to communicate this notification. Sup. Bell suggested putting an ad in the Sun News. Engineer Etlar will be contacted for advisement.

Moved by Bell seconded by Agne to approve the Board Minutes of January 12, 2016.
Ayes: Gaul, Bell, Agne, Kaufmann, Smith

Moved by Gaul seconded by Bell to return to regular session.
Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Moved by Kaufmann seconded by Agne to reconvene as the Stanwood Drainage District Board.
Ayes: Gaul, Bell, Agne, Kaufmann, Smith

Moved by Gaul seconded by Agne to approve payment of \$7,216.50 to Bolton & Menk for Main open Ditch Repair Study.
Chairperson Smith questioned why the invoice was listed as outstanding. Deputy Auditor Carpenter was called. Sup. Bell would like Bolton & Menk to itemize monthly invoices to show what the contract was for, where the contract is currently, and what remains. Carpenter stated that Stanwood Drainage District invoices are paid once a month at the end of the month. One invoice was inadvertently missed but has since been paid.
Ayes: Agne, Kaufmann, Bell, Gaul, Smith

Moved by Kaufmann seconded by Bell to return to regular session.
Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Stanwood Drainage District

January 26, 2016

Moved by Bell seconded by Agne to convene as the Stanwood Drainage District Board.
Ayes: Bell, Gaul, Agne, Smith, Kaufmann

At 9:00 the Board opened sealed bids for the Main Open Ditch Repairs. There were 15 bids submitted. Engineer Etler, Rod Ness and approximately 20 contractors and/or interested parties were present. Etler reviewed the bid process that included acknowledgement of addendums 1 and 2. Etler distributed Bid Summary sheets. Etler stated that the bid tabulation would be available on the Bolton & Menk website and cedarcounty.org. In addition, Bid summaries can be emailed or mailed to interested parties. Etler suggested that the Board delay awarding the bid in order for the Engineer to review the bids and qualifications of the low bidder. The bids were opened and read as follows:

<u>Bidder</u>	<u>Total Bid</u>
Dunn Construction Inc.	\$340,384.88
Weavers Inc.	\$317,684.85
Peterson Contractors Inc.	\$335,165.00
Miller Trucking & Excavating	\$495,371.25
BWC Excavating LC	\$302,478.50
Rathje Construction	\$293,693.10
Triple B Construction	\$365,907.00
Valley Construction Company	\$423,867.00
CJ Moyna & Sons	\$338,278.68
Connolly Construction Inc.	\$313,287.45
Tom Kueter Construction Co. Inc.	\$428,079.75
Borst Bros. Construction	\$333,593.65
Klima Drainage	\$168,191.90*
Barnhart's Custom Services LLC.	\$340,934.55
Legacy Corporation	\$359,611.50

Bids will be reviewed by Etler and then awarded by the Board on February 2, 2016. Discussion was held regarding work within the railroad right of way. Per the bid document, the Contractor, not the Drainage District, is responsible for acquiring the permit. The railroad has assured Etler that they do not require administrative fees or special insurance. The decision regarding a flag man for the crossing will be made by the track master. If the costs of the permit, administrative fees, insurance or flag man changes; the contract may be amended. The application form for the Union Pacific Railroad work is attached to Addendum #1. Discussion was held on appointing a Construction Engineer for the Main Open Ditch Repair. Etler stated that the Bolton & Menk office in Ames may be able to oversee the project.

Royce Lehrman voiced his concerns with land assessments. Lehrman wanted clarification on how land assessments are conducted. Etler reviewed the law associated with assessment benefits. A benefit commission is to be appointed. Those members of the commission assume that all landowners will use the outlet provided and will consider how close landowners are to that outlet. Discussion was held.

Discussion was held regarding sending notices to those land owners that may have missed tile or damages. Etler stated that in addition to a published public notice landowners would receive a direct mailing of the notice. Etler suggested that the Board include a letter reminding landowners to submit claims for damages with the notice. Crawford Engineering will certify completion and then the completion hearing can be scheduled. Etler suggested that Crawford send the notice of improper hookups, missed tile, damages to the land owners. Sup. Bell wants the landowners to be informed so they can get those issues fixed. Etler reminded the Board that there is a one year warranty after the completion hearing to get those issues repaired. Crawford will be contacted regarding sending repair notices to landowners.

Discussion was held regarding itemizing invoices. Sup. Bell would like a running total with each incoming claim being deducted from that total. This would help with tracking the budget.

Invoice # 8437 from Crawford Engineering was reviewed. Sup. Kaufmann wants clarification on if the invoices should be paid if ultimately Crawford may be responsible for those damages.

Moved by Gaul seconded by Kaufmann to approve the Board Minutes of January 19, 2016.

Ayes: Agne, Gaul, Bell, Kaufmann, Smith

Etlar stated that damages are \$500.00 a day per the contract. Per the contract BWC is responsible for the damages. However, Etlar stated that in this incidence there is a blending because the contractor was supposed to dig ahead and find the tile and then relocate the tile. The contractor may have a "beef" with Crawford. Sup. Kaufmann asked Etlar if the bill gets paid who reimburses the Board. Etlar stated that the Board can withhold the money from Crawford. Etlar stated that Crawford will have to have an itemized bill showing the phone calls and time spent with the land owners associated with the oversight.

Moved by Bell seconded by Kaufmann to approve payment of \$13,162.50 to BWC Excavating.

Ayes: Smith, Agne, Kaufmann, Bell, Gaul

Moved by Bell seconded by Kaufmann to return to regular session at 10:13 a.m.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Stanwood Drainage District

February 2, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Smith, Agne, Bell, Gaul, Kaufmann

Royce Lehrman, Duane Dircks, Robert Dirks, and Doug Klima were in attendance. Chairperson Smith reported that she had received a phone call from Engineer Dan Crawford. Crawford will not be attending the Board meeting. Discussion was held regarding invoice #8437 submitted by Crawford Engineering. The Board reviewed an email sent from Crawford regarding the itemized invoice. The Board questioned if invoice should be paid if it hasn't been determined who is responsible for damages. A phone call was place to Engineer Crawford. Discussion was held. Crawford stated that most of the invoice relates to responding to the land owners complaints. Chairperson Smith replied that those complaints are based on damages related to BWC errors. Crawford stated that the invoices submitted by Rodne Wendt, Robert Dircks, and Hertz Farm Management are claims. Per Crawford, the invoice he submitted is for construction related issues. Crawford does not think these issues are damages at this point. However it is a claim for damages. Claims will be acted on after the final hearing. The final hearing cannot be held until Crawford certifies construction completion, which has not been completed yet. BWC is acquiring daily damages fees since they have not completed the project scheduled for completion on December 15, 2015. Crawford stated that any construction related issues is the responsibility of the contractor (BWC) per the contract. Sup. Bell questioned what if BWC states that Crawford told them to do something and it wasn't right. Crawford replied that BWC is required to follow the Board approved plans and specifications. Crawford feels that BWC did follow those plans and specifications. The only way BWC could stray from the plans and specifications would be if Crawford issued a change order. To date there have been no change orders issued. Crawford guaranteed the Board that he never instructed BWC to do anything outside of the plans and specifications. Crawford stated that BWC defied the contract. Discussion was held. If the Board pays invoice #8437 and the charges pertain to the damages claims the Stanwood Drainage District will be reimbursed out of the awarded damages.

Duane Dircks questioned crop damages notification. Duane Dircks was given a crop damage tabulation form submitted by Crawford Engineering. The crop damage tabulation related to the installation only. Water damage claims need to be submitted to Crawford for his review. Crawford suggested that questions regarding types of damages allowed be directed to Etlar. Robert Dirks requested maps of where his private tile was ripped out. Crawford is in the process of working on those maps. Crawford will get a copy of the maps from Josh at BWC and will send them to Robert Dirks. Duane Dircks will contact Josh at BWC or Crawford to notify them of water damages. Robert Dirks and Duane Dircks voiced their concerns of tile and water damages. Discussion was held. Attorney James Hudson was called. There was no answer. Discussion regarding damages and claims will be held with Attorney Hudson on Tuesday February 9, 2016.

The Board reviewed Engineer Etlar's recommendation on awarding the contract for the Main Open Ditch repair. Etlar concludes that the bid submitted by Klima is nonresponsive and should be rejected. Doug Klima disagreed with Etlar's recommendation. Klima voiced reasons his bid should be awarded. Discussion was held.

At 12:16 p.m. Engineer Etlar was called. Etlar reviewed the discrepancies of Klima's bid. Etlar reviewed Proposal Attachment: Part C – Bid Items and Quantities. Klima failed to fill out the unit price of item #3 open ditch spoil bank leveling, and #19 the conventional seeding and fertilizing unit price was listed at \$0.17 not \$17.00 which still does not calculate to the amount listed. Etlar is concerned that the pipes would not be able to be put in correctly for the price bid. Klima responded that he bid the pipe based off of per foot and he would install it right. Discussion was held. Klima will provide a list of references of work that is similar to excavating large ditches to Etlar and the Board for their review. The Board will delay action on awarding the bid for the Main open ditch until February 9th at 9:00 a.m.

Chairperson Smith asked Etler about the invoice submitted by Crawford. Etler stated that the District is responsible to pay claims. The damages will be awarded at the Completion Hearing. Chairperson Smith asked Etler about the tile that was ripped out by BWC on the Robert Dirks farm. Etler stated that he had spoken to Crawford about Dirks tile being ripped out. Crawford stated that some, not all, of the Dirks tile was ripped out. The Board would have to decide if that damage was unavoidable or if it was the contractors fault. Chairperson Smith reminded Etler of the conversation Robert Dircks had with Josh from BWC about the tile being flagged and Josh from BWC not being able to divert from the plans. Chairperson Smith asked if this Josh's problem or a design problem. Etler replied that he doesn't know the conversations Crawford had with the contractor. Etler was under the impression that Crawford had a map of the tile that was flagged and then ripped out. Sup. Bell asked Etler if a change order should have been issued by Crawford to avoid ripping out the tile. Etler stated that this was the intent given to the contractor at the preconstruction meeting. The purpose of digging ahead is to avoid tile which didn't happen. These claims associated with the tile being ripped out need to go through damages. The damages costs can be part of the Districts cost or can be taken from the contractor retainage. Sup. Bell asked what if it was the Engineers fault. Etler stated that he doesn't know. Discussion was held on water and crop damages. Royce Lehrman wanted clarification on who is responsible for the whole farm yield loss because of the water being backed up at the bridge. Etler had previously asked Crawford about that issue. Crawford stated that the contractor did not make an error in blocking the drainage. Sup. Kaufmann asked Etler what happens if the Supervising Engineer (Crawford) is denying what the Board knows is fact. Etler replied he doesn't know. Etler stated that litigation may be an answer. Etler feels if the Board believes something is wrong then to talk to Attorney Hudson. Discussion was held regarding crop and water damages. Lehrman, Duane Dircks and Robert Dirks voiced their concerns on the damages.

Moved by Kaufmann seconded by Bell to approve Claim Disbursements #404217 - #404221.
Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Moved by Bell seconded by Gaul to approve the Board Minutes of January 26, 2016.
Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Moved by Agne seconded by Bell to return to regular session at 1:07 p.m.
Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Stanwood Drainage District

February 9, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board.
Ayes: Bell, Gaul, Agne, Kaufmann, Smith

The following were present: Jerry McElmeel, Jarod McElmeel, Tom Weiland, Robert Dircks, Irene Wood, Matt Flitsch, Steve Swanson, Mary Swan, Royce Lehrman, Larry Hodgden, Rick Pruess, and Duane Dierks.

At 9:00 a.m. Attorney Hudson was called. The Board requested clarification from Hudson whether or not to go into closed session because of possible litigation. Hudson stated there was no need to go into closed session because he is just going to comment on litigation not discuss it. Chairperson Smith reviewed the invoice submitted by Crawford Engineering for responding to property owner claims of damages. Chairperson Smith asked about repayment of those claims. Does this get assessed to the whole Stanwood Drainage District or do they get taken out of BWC retainage? Hudson replied that is the Board's decision, which is premature at this point. Hudson continued that the project has to be completed before decisions can be made on damages. The project has yet to be completed. Hudson referenced Iowa Drainage Code 468.101 thru 468.105 relating to completion of work procedures. When the work is complete the Construction Engineer will certify completion to the Board. Then the Completion hearing would be scheduled (usually held 10 days after completion is certified.) The land owners will receive notice of the Completion hearing via mail and publication. In addition the land owners will receive a letter from the Engineer requesting that the land owners submit claims for damages at the Completion hearing. Typical claims for damages are related to crop loss, missed tile and compaction. The Engineer reviews those claims. The Board determines if there is something wrong with the contract, which would include whose fault it was; the contractor, the engineer, or was it unforeseeable wrong. Hudson referenced unavoidable necessity. Hudson advised the Board to delay payment until the project is completed. If the Board approved payment and then Crawford is found to be at fault the Board will be reimbursed. Hudson stated that liquidated damages against BWC for not completing the project could be \$500.00 a day. That pool of money which is approximately \$30,000 to \$40,000 could be used to offset some of those damages claims. Sup. Bell responded that the pool of money belongs to the land owners of the Stanwood Drainage District. Sup. Bell continued that there are two issues 1. Damages due to normal construction (crop loss, missed tile hook ups) and 2. Things that were done improperly because of Engineer Etlar, Engineer Crawford and BWC. Hudson stated that if the Board decides not to pay the principle of the bill obviously the interest wouldn't be paid either. Sup. Bell responded that is where it comes to the possibility of litigation. Hudson replied then you would have to discuss that with another lawyer, not me. Sup. Bell questioned Hudson if he represented the Board Hudson stated he does, but he recommended Etlar. Hudson stated that if the Board is going to sue an Engineer; for incorrectly engineering the project and/or supervising the project, the Board will need an expert Engineer in agricultural drainage. Hudson continued that there isn't any in Eastern Iowa. If the contractor did not do the project right and the Engineer states the contractor didn't then the damages come out of the contractor's retainage or the liquidated damages. If the Engineer is at fault then Hudson recommends negotiating with the Engineer. Hudson warned the Board against talking about lawsuits before the construction is completed. Chairperson Smith reiterated that the Board is not talking about suing at this time. The argument is with paying for the damages and who is responsible. Hudson encouraged the Board to have a conversation with the Engineer and the contractor on what their responsibilities should or should not be. Sup. Kaufmann responded that there is already finger pointing between Etlar, the construction Engineer and the contractor and the Board is trying to do the right thing. Sup. Bell stated that the Board has already tried to work the situation out with Crawford and Etlar but the Board keeps hitting a brick wall. Hudson asked if Etlar or Crawford has provided the Board a written analysis of what happened. Hudson referenced Robert Dircks flagged private tile being ripped out that needs to be analyzed by Crawford in writing so the Board can then make an informed decision about claims for damages. Hudson continued that Etlar was aware of something about the contractor and Crawford limiting crop damages and they (contractor and BWC) made a decision to do it the way they did it to limit crop damages. If that decision is found to be wrong the Board will decide if those fees come out of the contractor's retainage or the billing from the

Engineer. Sup. Kaufmann asked if the Board determines the Engineer is at fault what recourse does the Engineer have if he says he is not at fault. Hudson replied there is not a lot he can do, because the Drainage District cannot be sued. Sup. Kaufmann asked for clarification that if the Board determines a particular party is at fault and owes the Drainage District and that party disagrees with the Board's decision, the Board's decision stands. Hudson responded yes, to a point. However, there is a provision in the code that allows appeals to be heard in District Court. Overall, Hudson advised the Board to let the project be completed first and then address all of the issues at the completion hearing. Hudson stated that Etlar, Crawford and BWC need to supply written explanations regarding the submitted damage claims (Wendt, Dircks, Oldorf). Discussion was held. Robert Dircks stated that he spoke to Crawford about the list of nine claims of damages he had on his property and Crawford responded very aggressively that the list provided were not damages just concerns. Hudson explained the term damages and that now is not the appropriate time to make claims for damages. If things are not done correctly then they need to be fixed by the contractor or a private contractor. At the final hearing it will be determined who is at fault. Hudson suggested that he and Etlar meet with Crawford. Sup. Bell suggested that if there is no resolution at the meeting between Hudson, Etlar and Crawford; the Board will need to find out the total dollar amount of the damages and then withhold that money from both of them. Hudson stated that is a good way of doing it. Duane Dierks voiced his concerns regarding water damages. Discussion was held. Sup. Kaufmann asked if yield loss due to water damages which are the result of non-completion are considered damages. Hudson responded that it may be because of unfavorable necessity or weather conditions but the Board has to rely on the opinion of the Engineer. If it is negligence of construction then the landowner would be entitled to damages. If it is because of normal construction then it would be a claim of crop loss. Sup. Kaufmann asked if there is an inherent problem if the damages might be the fault of the Engineer and then relying on that Engineer's advice on who is at fault, isn't that a conflict of interest. Hudson responded that he doesn't know where else the Board would get that advice. Landowners should submit a claim regarding water damages so they can be reviewed. Dierks will need to submit in writing on how the decrease in yields is related to water damages caused by improper hook ups. Discussion was held. Claims submitted at this time are to bring attention to those issues for the Engineer to review. At the Completion hearing submitted claims will need to have a dollar amount attached to the claim. If the land owners get something fixed on the district's facility they need to have the Board approval and then they can submit a bill. Hudson stated that a field inspection needs to be done on the Dircks land where the tile was ripped out. A list of topics will be provided to Hudson for him to review with Crawford at the meeting. Discussion continued. The Board instructed Dircks to get estimates on tile installation.

At 10:00 a.m. Engineer Crawford was called. Crawford will meet with Duane Dircks at the Highway 38 Bridge in Stanwood at 11:30 a.m. to view surface water and other areas of concerns. Discussion was held. Crawford explained a claim needs to be submitted in writing, then reviewed by him and then he will make a recommendation to the Board. The Board then makes the decision. If the claim is legitimate and agreed on then the claim becomes damages. Two supervisors will meet at the Highway 38 Bridge at 11:30 a.m.

Moved by Kaufmann seconded by Bell to approve payment of \$7,655.50 to Bolton and Menk for invoice #0186790.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Discussion was held regarding Klima Drainage. Sup. Kaufmann read the email submitted by Engineer Etlar regarding his recommendation. Etlar declined to recommend the contract to Klima, but also did not recommend against awarding the contract to Klima. Etlar stated the decision would be up to the Board. Supervisors Bell spoke to some of the references provided by Nic Klima. Klima Drainage received praise from those references contacted. Sup. Kaufmann stated that he heard the same praise of Klima Drainage from local contractors. Dierks agreed. Chairperson Smith was cautious about the amount quoted for the materials and seeding. Sup. Bell responded that the \$30,000 Etlar estimated for a construction Engineer, that would provide oversight, still would only be \$198,191.90. Sup. Bell continued that he can't justify spending the money by awarding the bid to the next higher bid. Sup. Gaul agreed.

Moved by Bell seconded by Gaul to approve the bid of \$168,191.90 by Klima Drainage for the Main Open Ditch Repair.

Ayes: Agne, Gaul, Bell, Kaufmann, Smith

Discussion was held on appointing a construction engineer to oversee the Main Open Ditch Repair. Sup. Bell had researched local construction engineers. McClure Engineering was recommended to Sup. Bell. Engineer Kevin Baily from McClure Engineering will be contacted to get on the Board's agenda to discuss qualifications. At 10:21 a.m. Engineer Etler was called. Etler was briefed on the awarded bid to Klima Drainage. Discussion was held regarding appointing a Construction Engineer. Etler recommended Jerry Droll based on his construction inspection and observation work within the County. Chairperson Smith informed Etler of the meeting with Hudson and Crawford. Etler stated some of the confusion is the terminology and procedures. Etler will email the bid tabulation to the Board. On the advisement of Attorney Hudson invoice #8437 submitted by Crawford Engineering will not be paid at this time. The invoice will be added to the other claims for damages.

Moved by Gaul seconded by Agne to approve the Board Minutes of February 2, 2016.
Ayes: Gaul, Bell, Agne, Kaufmann, Smith

Moved by Bell seconded by Kaufmann to return to regular session at 10:31 a.m.
Ayes: Kaufmann, Bell, Gaul, Agne, Smith

Stanwood Drainage District

February 16, 2016

Moved by Gaul seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Smith, Gaul, Kaufmann

Absent: Agne, Bell

Engineer Kevin Bailey and Construction Services Manager David Schiefelbein of McClure Engineering met with the Board for discussion on Construction Engineering for the Main Open Ditch Repair. Bailey and Schiefelbein reviewed their qualifications. McClure Engineering provides bi-weekly construction status meetings. These meetings will be open to the public. Construction status meeting topics will include construction status reports, time and material status, and public comments. Construction status meetings will be coordinated with the Board at a mutually agreed upon date/time. Schiefelbein reviewed the Appia website features which include daily notes, material quantities, and change order reports. The Appia website is available to the public. Bailey reviewed McClure Engineering's estimate of 5% (\$17,000) based off of Engineer Etler's revised construction costs estimate of \$338,380, to provide construction engineering for the Main Open Ditch Repair. Bailey stated that the estimate is based off of time and materials and may be less. Discussion was held. The Board requested that County Attorney Renander and/or Engineer Fangmann review McClure Engineering's submitted construction engineering and inspection services agreement. The Board heard questions and suggestions from the public. The Board recessed at 9:33 a.m. in order for Renander and Fangmann to review the construction engineering and inspection services agreement.

At 10:30 a.m. the Board reconvened as the Stanwood Drainage District Board. Engineer Fangmann and County Attorney Renander were present. Fangmann reviewed McClure Engineering's construction engineering and inspection services agreement. Fangmann noted that construction surveying was not included in the agreement. Engineer Etler was called for clarification. Etler was unavailable. Discussion was held. Bailey explained that McClure Engineering can provide construction surveying and staking. Construction and surveying costs will be based off of time and materials. Discussion was held on who obtains permits for the Railroad, D.N.R. and Nationwide. County Attorney Renander does not see any red flags with the agreement. Bailey reviewed staking and surveying requirements per the plans and specifications. Schiefelbein will contact the Surveying Coordinator to see if he would be able to get estimated costs of surveying and staking for the Main Open Ditch Repairs. Schiefelbein anticipates the estimate to be around \$10,000. Bailey will amend the construction engineering and inspection services agreement to include Construction surveying and staking for the Main Open Ditch Repairs. An email was sent to Engineer Etler requesting that the Board call him at 12:30 p.m. to get clarification on construction surveying and permit requirements for the Main Open Ditch Repair.

Moved by Kaufmann seconded by Gaul to approve payment of \$16,538.18 to BWC Excavating for work completed through January 31, 2016.

Ayes: Gaul, Kaufmann, Smith

Absent: Agne, Bell

Moved by Kaufmann seconded by Gaul to approve the Board Minutes of February 9, 2016

Ayes: Gaul, Kaufmann, Smith

Absent: Agne, Bell

Sup. Kaufmann reviewed the tour of Stanwood Drainage District he and Sup. Agne attended on Tuesday, February 9, 2016. Engineer Crawford and Duane Dierks met with Kaufmann and Agne to review concern areas. Crawford agrees that there is something legitimately wrong with water pooling and assumes tile was crushed or missed. Crawford will investigate the concerns further once the weather conditions improve. Discussion was held. Sup. Kaufmann stated that he is very concerned with the planting season being interrupted. Sup. Kaufmann reiterated that the Board needs to stay on top of this issue so the project is completed by the planting season. At 11:10 a.m. the Board recessed until 12:30 p.m.

At 12:30 p.m. the Board reconvened as the Stanwood Drainage District Board. The revised construction engineering and inspection services agreement that included survey and staking was distributed. Engineer Etlar and Engineer Rosengren were called regarding construction surveying and permit requirements. Neither Etlar nor Rosengren were available. At 12:41 p.m. Doug Klima of Klima Drainage was called. Klima stated that he assumes that Etlar has already applied for the required permits. Klima understands that he has to apply for the Union Pacific Railroad Permit. Klima wanted clarification from Etlar if the Corp. of Engineers has been notified of the project. Etlar will be emailed to get clarification. Schiefelbein reported that the Surveying Coordinator has estimated the surveying and staking estimate to be \$9,000 to \$10,000.

Moved by Kaufmann seconded by Gaul to appoint McClure Engineering as the Construction Engineer for the Main Open Ditch Repair.

Ayes: Gaul, Kaufmann, Smith

Absent: Agne, Bell

Moved by Kaufmann seconded by Gaul to return to regular session.

Ayes: Smith, Kaufmann, Gaul

Absent: Agne, Bell

Stanwood Drainage District

February 23, 2016

Moved by Gaul seconded by Bell to convene as the Stanwood Drainage District Board.
Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Chairperson Smith reviewed emailed correspondence from Engineer Etlar regarding the pre-construction meeting, permit requirements for the Main open ditch repair and the assessment process.

Moved by Kaufmann seconded by Bell to approve Claim Disbursements #20084 - #20085.
Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Moved by Agne seconded by Kaufmann to approve Claim Disbursements #20086 - #20088.
Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Moved by Gaul seconded by Kaufmann to approve the Board Minutes of February 16, 2016.
Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Sheryl Mullan asked for an update on the Main Open Ditch construction progress. Mullan will file written claims for damages to the Auditors office. Discussion was held.

Moved by Agne seconded by Kaufmann to return to regular session at 9:09 a.m.
Ayes: Kaufmann, Agne, Bell, Gaul, Smith

Stanwood Drainage District

March 1, 2016

Moved by Agne seconded by Bell to convene as the Stanwood Drainage District Board.

Ayes: Gaul, Bell, Agne, Kaufmann, Smith

Sup. Bell gave a report on the preconstruction meeting held on Monday, February 29th. Supervisors Bell and Kaufmann, representatives from McClure Engineering, Klima Drainage, McElmeel Excavating, I.D.O.T. and Engineer Fangmann were present at the preconstruction meeting. Klima would like to start the project as soon as the required permits are obtained, staking is completed and if the weather cooperates. Jason Charlier from McClure Engineering will be the main open ditch onsite coordinator. If the Board, landowners or contractors have any issues they are to be relayed to Charlier. Pay requests need to be submitted to McClure Engineering for their review no later than the 20th of the month. Progress meetings will be held every two weeks, on Tuesdays, during the Board meeting. The first progress meeting will be held on March 8th at 10:00 a.m. Discussion was held on landowners removing fencing. Burning the main open ditch may be delayed depending on the work progress.

Moved by Bell seconded by Kaufmann to approve the Board Minutes of February 23, 2016.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Moved by Agne seconded by Bell to return to regular session.

Ayes: Kaufmann, Bell, Gaul, Agne, Smith

Moved by Kaufmann seconded by Bell to reconvene as the Stanwood Drainage District Board at 9:35 a.m.

Ayes: Smith, Agne, Kaufmann, Gaul, Bell

Duane Dierks met with the Board to voice concerns of water pooling. Dierks reported that there is no water in the catch basin located near the Highway 38 Bridge. Discussion was held. At 9:39 a.m. Brian Crawford of Crawford Engineering was called. Regarding the tile maps, Crawford is waiting for Josh at BWC to provide the as built maps. Once the as built maps are acquired by Josh at BWC copies will be provided to the Board and to the landowners. Sup. Kaufmann reminded Brian of the on-site meeting with Dan Crawford. Brian stated that Dan Crawford had taken a G.P.S. unit to tag the standing water areas. Brian did not have any other information to report at this time. Brian will provide a plan of action and a report on the water issues on the Voelker Farm to the Board. Dierks will be notified when the Board receives an update. Discussion was held.

Moved by Bell seconded by Agne to return to regular session at 9:50 a.m.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Stanwood Drainage District

March 8, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board.
Ayes: Smith, Kaufmann, Agne, Gaul, Bell

Shawn Whitten and Jeff Zachmann of BWC, Engineer Dan Crawford, and Robert Dircks were present. Whitten gave an update on construction progress. BWC is finishing the rear wall rip rap, and pumps were installed to pump excess water out. Whitten expects the rear wall project to be completed within the next two weeks. BWC will continue to work on fixing/repairing the tile along the open ditch. Weather permitting the project should be completed in the next two to three weeks. Chairperson Smith relayed information from Engineer Fangmann regarding a blocked culvert on 130th St. just west of Highway 38. Engineer Fangmann believes that this may be a reason that water is pooling at that site. Zachmann will go to the site on today's date to investigate the blocked culvert. Crawford responded that he was not aware that the culvert was there. Zachmann replied that they will clean out the culvert if BWC is responsible for blocking it. Duane Dierks and Rick Pruess entered the meeting while in progress. Zachmann continued that he will investigate the water pooling issues on the Voelker Farm on today's date. Whitten explained that 800 feet of dirt was dug up on the Voelker Farm. No tile was found. Whitten reported that water pooling decreased once the dirt was dug up and the water was able to escape into the seams. Installed pumps may have helped decrease the water pooling as well. Duane Dierks explained water pooling problem areas. Whitten voiced his concerns with the soil berms holding back water. Whitten explained that the berms do not allow water to flow out to the tile. Crawford replied that per the design plans it was required that the backfilled topsoil be humped over the new mains. Settlement will naturally occur over the next few years. If the backfill is not humped over eventually it would sag and cause a drainage problem. Crawford stated that a box blade may be used to level off those berms to help relieve some of the water. Crawford thought that land owners were willing to do the blading themselves. Dierks replied that they have in the past but now there is way more dirt to move, and using a box blade would take forever to move it. Engineer Etler was called at 10:15 a.m. Etler was not available. Crawford presented the incomplete as-built maps to the Board. Whitten apologized for the miscommunication that was given to the Board regarding the as-built maps. Crawford was not given the copies of the maps by BWC as was reported. The as-built maps were returned to Crawford. Crawford will complete maps by next week and then submit them to the Board. Crawford will contact Engineer Etler to see if the back fill trenches need to be left as is for future settlement or if they should be cut level. Discussion was held. Dierks would prefer that the backfill be leveled off in order for water to escape. Any issues with the backfill settling he will be responsible for. Whitten stated that BWC would be willing to cut the berms. However, they would be held liable for going against the design plans. Discussion was held. Crawford explained that Etler is in the process of designing a change order. Crawford will contact Etler letting him know to add removing/leveling of the backfill to the change order. A change order will make removing the backfill legal within the terms of the contract. Sup. Kaufmann asked Crawford to explain the process going forward to find the problems areas before planting. Crawford replied that when he met with Dierks they had identified three problem areas. BWC has excavated one of the problem areas and did not find any tile. There are two other areas that need to be looked at. BWC is putting their best efforts into finding the tile. Crawford believes that BWC will find that the old clay main is not connected completely with the new main. BWC connected the main in the places that they intersected. Two to three sections of new pipe were placed along the new alignment. However, since there were mature soy bean and corn crops within that work space BWC did not proceed beyond that site to avoid additional crop damages. Crawford feels that beyond that area there may be a problem. Zachmann replied that they stopped laying the pipe because that is what the design showed. Crawford reiterated that there was no wrong doing on BWC's part. Discussion was held on where the 800 feet was dug. BWC will confirm the location of where the 800 feet was dug up. Discussion was held on missed/crushed tile along Lateral B. Dierks reported that water has been pooling in the area of Lateral B2 from the farms of the Woolison's up towards Oldorf's. BWC and Crawford will investigate this area today. BWC feels that this is another area where the berms are not allowing the water to flow out.

Robert Dircks reviewed a letter dated October 13, 2015 sent from Engineer Etler regarding existing tile disruptions and having local contractors install private tile. Dircks highlighted an email sent from Crawford regarding BWC obliterating an 8" tile along portions of Lateral B2. Dircks has received an estimate of \$10,639 from Eastern Iowa Drainage to repair lateral B and B2. Dircks would like the repairs to be completed in order for a spring crop to be planted. Dircks questioned if it was ok to go ahead with the repairs and then submit the bill as a damages claim. Crawford read Iowa Drainage Code 468.103. The Board will submit the claims to Crawford for his review. Crawford will investigate the claims and then report back to the Board. The Board will then have to decide if the claims were due to contractor negligence or not. If the claims were due to contractor negligence the claims will be paid out of the contractor's retainage. If the claims were not due to contractor's negligence the claims will be paid out of the Drainage District funds. Regarding Robert Dircks claim that the private tile was ripped out, the Board would have to determine if this is a legitimate claim. Crawford stated that there are a lot of things that need to be considered when determining a legitimate claim. Crawford explained that the alignment of the pipe (new main) will be considered when reviewing a claim. Other considerations may be: if the design engineer wanted to change the design of the alignment for the new main, delays relating to the new redesign, additional costs for bends and materials and crop damages. It may have been cheaper for the private tile to be installed by a local contractor than to redesign the alignment of the new main. Sup. Kaufmann asked if a contractor is able to respond to the claim of negligence and questioned why Engineers negligence is exempt from the code. Crawford explained that BWC is protected because BWC followed the plans and specifications of the project. Zachmann replied that if BWC encountered any tile they were to tie them back in. The 8 inch line was in alignment with the pipe so it was ripped out. Sup. Bell responded that there was a lack of communication regarding Dircks private tile being ripped out. BWC should have told Crawford and Crawford should have let Etler know immediately. BWC replied that Crawford did know about the tile being ripped out. Discussion was held. Dircks reported that 800 feet of tile was taken out along lateral B. If Dircks wants to file this as a claim it will be addressed at the Completion Hearing. There is a one year bond after the completion hearing for any issues to be repaired by BWC. Sup. Bell responded that BWC should not be at fault if the tile was ripped out per the design. This is another example of a lack of communication. Crawford defended Etler's design. Crawford explained that it is difficult to know where the farmer's private tiles are located.

Dircks had spoken to Josh from BWC about taking out the good tile. Josh's response was that he was doing what he was told to do; based off of the plans and specs. BWC still kept going and ripped out the tile. Sup. Bell replied again that this communication never went up the ladder to Etler and then down to the Board. Crawford stated that this was not part of the plans and specs and he never instructed BWC to change the alignment. Crawford dared the Board to find this in the plans and specs. Sup. Kaufmann reminded Crawford that Etler told Dircks (per the letter) that it was going to happen and it didn't. Crawford responded that he did not receive the letter. Per the letter dated October 13, 2015 Crawford received a carbon copy of the letter via email. Further, Crawford responded that Lateral B2 was installed in May. Sup. Kaufmann questioned if the problem is with the design Engineer (Etler) and since the code exempts Engineers from being held liable what does the Board do. In prior conversations with Attorney Hudson; Hudson advised withholding payment. As of today's date Hudson and Etler have not met with Crawford as was promised. Etler has not issued any change orders for this project. Crawford will contact Etler about getting a change order for leveling the berms. Hudson will be contacted regarding the meeting with Crawford. The Board advised Robert Dircks that he can either pay a private tiler to install the tile along lateral B and take a gamble that it will be pay out of the damages claims or wait to see what happens.

Discussion was held on the crop loss claim submitted by Mike Bixler. The Board will have to determine the rate per bushel to pay for crop loss.

Jason Charlier, from McClure Engineering met with the Board to give an update on the main open ditch work progress. Klima Drainage started work on Thursday, March 3rd. Charlier estimates that Klima is 1/3 of the way to Highway 30. Charlier asked if it would be ok to reuse the ten dump truck loads of rip/rap from the King Ave Bridge. Engineer Fangmann was called. Klima has filed for the I.D.O.T. permit. It may take up to 30 days to be issued the permit. Fangmann entered the Board meeting. Fangmann stated that it was ok to reuse the rip/rap. Charlier advised the Board that the surveyor encountered more fence line that will need to be

removed than was expected. Charlier estimates that Klima will be at highway 30 by the end of the week. Shelia Lee at the I.D.O.T. will be contacted to expedite the permit process. A link to the Appia website will be sent to the Board.

Moved by Bell seconded by Kaufmann to approve payment of \$5,514.00 to Bolton & Menk for Invoice #0187841.

Ayes: Bell, Gaul, Kaufmann, Agne, Smith

Payment in the amount of \$656.00 to Bolton & Menk will be withheld until the Board receives clarification from Etlar on what the study of laterals 1 & 2 pertains too.

Moved by Gaul seconded by Kaufmann to approve payment of \$366.00 to Hudson Law Firm.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Discussion was held on the communication break down between BWC, Engineer Crawford, and Engineer Etlar. Hudson will be contacted regarding the meeting with Engineer Crawford. Engineer Fangmann was briefed on the blocked culvert on 130th St. just west of Highway 38.

Moved by Kaufmann seconded by Agne to approve the Board Minutes of March 1, 2016.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Moved by Gaul seconded by Bell to return to regular session at 11:23 a.m.

Ayes: Smith, Agne, Kaufmann, Bell, Gaul

Stanwood Drainage District

March 15, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.
Ayes: Smith, Agne, Kaufmann, Bell, Gaul

Jason Charlier, from McClure Engineering met with the Board to give an update on the Main Open Ditch work progress. Robert Dircks and David Schiefelbein were in attendance. Charlier reported that work has progressed with the exception of Highway 30 and the railroad bridge. Charlier explained that water is being held back at the railroad bridge. Klima's insurance agent Jason Donlea has sent the permits into the I.D.O.T. and the Union Pacific Railroad. Donlea suggested that the Board call the I.D.O.T and Union Pacific Railroad to expedite the permits. Discussion was held. Charlier stated that they found two areas where field tile were broken near the railroad bridge. At 10:05 a.m. Engineer Etler was called. Discussion was held regarding obtaining the permits from the I.D.O.T. and the Union Pacific Railroad. Etler suggested that McClure Engineering call Shelia Lee at the I.D.O.T. to recommend expediting the permit. Etler was informed of the water depth at the railroad bridge site. Etler does not have a connection at the Union Pacific Railroad. Etler suggested that McClure Engineering or Klima contact the Railroad to expedite the permit. Sup. Bell suggested that McClure Engineering contact the I.D.O.T. and the Railroad while the Board is in session. Phone calls were placed to the I.D.O.T. and the Union Pacific Railroad. Larry Hodgden and Mary Swan voiced concerns with Engineer Etler. A voicemail was left for Justin Maher at the Union Pacific Railroad. Sup. Kaufmann stated that he would be willing to contact legislatures Kaufmann and/or Dvorsky to get the railroad permits expedited if McClure's attempts to obtain the permits were not forthcoming. At 10:18 a.m. Shelia Lee was contacted. Lee explained that she has received the permit but has not reviewed it. Lee will try to process the permit within the next couple of days, but informed the Board she will be traveling. Chairperson Smith suggested calling Attorney Hudson on advisement on digging out the railroad bridge without being in the railroads right of way. At 10:22 a.m. Attorney Hudson was called. A voicemail message was left. Chairperson Smith sent Hudson a text message. No return message was received. Robert Dircks addressed the Board. BWC has not contacted Dircks regarding water issues and tile maps.

Discussion was held regarding payment of \$656.00 to Bolton & Menk for Invoice #0187840. Chairperson Smith read Engineer Etler's emailed response relating to the invoice. Discussion was held. The Board will seek information from Attorney Hudson on withholding paying invoices related to damages (design flaws) submitted by Engineer Etler. The Board will withhold payment to Bolton & Menk for Invoice #0187840 until Attorney Hudson advises the Board.

Moved by Bell seconded by Kaufmann to approve the Board Minutes of March 8, 2016.
Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Moved by Gaul seconded by Agne to return to regular session.
Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Stanwood Drainage District

March 22, 2016

Moved by Agne seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Smith, Kaufmann, Agne, Gaul

Absent: Bell

David Siebles, Royce Lehrman, Doug Klima and Jason Charlier were in attendance. Charlier gave an update on the Main Open Ditch work progress. Klima has dug up to the end past Jackson Ave. Klima will work on straightening the meanders of the ditch. Charlier reported that the ditch would be about 10 ft. wide instead of the 6 ft. bottom. Charlier has spoken to Luke Huggins at McClure Engineering about the possibility of adding an item to bring in fill dirt. Fill dirt would be used on a case by case basis. Klima has spoken to the Union Pacific Railroad regarding the permit. The railroad permit is expected to be approved by Wednesday. The I.D.O.T. permit has yet to be issued. The Board was notified by Engineer Etler that the original signed contracts have been lost in the mail. Chairperson Smith resigned a copy of the contract. During a prior conversation Etler had stated that he had one signed copy of the contract but he needed three. Charlier has submitted questions to Huggins about Etler plans that indicate 205 stations and end construction show 207.55. There are extra stations listed on the plans that Etler does not have accounted. Huggins will contact Etler about the stations as well as tile extension concerns. Lehrman asked Charlier to clarify the small S curve south of the Lehrman Farm. Charlier stated that they are going to rip rap that corner. Lehrman then asked Charlier to explain how the sub surface drains were supposed to be laid. Lehrman explained the land owners were supposed to be able to farm over those sub surface drains. Charlier replied that per the plans the sub surface drains are to be installed 1 foot below the existing ground. Discussion was held on the berm grade. The berm will vary in height. The end of the surface drain will not be out to the edge of the berm. Siebels voiced his concerns with dirt washing down the pipe and berm erosion. Charlier will notify Huggins about this concern. Charlier referenced map C.02. Discussion was held on the meander of the main open ditch. Siebels stated that he was under the impression that the ditch was going to be straight lined. A field adjustment was made in order to accommodate the existing bridge abutment on the rail car bridge. Charlier emailed Etler regarding this field adjustment and received no response. Siebels and Charlier will provide pictures of the ditch. Charlier explained Etler's alignment Huggins had called Etler last Monday to report alignment discrepancies. There was no response from Etler. At 10:27 a.m. Etler was called. A voicemail was left. Discussion was held. Charlier reported that Etler's stationing does not match the plans. Charlier will email Etler and carbon copy the Board.

Discussion was held on Crawford Engineering invoice #8468. Invoice #8468 does not include services for any damages claims or inspection. Chairperson Smith read the invoice. Discussion was held.

At 10:42 a.m. Etler called the Board. Charlier asked Etler if his intention per the design is to straighten the ditch as best possible. Etler responded "within the existing banks; yes." Charlier clarified that they are not taking out all the meanders of the ditch. Etler stated that they took the survey center line from Crawford and they did the cross sections. The alignment was set based off of aerial photos. Etler continued that the word to the contractor and to McClure was to do some field fitting to that line to fit the ditch. Per Etler if there are tight S curves then take them out. Discussion was held. Charlier asked Etler to clarify if the top of the surface drains are supposed to be cut. Per the plans pipes are not supposed to be exposed, one foot of dirt should be covering the pipe. Therefore, only a little bit of the pipe should be exposed. Charlier explained that towards the north section there is not enough dirt to create a bank. Etler instructed Charlier to make the call in the areas that the ditch is too shallow. Lehrman will discuss how to precede on stations 144 to 145 with Charlier. Charlier asked Etler to verify the stationing. Etler's quantities are based off of 205 stations but Charlier reports that they have stopped at 207 +55. Etler explained that on the last trench is a transition to meet existing conditions. Etler stated that McClure could vary it to make it look good. Charlier continued that the grade evaluation does not match what was staked. Etler instructed Charlier to send him the proposed change and Etler would count for the dirt difference. Lehrman questioned the 4 foot tall berm in the field west of Highway 38 to the bridge. Etler replied no berm is supposed to be there per the plans. Etler will

check with Crawford. Etlar informed the Board that he is planning on filing reclassification for Lateral 1. Discussion was held on damages claims. Etlar has not reviewed the damages claims he received from Crawford. Etlar has instructed Crawford that if there is any question that there might be a tile problem have B.W.C. look. Per the contract there is a pay item for exploration. B.W.C. will fix the problem and will be responsible for those repair costs. Etlar wants these issues discovered before the completion hearing. Etlar will set up a meeting with the Reclassification Commissioners next week. Discussion was held on main open ditch field adjustments.

Moved by Kaufmann seconded by Gaul to approve payment of \$6,104.20 to Crawford Engineering for Invoice #8468.

Ayes: Kaufmann, Gaul, Agne, Smith

Absent: Bell

Moved by Agne seconded by Gaul to approve the Board Minutes of March 15, 2016.

Ayes: Gaul, Kaufmann, Agne, Smith

Absent: Bell

At 11:12 a.m. B.W.C. project manager Shawn Whitten was called. Whitten stated that Josh had met with Robert Dircks on March 21st. The box culvert near 130th St west of Highway 38 has been cleaned out. Regarding the 4 foot berm (Hoyman Farm) Whitten stated B.W.C. put it in per the plans. B.W.C. will call Etlar this afternoon to get clarification. B.W.C. has contacted Crawford about putting in tile on the Volker farm to get the water to drain. Once the farm is dry B.W.C. will be able to get into the field to investigate where the water is bubbling up. B.W.C. does not have an anticipated completion date. Whitten explained they are trying to get to the wear wall, but wet weather has stalled the process. Whitten stated the 48 inch tile line is underwater and once the ditch is cleaned out the water can drain. Discussion was held.

Moved by Gaul seconded by Agne to return to regular session at 11:32 a.m.

Ayes: Agne, Smith, Kaufmann, Gaul

Absent: Bell

Stanwood Drainage District

March 29, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board at 10:27 a.m.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Jason Charlier from McClure Engineering gave an update on the Main Open Ditch work progress. Klima has started shaping the top of the ditches and has spread out the dirt. Charlier has spoken to Shelia Lee at the I.D.O.T. regarding the right-of-way permit. The I.D.O.T. permit was supposed to go out on today's date. The Union Pacific Railroad permit should be issued within the next two weeks. Discussion was held on soil berms. Charlier stated that per Etler's design there is not enough dirt to make a berm. Per a phone conversation with Etler; Etler stated to Charlier to make it work with what you have because he didn't want dirt to be moved from one area to the other. Charlier will get an email confirmation from Etler.

Moved by Bell seconded by Kaufmann to approve payment of \$77,797.17 to McClure Engineering.

Ayes: Agne, Bell, Kaufmann, Gaul, Smith

Moved by Kaufmann seconded by Gaul to approve the Board Minutes of March 22, 2016.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Chairperson Smith reported on the phone call she received from Rodne Wendt regarding tile not being hooked up and not capped on the Wendt farm. BWC was contacted and made the repairs on March 23rd.

Moved by Agne seconded by Bell to return to regular session at 10:39 a.m.

Ayes: Gaul, Bell, Agne, Kaufmann, Smith

Stanwood Drainage District

April 5, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.
Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Auditor Gritton gave a brief update on the \$77,797.17 check that was issued and sent to McClure Engineering instead of Klima. The consensus of the Board is to issue a check to Klima for the amount of \$77,797.17 once the check is returned from McClure Engineering. Discussion was held on Bolton & Menk invoices.

Moved by Bell seconded by Kaufmann to approve payment of \$664.50 to Bolton & Menk for the invoice relating to the Engineering study and report for main open ditch.
Ayes: Bell, Kaufmann, Smith, Agne, Kaufmann

Bolton & Menk invoice #0188652 for the amount of \$230.00 will be withheld until Attorney Hudson advises the Board on withholding paying invoices related to damages.

Moved by Gaul seconded by Agne to approve the Board Minutes of March 29, 2016.
Ayes: Smith, Kaufmann, Agne, Gaul, Bell

Discussion was held on the Annexation report for Laterals A, B, and C. The Board reviewed the Annexation report. The Annexation report recommends annexing the few parcels of land not in the district that are benefited by the new Laterals A, B and C systems of tile improvements. This report does not include annexation of the lots within the city of Stanwood. Annexation of lots within the city of Stanwood will be held at a separate annexation hearing in late 2016 or early 2017.

Moved by Bell seconded by Kaufmann to tentatively approve the Engineer's Annexation report for Laterals A, B, and C Systems Watershed.
Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Moved by Kaufmann seconded by Bell to set the Public Hearing date of May 17, 2016 at 9:00 a.m. as the time to consider the Engineer's Annexation report for Laterals A, B, & C Systems watershed.
Ayes: Bell, Kaufmann, Smith, Bell, Gaul

Discussion was held on the Classification Commission report for Laterals A, B, & C systems of improvement. Assessments will be sent out even though the project has yet to be finished. Auditor Gritton explained the Classification Commission report. Landscaped printed pages 1-7 reflect the assessment totals per parcel. Assessments will be sent out to these landowners listed on these pages. The combined benefit schedule totals \$2,050,000. If the actual total assessment is less than the estimated \$2,050,000 it is recommended that the balance be transferred 50% to the Lateral A maintenance account and 25% to each of Lateral B & C maintenance accounts. Future maintenance assessment schedules by lateral are listed on pages 1 through 20.

Moved by Bell seconded by Agne to tentatively approve the Classification Commission report for Laterals A, B, & C systems of Improvements and to set the Public Hearing date of May 17, 2016 at 9:15 a.m. as the time to consider the Classification Commission Report for Laterals A, B, & C systems of Improvement.
Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Moved by Bell seconded by Gaul to approve payment of \$200.00/day plus mileage or \$100.00 ½ day plus mileage to the Classification Commission. (Jeff Meier and Robin Braddock)
Ayes: Kaufmann, Agne, Gaul, Bell, Smith

Sup. Kaufmann gave an update on Royce Lehrman's concerns on Klima not using G.P.S. while digging the Main Open Ditch and ditch meandering. Jason Charlier, McClure Engineering was contacted via email. He responded stating that Klima is not using G.P.S. McClure set hubs with

elevation every 100' along the ditch with a cut elevation to the bottom of the ditch. Klima was using laser control set off of these hubs to cut grade with their equipment, while checking the bottom of the ditch grade periodically with a laser to ensure that they were still on grade. Per the specs there is no requirement for the contractor to use G.P.S. Lehrman will be notified of Charlier's response.

Discussion was held on the Union Pacific railroad permit. At 10:11 a.m. David Schiefelbein, McClure Engineering was called. Schiefelbein explained that the rail road permit was submitted however, the railroad had sent it back for Klima to revise. Once the revised permit is sent back to the railroad it is estimated to take two weeks for approval. At 10:14 a.m. Doug Klima was called. Klima stated that Charlier was supposed to email Klima the railroad permit to revise. Klima has not received the emailed permit to revise. Klima will contact Charlier to check on the status of the permit.

Robert Dircks addressed the Board regarding a berm located near Lateral B. The berm is blocking water that is unable to get to the tile. Dircks had spoken to Josh about having BWC use a dozer to level out the berm. Josh had spoken to Crawford and gave the estimated rate of \$170.00/hr. for a dozer and operator. At 10:23 a.m. Engineer Crawford was called. Crawford explained that Etlar is preparing a change order that addresses leveling the berms/tile lines on the Voelker farm. The change order could include leveling the berms/tile lines on Lateral B. Crawford clarified that he had received an estimate of \$170.00/hr. for a dozer and operator from BWC. Crawford will contact Etlar to revise the change order to include leveling the berms on Lateral B at the rate of \$170.00/hr. Crawford will advise the Board once Etlar is contacted.

Moved by Kaufmann seconded by Agne to return to regular session.
Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Moved by Kaufmann seconded by Agne to reconvene as the Stanwood Drainage District Board.
Ayes: Gaul, Bell Agne, Kaufmann, Smith

Engineer Crawford returned a phone call to the Board. Crawford spoke with Etlar about approving the rate of \$170.00/hr. for BWC to level the berms/tile lines near Lateral B and on the Voelker Farm. If the Board approves the rate of \$170.00/hr. Crawford will notify BWC to start the project.

Moved by Bell seconded by Kaufmann to approve the rate of \$170.00/hr. for BWC to level berms/tile lines located near Lateral B and on the Voelker Farm.
Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Moved by Agne seconded by Kaufmann to return to regular session.
Ayes: Smith, Agne, Kaufmann, Gaul, Bell

Stanwood Drainage District

April 12, 2016

Moved by Agne seconded by Kaufmann to convene as the Stanwood Drainage District Board at 9:25 a.m.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

The Board noted check #405143 to Klima Drainage in the amount of \$77,797.17 that was issued as an administrative correction.

Discussion was held on Crawford invoice #8489. Sup. Agne questioned which invoices were being held for damages. Chairperson Smith read Crawford Engineering's explanation of invoice #8489 services. Questions were raised on charges relating to preparation of as-built drawings. Engineer Crawford was called. Crawford explained that preparation of as-built drawings related to the Laterals, not part of the damages. Crawford gave an update on leveling the berms on Lateral B and the Voelker Farm. BWC is expected to complete leveling the berms by the end of the week. BWC is on site today fixing a broken tile on Lateral B reported by Robert Dircks.

Moved by Kaufmann seconded by Agne to approve payment of \$3,128.15 to Crawford Engineering for Invoice #8489.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Moved by Bell seconded by Kaufmann to approve payment of \$75,333.88 to BWC.

Ayes: Agne, Smith, Kaufmann, Bell, Gaul

The consensus of the Board per the advisement of Attorney Hudson is to withhold payment of \$230.00 to Bolton & Menk for invoice #0188652. Invoice #0188652 will be filed as a damages claim to be addressed at the Completion Hearing.

Moved by Agne seconded by Gaul to approve the Board Minutes of April 5, 2016.

Ayes: Smith, Kaufmann, Agne, Gaul, Bell

Discussion was held on the status of the I.D.O.T. and Union Pacific Railroad permits. Jason Charlier, McClure Engineering was called. A message was left. At 9:39 a.m. Doug Klima was called. Klima reported that he has not received the permits. Klima will call the I.D.O.T. and Union Pacific Railroad to check the status of the permits.

Moved by Gaul seconded by Bell to return to regular session at 9:40 a.m.

Ayes: Bell, Gaul, Agne, Kaufmann, Smith

At 9:41 a.m. Charlier called the Board.

Moved by Kaufmann seconded by Agne to reconvene as the Stanwood Drainage District Board at 9:41 a.m.

Ayes: Smith, Agne, Bell, Gaul, Kaufmann

Charlier stated that I.D.O.T. representative Shelia Lee had emailed the I.D.O.T. permit to Klima on March 29, 2016. Charlier will forward the I.D.O.T. permit to the Board upon his receipt. Charlier has contacted the Union Pacific Railroad regarding the permits several times with no reply. Sup. Bell suggested that the Union Pacific Railroad permit be emailed to McClure and to Klima. Klima has removed a fence line south of Highway 30 in order for the landowner to plow. Regarding field adjustments Charlier had spoken to Engineer Etler. Etler advised that Klima stay within the existing limits of the ditch.

Moved by Agne seconded by Kaufmann to return to regular session at 9:51 a.m.

Ayes: Smith, Agne, Kaufmann, Bell, Gaul

Stanwood Drainage District

April 19, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.
Ayes: Gaul, Bell, Agne, Kaufmann, Smith

Administrative Assistant Wright gave a brief update. The Board is in receipt of the I.D.O.T. permit. Reclassification and Annexation Notices will be sent to Stanwood Drainage District land owners this week. The Board requests that Attorney Hudson be available via phone for the annexation and reclassification public hearing on May 17, 2016.

Moved by Kaufmann seconded by Bell to approve the Board minutes of April 12, 2016.
Ayes: Kaufmann, Smith, Agne, Gaul, Bell

Moved by Gaul seconded by Bell to return to regular session.
Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Moved by Kaufmann seconded by Gaul to reconvene as the Stanwood Drainage District Board at 9:46 a.m.
Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Kevin Bailey McClure Engineering met with the Board to give an update on the main open ditch construction progress. Bailey reported that Klima has dug under Highway 30. Slopes were graded and cleaned out. Regarding the Union Pacific Railroad permit, McClure has yet to receive a response from the railroad on the permit. McClure will follow up with the railroad and Klima again.

Moved by Agne seconded by Bell to return to regular session at 9:52 a.m.
Ayes: Smith, Agne, Bell, Gaul, Kaufmann

Stanwood Drainage District

April 26, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board at 11:09 a.m.

Ayes: Bell, Gaul, Agne, Kaufmann, Smith

Moved by Kaufmann seconded by Bell to approve the Board minutes of April 19, 2016.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Moved by Bell seconded by Gaul to approve payment of \$29,056.00 to McClure Engineering.

Ayes: Agne, Kaufmann, Gaul, Bell, Smith

Payment of \$420.00 to Hudson Law Firm will be withheld until the Completion Hearing. The Board reviewed an email sent from McClure Engineering regarding the status of the Union Pacific Railroad. McClure Engineering has sent a detailed map/aerial information on the location the work will be performed as well as a description of the work to be performed to the railroad to expedite the permit process. Discussion was held.

Moved by Gaul seconded by Kaufmann to return to regular session at 11:15 a.m.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Stanwood Drainage District

May 3, 2016

Moved by Agne seconded by Kaufmann to convene as the Stanwood Drainage District Board.
Ayes: Bell, Kaufmann, Smith, Agne, Gaul

The Board acknowledged and signed previously approved Claim Disbursements #405504-
#405511 and #405513-#405524.

Chairperson Smith read and reviewed Bolton & Menk invoice # 189649 for the amount of \$2,679.00 relating to services for the annexation and reclassification report and for construction services, engineering study/report for repair of the main open ditch.

Moved by Bell seconded by Kaufmann to approve payment of \$2,679.00 to Bolton & Menk for Invoice #0189649.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Discussion was held on invoice #0189648 for the amount of \$4,849.00 relating to services for the annexation and reclassification report and engineering services for the study of Laterals 1 & 2. Discussion was held.

Moved by Bell seconded by Kaufmann to approve payment of \$4,482.00 to Bolton & Menk for Invoice #0189648.

Ayes: Gaul, Bell, Agne, Kaufmann, Smith

\$367.00 will be withheld from invoice #0189648 until Engineer Etlar clarifies the services relating to the study of Laterals 1 & 2. If Engineer Etlar states the invoice is related to damages the \$367.00 will be filed as a damage claim.

Invoices resubmitted by Gronewold Tiling and Excavating will be filed as damage claims.

Moved by Agne seconded by Gaul to approve the Board Minutes of April 26, 2016.

Ayes: Agne, Kaufmann, Bell, Gaul, Smith

Discussion was held on the Union Pacific Railroad permit status. Kevin Bailey, McClure Engineering will check on the status of the permit.

Moved by Gaul seconded Bell by to return to regular session at 9:58 a.m.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Stanwood Drainage District

May 10, 2016

Moved by Gaul seconded by Bell to convene as the Stanwood Drainage District Board at 8:39 a.m.

Ayes: Smith, Agne, Kaufmann, Gaul, Bell

Moved by Gaul seconded by Kaufmann to approve the Board Minutes of May 3, 2016.

Ayes: Bell, Kaufmann, Agne, Gaul, Smith

Moved by Gaul seconded by Agne to approve payment of \$1,881.00 to the Sun News and Advisor and payment of \$2,314.60 to the Tipton Conservative and Advertiser.

Ayes: Bell, Gaul, Agne, Kaufmann, Smith

Invoice # 8506 submitted by Crawford Engineering & Surveying, Inc. for the amount of \$1,436.80 will be withheld and filed as a damages claim.

Invoice #0189648 submitted by Bolton & Menk for the amount of \$367.00 will be withheld and filed as a damages claim.

At 8:46 a.m. Engineer Crawford was called. Crawford reviewed construction progress. Crawford explained that the 5" and 8" tile is expected to be installed by Darrell Yutesler (Eastern Iowa Drainage Services, Inc.) this week. Seeding will have to be completed after the 5" and 8" tile is installed. Discussion was held on BWC failing to complete the project by December 15, 2015 and damages assessed to BWC at \$500.00 a day. Chairperson Smith asked Crawford if BWC is aware that they are losing money on the project for not having the project completed. Crawford responded "I don't know." Crawford continued that he handles the contract items and the contract administration and suggested that the Board send BWC a letter informing them of the liquidated damages. Sup. Bell questioned if Crawford informing BWC about liquidated damages would be under the scope of contract administration. Crawford replied that he had spoken to Shawn Whitten and Jeff Zachman about being charged liquidated damages for non-completion. Discussion was held.

At 8:54 a.m. Jeff Zachman, with BWC was called. Zachmann gave an update on work progress. Zachmann stated that tile still needs to be installed at the ditch area. BWC is waiting for the tiler to come in to install the 5" and 8" tile and then seeding would follow. Zachman estimated work to be completed around May 27th. Chairperson Smith asked Zachman if they understood that they are under a contract and there is a substantial fine accruing every day since they failed to have the project completed by December 15, 2015. Zachman replied, like we have said in the past, we dealt with a lot of weather last year and this spring. Zachman continued that they have had a lot of issues with water not draining and having to pump the water out to complete work. Zachman stated that in no way are they dragging their feet. Zachmann stated that they will have to pump out the water one more time in order to make necessary pipe connections. Discussion was held on the anticipated completion hearing date.

At 9:02 a.m. Engineer Etlar was called. Chairperson Smith briefed Etlar on the conversation with BWC regarding liquidated damages. Etlar stated that BWC signed the contract that references liquidated damages and was informed of the completion date and damages at the pre-construction meeting. Etlar explained the Completion hearing process. 1. Crawford certifies completion. 2. A notice is sent to the land owners. 3. Completion hearing is set 10 days after the notice is sent out in order for land owners to bring forth any damages claims. Etlar stated that the Completion hearing is set in two phases. The first hearing is on the Engineers certification that the work is completed within compliance of the specifications. The second hearing is on the damages claims. The Board will decide at this hearing who is responsible for the damages. Etlar stated that it is possible for the completion hearing to be held in June. Discussion was held on the Union Pacific Railroad permit. Engineer Etlar has sent the requested permit information regarding the original ditch design at the crossing location and the background of why the repair grade line was selected to McClure Engineering. McClure Engineering will forward that information onto the railroad.

At 9:17 a.m. David Schiefelbein was called. Schiefelbein reported that Daniel Peters has taken over management of the Union Pacific permit. Peters requested further information in order for the permit to be reviewed. Schiefelbein will forward the information from Etlar to the railroad today. Schiefelbein will contact the Board with any update on the railroad permit status. Discussion was held on contacting legislators in order to expedite the railroad permit. The consensus of the Board is to wait until Schiefelbein provides an update on the permit status and then proceed at that time.

At 9:32 a.m. Darrell Yutesler was called. Yutesler reported that he anticipates starting the project when it dries up maybe this week. Yutesler stated that he will be contacting Crawford today to get clarification on the tile depth and measurements. Yutesler estimates the project to take a couple days. Yutesler reported that he was unaware of water needing to be pumped out in order to proceed. Yutesler will contact BWC to get further information. Sup. Bell questioned if Yutesler had any indication from BWC that they were under a penalty phase right now and if they indicated to Yutesler to speed the process along. Yutesler responded, no they never said anything about that. Yutesler continued that he did ask BWC if he could proceed with other projects first. BWC responded to Yutesler that it is up to you because this project was supposed to be done quite a while ago and it still isn't done, so a few more days isn't going to make a difference. Yutesler stated that he didn't realize that this project was a priority. Discussion was held on BWC liquidated damages.

Moved by Bell seconded by Kaufmann to return to regular session at 9:42 a.m.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Stanwood Drainage District

May 17, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.
Ayes: Smith, Agne, Bell, Gaul, Kaufmann

At 9:00 the Board held a public hearing on Annexation Report for Laterals A, B, & C Systems Watershed. Engineer Etler and approximately 20 landowners and/or interested parties were present. Engineer Etler explained the annexation process. There was one written objection filed by Melanie Van Roekel. Engineer Etler noted two amendments to the Annexation Report.

1. The NW SE section of 18-82-2, parcel No. 0060-03-18-400-001-0, owned by Carl Kohrt is a full quarter-quarter section with an "of record" area of 40 acres. However, the more accurate GIS measurement is 39.20 acres.
2. Change the acres proposed to be annexed to the district located in the SE SE section of 18-82-2, parcel No. 0060-03-18-400-004-0, owned by Melanie Van Roekel and William Klein from 28.4 acres to 9.33 acres.

Moved by Kaufmann seconded by Gaul to overrule the written objection filed by Melanie Van Roekel, and to adopt the Annexation Report for Laterals A, B, & C Systems Watershed as amended.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

At 9:15 a.m. the Board held a public hearing on the Classification Commission Report for Laterals A, B, & C systems of improvement. Engineer Etler distributed combined system assessment distribution and future maintenance parcel totals maps. Etler stated that the reclassification committee met and decided to make adjustments to the non-agricultural rural acres. There are a total of 6 non-agricultural rural residents (Rick & Connie Pruess, Todd & Tracy Schroeder, Debra Farrington, Russell & Theresa Harbaugh, Cindy Meyer, and Chad Mostaert) whose assessments were reduced by 75%. Etler indicated those rural residents were shown in the white box areas of the parcel total maps. Sup. Bell questioned if the rate structure remains for future use. Etler replied that the assessment schedule that is adopted remains the basis for all taxing until it is replaced with a new one. Engineer Etler reviewed the Commissioners (Robin Braddock, Jeff Meier and Etler) Reclassification report. The reclassification Commissioners recommended and reported fourteen assessment schedules to be used for all future maintenance. The report lists the Lateral and a basis cost for the allocation of future costs associated with the named lateral. Discussion was held. The rough estimate of the combined benefits schedule is \$2,050,000. The commission recommends if funds remain from the \$2,050,000 that the balance be transferred to the following future maintenance accounts: 50% to the Lateral A, 25% to Lateral B and 25% to Lateral C. There were two written objections filed by Daren Lehrman and Sharon Kay Fall and Sarah Gorman. Etler reviewed the written objection filed by Lehrman. Lehrman stated that his objection on questions of future maintenance were answered. However, he felt that the future maintenance schedule remains high. Etler read and answered questions contained within the written objection filed by Sharon K. Fall and Sarah A. Gorman. Michael Gorman stated that they are willing to pay some of the assessment costs but not willing to pay the full amount. Discussion was held. Rick Pruess stated concerns relating to the assessment schedules of the non-agricultural rural residents and the City of Stanwood. Etler explained that the City of Stanwood was not included on the assessment schedule for the Lateral 1 & 2 improvement. Etler continued that the City of Stanwood's water does drain into the ditch. Pruess had previously filed a written objection in October 2015. Pruess was instructed to file another objection on today's date. Discussion was held. Etler reviewed how the assessments were calculated. Etler reviewed assessment calculations on Lateral A's future maintenance parcel map. The highest assessment of \$49,508.18 is found on parcel No. 0060-03-19-100-001-0 owned by K Farms Inc. This parcel drains through Laterals C3, C, and A. Every other parcel on the assessment schedule has a classification assigned based off of the percentage of the highest assessment of \$49,508.18. Sup. Bell question why Etler did not include the City of Stanwood in the benefited area. Etler replied that the City of Stanwood has no storm sewer. However, there are a couple of 10" tiles that serve as storm sewer that bring water out of the town into the 24" tile. The 24" dual wall plastic pipe was installed following the

F.E.M.A. disaster in the 90's. Etlar explained that the city water goes into the 24" tile, not the main drain. The 24" tile leads into the newly created open ditch. Etlar proposed that the City of Stanwood either assume ownership of the 24" tile or assess them to maintain the 24" tile. The City of Stanwood will pay assessment on the Main Open Ditch. Discussion was held. Etlar stated that he made the decision not to include the City of Stanwood into the benefited area because of limited benefit. Further, since the reclassification procedure has already started and the report filed he cannot change the benefited lands to include the City of Stanwood. Etlar explained that each lot/parcel in the City of Stanwood would be assessed separately. Sup. Bell stated in the past the City of Stanwood was assessed. Etlar responded that there may be a 28E agreement in place with the City of Stanwood and the Stanwood Drainage District. Etlar stated that the City of Stanwood would only have paid \$50 per acre (spread across 160 ¼ acre lots) to pay for the open ditch. Sup. Kaufmann questioned if a percentage of City of Stanwood residents could skew the vote that would cost the rural resident's disproportionately more. Etlar replied that there are two tests that are considered: percentage of the land and the majority of the land owners. The City of Stanwood would not necessarily be able to sway the vote. However, the land owners could appoint drainage district trustees and then the vote may be skewed. Sup. Bell reviewed the 1991 assessment schedule that included the streets, alleys, public waste, and parks of the City of Stanwood. Sup. Bell questioned why this wasn't done this time. Etlar replied that the City of Stanwood was left off of this assessment but would be assessed for the Main Open Ditch. The individual lots within the City of Stanwood will need to be annexed for the Main Open Ditch. Discussion was held on the exempt lots within the City of Stanwood that were not included on the assessment schedule compared to the six rural acreages that are included on the schedule. Etlar feels that the 75% assessment reduction for the rural acreages is a fair assessment. Sup. Kaufmann questioned the fairness of the lots within the City of Stanwood that are benefiting without paying an assessment compared to the rural residents that receive little to no benefit and have to pay an assessment. Further, Kaufmann questioned if the rural acreages could be exempt from the assessment schedule similar to the City of Stanwood. Etlar replied that would be a judgement call by the Board. The assessment for those rural acreages may be reduced but they will have to pay something. The total estimated assessment for the 6 non-agricultural acres is \$4,500. Discussion was held. During the reclassification for the Main Open Ditch the City of Stanwood would be asked to assume ownership of the 24" tile (Lateral 24) or they will be assessed to maintain it. Sup. Bell asked Etlar to clarify whether the Board could create Lateral 24 on the Main Open Ditch Assessment and apply an assessment on Lateral 24 for those lots within the City of Stanwood that are currently exempt on the Lateral A,B, & C assessment schedule. Etlar stated that the Board would have to ask Attorney Hudson if the Board could tax Lateral 24 to contribute to Branch A. Another hearing would have to be held. At 10:40 a.m. Attorney Hudson was called. Etlar asked Hudson if the Board could set up Lateral 24 as a district facility in the future, could the Board establish an assessment schedule for Stanwood, and can the Board in the future charge that schedule to contribute to the Branch A improvement. Hudson replied, "I think so." Discussion was held. Etlar reviewed deadlines for taxation. The assessments need to be certified to the Treasurer by May 31 and posted July 1.

Moved by Gaul to approve the reclassification report to reducing the assessment of the 6 non-agricultural rural acreages to 80%

The motion died due to a lack of a second.

Moved by Agne seconded by Bell to table the discussion on the Commission Report for Laterals A, B, & C systems of improvement until May 24th.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Moved by Bell seconded by Kaufmann to continue the public hearing on the Commission Report for Laterals A, B, & C systems of improvement on May 24, 2016 at 10:30 a.m.

Ayes: Agne, Gaul, Bell, Kaufmann, Smith

Moved by Gaul seconded by Kaufmann to return to regular Stanwood Drainage District session.

Ayes: Smith, Kaufmann, Bell, Agne, Gaul

Discussion was held on the revised report of the appraisers damages for Lateral A Open Ditch right-of-way in Section 23-82N-3W.

Moved by Bell seconded by Kaufmann to approve payment of \$26,380 for damages for Lateral A open ditch right-of-way in Section 23-82N-3W.

Ayes: Kaufmann, Bell, Gaul, Agne, Smith

Moved by Kaufmann seconded by Agne to approve payment of \$197.11 to the West Branch Times.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Stanwood Drainage District publications will be published in the Sun News and Tipton Conservative.

Moved by Bell seconded by Agne to approve the Board minutes of May 10, 2016.

Ayes: Gaul, Kaufmann, Bell, Agne, Smith

At 11:18 an unanswered phone call was placed to Doug Klima.

At 11:20 a.m. Jason Charlier from McClure Engineering was called. Charlier gave an update on the Union Pacific railroad permit and construction progress.

At 11:23 a.m. Doug Klima returned a phone call to the Board. Klima gave an update on the railroad permit.

Moved by Agne seconded by Bell to return to regular session at 11:25 a.m.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Stanwood Drainage District

May 24, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board at 10:55 a.m.

Ayes: Gaul, Bell, Kaufmann, Smith, Agne

At 10:55 a.m. the Board held the continued public hearing on the Classification Commission Report for Laterals A, B, & C systems of improvements. Approximately 15 landowners and/or interested parties were present. The Board reviewed the Classification Commission's recommendation to reduce the assessments 75% for the six non-agricultural rural residents. (Rick & Connie Pruess, Todd & Tracy Schroeder, Debra Farrington, Russell & Theresa Harbaugh, Cindy Meyer, and Chad Mostaert) Upon, further investigation Auditor Gritton found that there are only three non-agricultural rural residents - Rick & Connie Pruess, Russell & Theresa Harbaugh and Cindy Meyer. Discussion was held. Michael Gorman filed a written objection on behalf of Sharon Kay Fall and Sarah Ann Gorman. The written objection was reviewed. Discussion was held.

Moved by Bell seconded by Gaul to overrule the written objections filed by Sharon Kay Fall, Sarah Gorman, Rick Pruess and Daren Lehrman, to adopt the Reclassification Report for Lateral A, B, & C systems of improvements as amended to reduce the assessments 75% for the non-agricultural rural residents (Rick & Connie Pruess, Russell & Theresa Harbaugh and Cindy Meyer), to assess the agricultural properties (Todd & Tracy Schroeder, Debra Farrington, Chad Mostaert at 100% , and to direct the Auditor to file the levy and allow twenty annual payment installments at a 5% interest rate.

Ayes: Bell, Kaufmann, Agne, Gaul, Smith

Discussion was held on assessing the City of Stanwood for Lateral 24 on the Main Open Ditch. The consensus of the Board is to assess the City of Stanwood for Lateral 24 on the Main Open Ditch project.

Chairperson Smith reviewed an invoice submitted by B.W.C.

Moved by Bell seconded by Kaufmann to approve payment of \$32,718.70 to B.W.C.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Chairperson Smith briefed the Board on the notice they received from Engineer Crawford. Crawford notified the Board that B.W.C. had completed the project on Friday, May 20th. However, unless invoice # 8506 for the amount of \$1,436.80 and invoice # 8437 for the amount of \$7,083.90 were paid in full, Crawford, on the advisement of his Attorney Craig Wilson would not provide further services including certifying Completion. Invoice #8506 & #8437 were being withheld as damages per the advisement of Attorney Hudson. Questions were raised on if the invoices become retroactive as damages claims if they are paid now. Discussion was held. At 11:30 a.m. Attorney Hudson was called. Hudson is out of the office until June 1st. An email and text were sent to Hudson. The Board recessed at 11:30 a.m.

At 11:55 a.m. the Board reconvened. Attorney Hudson did not return an email or text message. Discussion was held on completion inspection costs. Phone calls were placed to Engineer Crawford. Crawford was unavailable.

Moved by Bell seconded by Kaufmann to approve the Board minutes of May 17, 2016.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Discussion was held on the Union Pacific Railroad permit status. Sup. Kaufmann had spoken to the railroad liaison in an effort to expedite the permit. The railroad is requesting the hydrology and hydraulic model from Engineer Etler.

Royce Lehrman questioned the use of plastic tile extensions on the main open ditch. The Board was under the impression that Etler's design showed the use of steel tile extensions. At 12:07 p.m. an unanswered phone call was placed to Kevin Bailey, McClure Engineering. At 12:09 p.m.

Jason Charlier, McClure Engineering was called. Charlier explained that his understanding was that the tile extensions were going in as metal. Charlier will check with Klima. Charlier reported there are 8 or 9 existing plastic tile extensions along the main open ditch. Discussion was held on berm piling. Charlier reported that the last time he was on site there were no large rocks or concrete exposed, and any exposed rocks were buried per plan at 4' deep. David Siebels and Royce Lehrman were instructed to contact Charlier to set up a meeting to answer any questions. Discussion was held.

The consensus of the Board is to wait until Attorney Hudson follows-up with the Board regarding paying Crawford invoices #8506 and #8437 to make any decisions on payment. An emergency meeting may be held if the Board receives clarification from Attorney Hudson. Discussion was held on completion inspection costs. At 12:22 p.m. an unanswered phone call was placed to Engineer Etlar. The Board will get clarification on estimated costs of the completion inspection.

Moved by Gaul seconded by Agne to return to regular session at 12:23 p.m.
Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Stanwood Drainage District

May 26, 2016

Moved by Gaul seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Smith, Gaul, Kaufmann

Absent: Agne, Bell

Moved by Kaufmann seconded by Gaul to approve the agenda.

Ayes; Kaufmann, Gaul, Smith

Absent: Agne, Bell

Discussion was held on Crawford Engineering invoices # 8437 & #8506. Attorney Hudson advised the Board to pay the invoices.

Moved by Kaufmann seconded by Gaul to approve payment of \$8,520.70 to Crawford Engineering for invoices #8437 & #8506.

Ayes: Gaul, Smith, Kaufmann

Absent: Agne, Bell

Moved by Kaufmann seconded by Gaul to return to regular session.

Ayes: Gaul, Kaufmann, Smith

Absent: Agne, Bell

Stanwood Drainage District

May 31, 2016

Moved by Gaul seconded by Bell to convene as the Stanwood Drainage District Board.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

The Hudson Law Firm claim submitted on May 27, 2016 for the amount of \$619.25 will be withheld and filed with the damages claims.

Moved by Kaufmann seconded by Gaul to approve the Board minutes of May 24, 2016 and May 26, 2016.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Chairperson Smith reported that the Union Pacific railroad permit was approved. Klima has been advised by McClure Engineering to schedule railroad flaggers as soon as possible in order for work to proceed. Royce Lehrman reported that he had met with Jason Charlier, McClure Engineering on May 26th. Discussion was held on plastic tile extensions being installed instead of the steel tile extensions. Lehrman voiced concerns on surface drains and berms that had been leveled off. At 8:51 a.m. Charlier was called. Charlier responded that Klima was instructed to install steel tile extensions per the plans and specs. Klima ignored the plans and specs as well as McClure Engineering's instructions to install steel tile extensions per design. Luke Huggins, McClure Engineering stated that McClure Engineering will deal with the tile extension discrepancies at the final walk through. Huggins suggested that Klima not be paid for those tile extensions since he ignored the plan and design. Klima did not submit a change order to install plastic tile extensions. Charlier has explained to Klima that he may not be paid for installing the plastic tile extensions since he did so against the contract. Prior discussions with Klima indicated that he was supposed to install steel tile extensions per design. Charlier reported that he would be onsite to investigate the berms that were supposed to be installed per design. Klima had leveled off several berms and spread them out into the fields. Charlier reported that David Siebels crops were damaged because of the berms being leveled off into the field. Discussion was held on large rock removal. Klima was instructed to excavate large rock pieces prior to seeding. The Board reviewed a letter submitted by Michael Gorman from Goodwin Law Office requesting the Board reconsider approval of the Classification Report of Laterals No. 1 & 2. A copy of the Board minutes will be supplied to the Goodwin Law Office.

Moved by Gaul seconded by Kaufmann to return to regular session at 9:00 a.m.

Ayes: Kaufmann, Smith, Agne, Gaul, Bell

Stanwood Drainage District

June 7, 2016

Moved by Kaufmann seconded by Gaul to convene as the Stanwood Drainage District Board.

Ayes: All

Absent: Smith

Luke Huggins and Jason Charlier from McClure Engineering met with the Board to discuss the Main Open Ditch work progress. Charlier reported underneath the railroad bridge has been dug out. Charlier reported that there are issues/concerns with Klima's work performance. Soil has been spread 200 ft. into the Siebels field, concrete pieces have been left in fields, and berms have been spread out in some areas and not in others. Klima has installed rip/rap and risers instead of surface drains. Plastic tile was installed instead of steel tile that was to be installed per the plans and specs. Huggins suggested a letter be drafted to Klima outlining the public bidding procedures and the importance of following the plans/specs. If Klima does not respond to the letter, the next step could include holding Klima's retainage or bonds. Huggins reviewed plastic tiling drainage coefficients and soil erosion. Dave Siebels voiced concerns on berm soil being spread into his fields causing damages and the depth of buried rocks. Charlier responded that rocks were to be taken off site or buried within the work limits with 4 ft. of cover. Discussion was held. At 8:52 a.m. Klima arrived at the Board meeting. Klima was given an update of the Main Open Ditch areas of concerns which included: the back slopes being leveled off or not being leveled off per the plans and specs, PFC pipe installation instead of corrugated metal pipe (CMP), length of tiles, and rock buried depth. Klima explained that as he understood the plans and specs; PFC could be used on the outlets, and corrugated metal pipe was to be used in low spots. Huggins reviewed the plans and specs for pipe installation. Discussion was held.

Moved by Kaufmann seconded by Agne to have McClure Engineering draft a letter to Doug Klima regarding public bidding procedures, and authorize the Chairperson Pro Tem to sign the letter once reviewed by the Board.

Ayes: All

Absent: Smith

Moved by Kaufmann seconded by Agne to return to regular session at 9:04 a.m.

Ayes: All

Absent: Smith

Moved by Kaufmann seconded by Agne to reconvene as the Stanwood Drainage District Board at 10:56 a.m.

Ayes: All

Absent: Smith

The Board received crop damages claims from Brad and Duane Dircks. Discussion was held on the Completion Hearing date/time. The Board received certification of completion for Sections 1 & 2 and Section 3 Highway 38 road crossings for 2015 drainage Improvements located in Drainage District 1 submitted by Engineer Crawford. Discussion was held on Completion Hearing dates.

Moved by Kaufmann seconded by Agne to set July 21, 2016 at 6:30 p.m. as the date and time for the Completion Hearing. The Completion hearing will be held in the large meeting room of the Cedar County Courthouse.

Ayes: All

Absent: Smith

A completion hearing notice will published in the Tipton Conservative and Sun News and will be sent to Stanwood Drainage District landowners.

Discussion was held on Crawford invoice #8521. Questions were raised on the invoice #8521 as they relate to attachment A. Crawford will be contacted to clarify invoice #8521.

Moved by Agne seconded by Kaufmann to approve the Board minutes of May 31, 2016.

Ayes: All

Absent: Smith

Discussion was held on B.W.C. liquated damages claims.

Moved by Gaul seconded by Agne to return to regular session at 11:07 a.m.

Ayes: All

Absent: Smith

Stanwood Drainage District

June 14, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board.

Ayes: Bell, Kaufmann, Smith, Agne

Absent: Gaul

Discussion was held on the 2015 drainage improvements change order to adjust the quantities to those actually installed, to add necessary extra work items and to pay interest on delayed first pay claim. The Board reviewed the change order. Engineer Etlar has recommended the Board to approve the change order.

Moved by Bell seconded by Kaufmann to approve and authorize Chairperson Smith to sign Change Order No. 1, Attachment A, for 2015 drainage improvements-Sections 1 & 2.

Ayes: Agne, Kaufmann, Bell, Smith

Absent: Gaul

Moved by Bell seconded by Kaufmann to approve the Board minutes of June 7, 2016.

Ayes: Smith, Agne, Kaufmann, Bell

Absent: Gaul

The Board reviewed claims submitted by McClure Engineering, Bolton & Menk, and Crawford Engineering. Discussion was held.

Moved by Kaufmann seconded by Bell to approve payment of \$1,491.00 to Bolton & Menk for invoice #0190917.

Ayes: Bell, Kaufmann, Smith, Agne

Absent: Gaul

Moved by Bell seconded by Kaufmann to approve payment of \$4,765.00 to Bolton & Menk. The amount of \$1,436.00 relating to Engineering services for the study of Tile laterals 1 & 2 will be withheld for damages.

Ayes: Bell, Agne, Kaufmann, Smith

Absent: Gaul

Moved by Kaufmann seconded by Bell to approve payment of \$2,971.40 to Crawford Engineering for invoice #8521.

Ayes: Smith, Bell, Kaufmann

Nay: Agne

Absent: Gaul

Moved by Bell seconded by Agne to approve payment of \$4,017.50 to McClure Engineering for invoice #12744.

Ayes: Kaufmann, Bell, Agne, Smith

Absent: Gaul

Moved by Kaufmann seconded by Agne to return to regular session at 9:00 a.m.

Ayes: Bell, Kaufmann, Smith, Agne

Absent: Gaul

Moved by Bell seconded by Kaufmann to reconvene as the Stanwood Drainage District Board at 9:05 a.m.

Ayes: Smith, Kaufmann, Agne, Bell

Absent: Gaul

Engineer Fangmann and Doug Klima were present. Engineer Fangmann observed the drainage district went further than the specification of the plan; located near Station 205 at the intersection of Jackson and 125th. Engineer Fangmann reported that this discrepancy impedes clear zone

requirements. Engineer Fangmann has contact Engineer Etler and McClure Engineering. McClure Engineering is researching the original survey to compare to the survey completed by them. Engineer Fangmann stated that this discrepancy may affect placement of a guardrail. Ideally Fangmann would like the ditch moved East in order for the clear zone to be reestablished. Discussion was held. Klima stated that after the ditch was staked they removed little from the bottom ditch and shaped the banks. Klima agreed that this area needs rip/rap or move the creek over. Discussion was held. Engineer Etler and McClure Engineering are working on a solution.

The Board acknowledged a change order submitted by Klima and Claims Status Update submitted by Crawford Engineering. No action was taken.

Moved by Agne seconded by Kaufmann to return to regular session at 9:18 a.m.

Ayes: Bell, Kaufmann, Smith, Agne

Absent: Gaul

Stanwood Drainage District

June 21, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board at 10:00 a.m.

Ayes: Smith, Agne, Kaufmann, Bell

Absent: Gaul

At 10:04 a.m. Sup. Gaul returned to the Board meeting. Royce Lehrman, Dave Siebels and Rick Pruess were present. Chairperson Smith read and reviewed invoice #8538 submitted by Crawford Engineering. Services relating to invoice #8538 were compared to prior approved Crawford invoice #8521. Discussion was held.

Moved by Bell seconded by Kaufmann to approve payment of \$2,135.00 to Crawford Engineering for invoice #8538.

Ayes: Kaufmann, Bell, Gaul, Agne, Smith

Chairperson Smith read and reviewed a contractor's pay request submitted by B.W.C. Discussion was held. Questions were raised regarding the retainage amount of \$151,715.70 and payment of damages claims. At 10:14 a.m. Engineer Etler was called. Etler explained that the pay requests claims are automatically set up to retain 10%. The 10% retainage is for crop loss and damages submitted by the land owners that could have been avoided. The liquidated damages of \$500.00 day for not having the project completed by December 15, 2015 is estimated at \$80,000. Etler stated that the amount of \$80,000 is in addition to the retainage. In an extreme case the Board could retain the contractors bond. Discussion was held. Etler stated that he has been told that there have been court cases in which the amounts of liquidated damages have been limited. Etler suggested that Hudson would have to advise on the liquidated damages provisions. Discussion was held. At 10:28 a.m. Attorney Hudson was called. A message was left.

Moved by Bell seconded by Kaufmann to approve the Board minutes of June 14, 2016.

Ayes: Gaul, Bell, Agne, Kaufmann, Smith

Chairperson Smith read an email from Engineer Etler requesting a change order in order for Klima to use an excavator to clean up soil sediment in the sub lateral ditch after the main ditch is opened up. Kevin Bailey, of McClure Engineering was called. At 10:34 a.m. Attorney Hudson returned a phone call to the Board. The Board will return a phone call to Bailey after the phone call with Hudson is ended. Hudson explained that if the Board determines the contractor is responsible then it is the contractor's bill. If the contractor does work within the permanent right of way from edge to edge then no crop damages are paid. If the contractor works outside of the permanent right of way, and the contractor is responsible for those damages that occur then the District decides if the district pays for damages or if the contractor pays. Hudson has received documentation from Etler regarding limiting the amount of liquidated damages. Hudson has yet to review this documentation. The liquidated damages are being used as a resource to pay for damages claims. Hudson explained that the liquidated damages are in relation to the performance on how the project was done. The project was not done in a timely fashion, therefore damages occurred. Discussion was held regarding withholding the Contractor's bond in order to pay for damages. Hudson advised not to go after the Contractor's bond because the Board has the 10% retainage, and the liquidated damages. The liquidated damages are separate from the 10% retainage. The Board reserves the 10% retainage until the project is completed and until after the Completion hearing is held. The liquidated damages pool (# of days from December 15th to when Crawford certified completion) is in addition to the retainage. Hudson advised the Board to withhold payment of the Contractor's pay request until the Completion Hearing is held. Discussion was held. BWC's contractor's pay request will be withheld until the liquidated damages are computed by Etler and Engineer Crawford.

At 10:51 a.m. Kevin Bailey, McClure Engineering was called regarding Klima excavating the soil sediment in the sub lateral ditch after the main ditch. Bailey will research whether Klima has GPS on their equipment and if Klima would be interested in the clean out project. McClure Engineering is willing to oversee the project. Royce Lehrman voiced concerns on Klima's work performance regarding tile extensions, grading, seeding and elevation. Lehrman reported that the

4' tile line is half full of water without water moving. Charlier is aware of these issues and intends on having Klima fix these issues according to specs. Dave Siebels questioned if anything was going to be done to repair the crop damages his farm sustained as the result of Klima spreading soil into his fields. Bailey stated that Charlier is preparing a report documenting these outstanding issues to be addressed. Bailey stated that the Board could withhold payment from Klima until the site is completed satisfactorily and according to the plans and specs. Discussion was held. Bailey will email the Board a written follow-up. Lehrman reiterated above mentioned concerns. Discussion was held. The Completion date for the Main Open Ditch project is November 18, 2016. Discussion was held on Klima using GPS equipment. Administrative Assistant Wright read an email from Charlier stating that Klima does not use GPS equipment.

Moved by Gaul seconded by Agne to return to regular session at 11:32 a.m.

Ayes: Smith, Agne, Kaufmann, Gaul, Bell

Stanwood Drainage District

June 28, 2016

Moved by Kaufmann seconded by Bell to convene as the Stanwood Drainage District Board at 10:08 a.m.

Ayes: Smith, Bell, Kaufmann, Gaul

Absent: Agne

Moved by Bell seconded by Kaufmann to approve the Board minutes of June 21, 2016.

Ayes: Bell, Kaufmann, Smith, Gaul

Discussion was held on liquidated damages total discrepancies submitted by Engineer Etler and Engineer Crawford. Engineer Etler will be contacted to clarify the total amount of liquidated damages. B.W.C. pay request will be withheld until the Completion Hearing.

Administrative Assistant Wright read an email from Luke Huggins, McClure Engineering regarding two change order requests, ditch surveying, and Klima's use of G.P.S. Engineer Fangmann was present. Discussion was held. McClure Engineering will be contacted for contractor recommendations for Lateral A open ditch clean out. Discussion was held on P.V.C. tile extensions.

Auditor Gritton met with the Board to give an update and reviewed Assessment Notices being sent to Stanwood Drainage District landowners for Lateral No. 1 & 2 system improvements. Assessments will be mailed out June 30th. Assessments will be due August 1st without interest. If an assessment is over \$500.00, the landowner, may opt for annual payments by signing a waiver prior to August 1st. Discussion was held.

Moved by Gaul seconded by Bell to return to regular session at 10:36 a.m.

Ayes: Smith, Kaufmann, Bell, Gaul

Absent: Agne

Stanwood Drainage District

July 5, 2016

Moved by Bell seconded by Agne to convene as the Stanwood Drainage District Board at 9:37 a.m.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Moved by Gaul seconded by Kaufmann to approve the Board minutes of June 28, 2016.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Discussion was held on an invoice submitted by Attorney Hudson. The Board had previously withheld invoices dated 04/18/16 and 05/25/16 from Hudson. The invoices submitted by Hudson will be reviewed by the Board. The total amount of damages will be deducted from the invoice total. Discussion was held on the main open ditch clean out along Lateral A. Doug Klima and Jason Charlier are scheduled to be on the Board's agenda on July 12th. Discussion was held regarding damages submitted on July 21st at the Completion Hearing. Engineer Etler, Engineer Crawford and Attorney Hudson will be contacted for clarification on procedure.

Moved by Bell seconded by Kaufmann to return to regular session at 9:51 a.m.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Stanwood Drainage District

July 12, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board at 9:00 a.m.

Ayes: Kaufmann, Bell, Gaul, Agne, Smith

Jason Charlier met with the Board to give an update on the Main Open Ditch work progress and a completion date timeline. Dave & Dale Siebels, Robert Dircks, Royce Lehrman and Kirk Lieser were present. Charlier requested that he meet with Dave Siebels regarding surface drains and location of berms. Dirt may have to be moved off site. Charlier reported that he had probed, with a surveyor, areas along the Lehrman farm. Some areas had the required 4 foot of cover. Lehrman stated that there are two areas flagged that still need to be addressed. Klima still has to clean up trees, limbs, and fence posts near the railroad bridge. Klima has failed to give a timeline on the cleanup. Discussion was held on seeding along the slopes and along the Lateral A ditch. Luke Huggins, McClure Engineering is seeking clarification on weed control measures. Per Etlers plans the contractor is required to control weed growth within the work limits to prevent weeds from going to seed. This work is incidental to the Class 10 Excavation bid item. Charlier stated there is no Class 10 Excavation bid item listed. Dave Siebels voiced concerns with Klima's work performance and not following the proposed plans/specs. Charlier reported that he has spoken to Klima regarding not following seeding prep. Klima will not be paid for seeding and prep. Discussion was held on berm placement and surface drain locations. According to Etlers if a berm is not feasible to build in areas, then McClure was not to build one. Lieser voiced concerns on placement of surface drains. Lehrman suggested that the whole project be resurveyed to verify the grade. Discussion was held.

At 9:30 a.m. Doug Klima entered the Board meeting. Discussion was held on slope seeding. Horseweeds and areas of no seeding were reported. Huggins is checking for other slope seeding options. Charlier reported that Lateral A slopes are covered with weeds as well. Discussion was held. Klima stated that he followed the fertilizing and seeding requirements of the plan. Siebels responded that Klima did not use a chisel plow and referenced sheet A.04 of the Engineer's Report for the proposed main open ditch repairs. Discussion was held on berm placement. At 9:42 a.m. Engineer Etlers was called. Charlier asked Engineer Etlers to verify the use of berms on the Northeast section of the project along stations 200-204. Etlers stated that his intent was to have berms throughout the project. However, if a berm was physically impossible to be built then McClure Engineering was to field fit. Therefore, if there is enough dirt then a berm should be built. Charlier responded that due to the steep hill something may have to be done to shape the berm in order for proper drainage. Discussion was held on surface drains. Etlers stated that the goal of the design was to get the pipe down within 2 to 3 feet of the bottom in order for the pipe to drain onto the edge of the water. If the tile extends out to far snow may break the end of the pipe off. Lehrman reported that in some areas along his farm the outlets are a foot back from the edge of the water. Charlier stated that these pipes were installed 4 feet from the edge of the water per the plans and specs designed. Lehrman continued that rip/rap was used to create a splash pad in order for the water to reach the edge. Etlers recommends the contractor follow the design drawing located on sheet A.04 of the Engineer's report for the proposed main open ditch repairs or sheet C.02 of the proposed plans for the 2016 main open ditch repairs. Charlier reported that a majority of the pipes were installed according to the design standard. Even those pipes that are eroding the bank are installed per the design. Huggins has suggested placing rip/rap in those locations in order to reduce erosion. A berm may be built in order to direct the water into the surface pipe. Sup. Kaufmann asked Etlers to clarify that berms are to be installed along the upper open ditch and that the job is not done until berms are installed. Etlers responded, "yes." Sup. Kaufmann continued is it reasonable for the Board to insist that seeding be completed by the plan. Etlers responded that he would leave that decision up to Charlier. Etlers continued that the plan does not state that a good grass cover be established. The plan only requires that the seeding be done as per the requirement. Since the seeding was not done per the requirement the job is not done. Regarding the Siebels field leveling, Etlers responded that the plans do call for gentle angulations to handle farm equipment. Charlier reported that Klima used 30lbs of brome grass and 2 bushels of oats per acre for seeding. Etlers stated that if clay was spread out past the right of way into fields it would be Jason's call to determine if the clay need to be removed or not. Jason will survey the 100 foot work limit to investigate which areas were

beyond the right of way. At 10:06 a.m. Carl Kohrt entered the meeting. Discussion was held on notification of the landowners regarding berms. Lehrman stated that the berms were a part of the proposal, not at the landowner's request. Etlar stated that it was recommended that the berms be included to control water entry. Only in places that there was not enough dirt to create a berm would it be reasonable not to. From Highway 30 North, per the plans and the landowner's observations berms should be created. This is a field call. Etlar stated the following factors need to be considered when creating a berm: availability of dirt, amount of dirt thrown left/right, and how much watershed comes to that location. Discussion was held on Station 205 at Jackson Ave. Etlar has sent the survey data to McClure. Etlar stated that this area should be restored if removed. Charlier replied that it was not removed. Charlier asked Etlar to clarify that they were supposed to clean out that ditch not reshaping it or moving it. Etlar stated this is a transition tapered to the existing ditch. Engineer Fangmann would be able to make the call. Etlar suggested a berm or rip/rap. Engineer Fangmann is hesitant because of choking off the current and it will change the channel. Fangmann questioned if a change order could be issued to repair. Etlar stated that this is a repair and they do not have any improvement permits. Etlar will check with the Corps of Engineers. Klima had already spoken to the Corps. Etlar will notify Engineer Fangmann of the Corps response. Charlier reviewed the plans moving forward which follow:

Lateral A clean out- Jason will contact Todd Wynkoop. Charlier observed steel plate erosion on Lateral A that caused erosion. This is a warranty issue on Lateral A that may be assessed as damages. Charlier will send pictures to be forwarded to Crawford.

Rip/Rap- Klima has overrun rip/rap amounts. Any rip/rap over 100 ton would require a change order to adjust the quantity.

Seeding – Jason will check the seeding rate with Etlar. The D.O.T. seeding standard is 125 to 160 pound per acre compared to the 30 pound per acre that is specified in the plan.

Tile Extensions- Charlier will check with Etlar on tile extension length. Charlier has observed numerous 6 to 8 inch tile extensions being used.

Berms- McClure will go out into the field and observe the areas that need berms.

Discussion was held.

Charlier will email Etlar regarding weed control measures and minimum pipe size for tile extensions. Charlier will email the Board Etlar's response.

Discussion was held on setting corn/soybean prices and yields for computing crop damages. The Board reviewed USDA National Agricultural Statistics Service prices and yields. Robert Dircks suggested that combine G.P.S. records also be used for computing crop damages. Discussion was held.

Moved by Bell seconded by Kaufmann to set the corn price at \$4.15 and soybean price at \$9.73 to compute 2015 crop loss.

Ayes: Bell, Gaul, Agne, Kaufmann, Smith

Discussion was held on yield documentation. At 11:00 a.m. Engineer Crawford was called. Engineer Crawford stated that combine G.P.S. recorded yields would be an acceptable form of yield documentation. The consensus of the Board is to use combine G.P.S. records first, then 2015 Federal Crop Insurance and then the County average yields in order to compute crop damages. A letter will be sent to landowners requesting combine G.P.S. record documentation. A prior letter was sent to landowners requesting 2015 Federal Crop Insurance. Discussion was held on Lateral A seeding. Crawford suggested having that area sprayed. Further, Crawford stated that this would be considered a legitimate claim of damages against B.W.C. Discussion was held on combine G.P.S. calibration records.

Moved by Bell seconded by Gaul to allow the use of combine G.P.S. recorded yields with current calibration report, then 2015 Federal Crop Insurance, and then County average yields to compute crop loss.

Ayes: Kaufmann, Bell, Gaul, Agne, Smith

Discussion was held regarding 2016 crop loss rates. Crawford recommends half of the rates used for 2015.

Moved by Kaufmann seconded by Bell to set the 2016 crop loss rate at 50% of 2015 rates.

Ayes: Agne, Kaufmann, Bell, Gaul, Smith

Moved by Bell seconded by Gaul to approve the Board minutes of July 5, 2016.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Moved by Bell seconded by Agne to approve payment of \$6,301.37 to McClure Engineering for invoice #12938.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Moved by Bell seconded by Kaufmann to return to regular session at 11:30 a.m.

Ayes: Bell, Gaul, Agne, Smith, Kaufmann

Stanwood Drainage District

July 19, 2016

Moved by Agne seconded by Bell to convene as the Stanwood Drainage District Board at 9:15 a.m.

Ayes: Gaul, Bell, Agne, Smith

Absent: Kaufmann

Discussion was held on Carl Kohrt's request to buy out of the Drainage District. Per Attorney Hudson there is absolutely no way to buy out of a drainage district, all benefited parcels are in, and once in, always in. Hudson referenced Iowa code 468.49. No tract of land included within the boundary of any drainage district shall be exempt from drainage assessments or reassessments. A copy of Attorney Hudson's response and Iowa code 468.49 will be mailed to Kohrt.

Moved by Bell seconded by Agne to approve the Board minutes of July 12, 2016.

Ayes: Smith, Agne, Bell, Gaul

Absent: Kaufmann

Moved by Bell seconded by Agne to approve payment of \$530.00 to Bolton-Menk for invoice #0192206. The amount of \$834.00 will be withheld to be considered at the Completion Hearing.

Ayes: Smith, Agne, Gaul, Bell,

Absent: Kaufmann

Discussion was held on a General Form Status Inquiry form submitted by United Fire Group regarding 2015 Drainage Improvements. Engineer Etler furnished the information required for the form. The Board requested that Attorney Hudson review the information and then advise the Board whether it is appropriate to be signed.

Chairperson Smith stated the Sup. Kaufmann had received a phone call from Royce Lehrman stating that Klima continues to ask landowners about berm installation. Last Board meeting Klima was told where berms are feasible, they will be installed. The decision to berm is not up to the land owners. McClure Engineering is responsible to determine where the berms are located. At 9:22 a.m. Jason Charlier, McClure Engineering was called. Jason stated that berm locations have been marked. However, Jason has not inspected the sites south of the railroad tracks. Charlier reported that landowner Coppess has requested no berm. Coppess stated that he will take out the berm if one is built. Charlier reiterated that where berms are feasible they will be installed. Discussion was held. Charlier will inspect the steep slopes on the Siebels farm. Charlier feels that some kind of pipe will need to be installed. Etler did not recommend a pipe size for a surface drain. Charlier will contact Etler.

Discussion was held on weed control on the Main Open Ditch and Lateral A. The Lateral A ditch will be sprayed at the Drainage Districts expense. The Main Open Ditch may be sprayed after Klima has repaired areas along there. Seeding has been completed on Lateral A. River Valley Coop will be contacted to spray Lateral A only. No estimates are necessary. The Board wants spraying done as soon as possible.

Duane Dircks asked for clarification on crop loss computation. Discussion was held. At 9:35 a.m. Carl Kohrt entered the meeting. The Board briefed Kohrt on Attorney Hudson's response. Kohrt reviewed Attorney Hudson's response. Discussion was held.

Moved by Agne seconded by Gaul to return to regular session at 9:43 a.m.

Ayes: Gaul, Bell, Agne, Smith

Absent: Kaufmann

Stanwood Drainage District

August 2, 2016

Moved by Kaufmann seconded by Bell to convene as the Stanwood Drainage District Board at 10:28 a.m.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Moved by Bell seconded by Gaul to approve the Board minutes of July 21, 2016 and July 26, 2016.

Ayes: Gaul, Agne, Smith, Bell

Abstain: Kaufmann

The Board reviewed Crawford Engineering & Surveying, Inc. invoice #8558.

Moved by Kaufmann seconded by Agne to approve payment of \$5,832 to Crawford Engineering for invoice #8558.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Discussion was held on Lateral A weed control. River Valley Coop, Cedar County Coop, Liquid Grow, Agvantage FS were contacted to spray. No party was interested in spraying Lateral A. Noah Coppess was contacted. Coppess will inspect the site on today's date. If Coppess is not able to spray, the landowners along Lateral A will be responsible for weed control.

Auditor Gritton reviewed landowner assessment status. Discussion was held on liquidated damages. The Board reviewed a letter submitted by Attorney Hudson regarding liquidated damages protocol/procedures. Hudson advised to use the following to justify the total liquidated damages to withhold: engineering/attorney costs incurred after the completion date not including services for the Completion hearing. Crop loss as a result of the delay, additional interest costs, and any interest in land values because of the delay. Etlar estimates interest in land values at a total of \$69,000. Discussion was held. Engineers Etlar and Crawford will be contacted to review and submit total engineering costs incurred after the completion date of December 15, 2015.

Discussion was held on Completion Hearing claims submitted by K Farms in the amount of \$6,418 and Voelker Family Farms in the amount of \$14,300. Per an email from Engineer Crawford these claims should be paid only after the maintenance work is completed. The Board reviewed a tile map provided by Duane Dierks. Discussion was held. The claim submitted by K Farms in the amount of \$6,418 was approved at the Completion Hearing on July 21, 2016.

Moved by Bell seconded by Kaufmann to approve payment of \$14,300 for Voelker Family Farms to install an 8" and 6" perforated tile line along the 16" north-south tile line. In addition once the tile is installed by K Farms and Voelker Family Farms the tile will not become part of the drainage district. The installed tile will become the responsibility of the land owner.

Ayes: Agne, Smith, Kaufmann, Bell, Gaul

The Drainage District will be responsible for payment of these claims. This Board requested that this tile be installed and paid in October or November 2016. A letter will be sent to K Farms and Voelker Family Farms notifying them that they will be responsible for those tile lines once they are installed.

Robert Dircks on behalf of K Farms requested the Board reconsider a claim he submitted for the amount of \$3,450 for installation of an 8" east-west tile that was obliterated. At the Completion Hearing the Board on the recommendation of Engineer Crawford approved payment of \$1,921 for this claim. The Board suggested that Dircks contact Attorney Hudson to clarify disputing claim procedure. Discussion was held.

The Board reviewed Crop Damage, Deep Trench Soil Compaction Compensation, Surface Water Backup, and Deep Tillage Restoration tabulations. The claims that have been approved will be paid through Drainage District funds. Discussion was held.

Moved by Bell seconded by Agne to return to regular session at 11:06 a.m.
Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Stanwood Drainage District

August 9, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board at 9:05 a.m.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Moved by Gaul seconded by Kaufmann to approve the Board minutes of August 2, 2016.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Moved by Agne seconded by Bell to approve payment of \$222.00 to Bolton & Menk for invoice #0193205 and payment of \$152.00 for invoice #0193204.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Moved by Kaufmann seconded by Agne to approve payment of \$4,591.80 to B.W.C. for pay estimate No. 4.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Change Order No. 001 was reviewed. Discussion was held.

Moved by Bell seconded by Kaufmann to approve and authorize Chairperson Smith to sign Change Order No. 001 for the 2015 Drainage Improvements-Section 3 Highway 38 Road Crossings project.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Discussion was held on Lateral A spraying. A letter will be sent to landowners along Lateral A notifying them to spray for weed control. Landowners will be reimbursed one time, this year for spraying expenses. The Board is not liable for the landowners actions regarding spraying.

Discussion was held on liquidated damages against B.W.C. The Board reviewed a spreadsheet of estimated Construction related engineering costs/Attorney fees incurred after the completion date, crop loss as a result of the delay, and interest in land values because of the lateness of the improvement. Discussion was held.

Moved by Bell seconded by Gaul to approve the amount of \$78,500 for liquidated damages against contractor B.W.C. Excavating, L.C.

Ayes: Smith, Kaufmann, Agne, Gaul, Bell

A notification letter will be sent to B.W.C.

Discussion was held on assessments for the Main Open Ditch. Auditor Gritton was present. Gritton reviewed assessment notice procedure. Auditor Gritton recommends having the Main Open Ditch assessments certified by April 2017 in order for payments to be paid in September 2017. Discussion was held on proposed Lateral 24 assessments. Auditor Gritton will contact Engineer Etler clarifying Lateral 24 and Main Open Ditch assessments. Discussion was held.

Moved by Kaufmann seconded by Agne to return to regular session at 9:34 a.m.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Stanwood Drainage District

August 16, 2016

Moved by Gaul seconded by Agne to convene as the Stanwood Drainage District Board at 9:24 a.m.

Ayes: Kaufmann, Smith, Agne, Gaul

Absent: Bell

The Board acknowledged and signed Stanwood Drainage District claims #407043-407060 and #407062-#407080.

Moved by Kaufmann seconded by Agne to approve the Board minutes of August 9, 2016.

Ayes: Gaul, Agne, Smith, Kaufmann

Absent: Bell

McClure Engineering Invoice #13200 was reviewed.

Moved by Kaufmann seconded by Agne to approve payment of \$7,238 to McClure Engineering for invoice #13200.

Ayes: Smith, Agne, Kaufmann, Gaul

Absent: Bell

Discussion was held on Lateral A weed control. County Attorney Renander advised the Board that encouraging the land owners along the Lateral A ditch to spray for weed control and then reimbursing those that opt to spray may expose the County to liability. Attorney Renander recommended the Board amend the letter to include stating the land owners will be held liable for spraying weed control or contacting the D.N.R. to have them view the site and then make a recommendation on appropriate weed control. Crawford Engineering suggested having B.W.C. use a batwing rotary mower or sickle mower to cut the weeds. Discussion was held. Noah Coppess, then B.W.C. will be contacted to get an estimate for mowing the Lateral A ditch.

At 9:34 a.m. Jason Charlier, McClure Engineering was called. Charlier reviewed the Main Open Ditch work progress. Klima has requested that Charlier provide him a list of surface drain lengths even though they are listed in the plans and specs. Charlier reported that the area has been staked in order for Klima to proceed with work. Klima has not continued work as of today's date. Discussion was held on Jackson Ave clear zone requirements. Charlier will get clarification from Engineer Fangmann if the Corps. of Engineers have been contacted.

Discussion was held on Lateral A clean out. Klima understands that he is responsible for mowing the Main Open Ditch for weed control. Todd Wynkoop gave an estimate of an hourly equipment rate for clean out. Wynkoop did not know where the spoil is supposed to be placed. Crawford Engineering will be contacted to clarify whether Klima or B.W.C. is responsible for removing the Lateral A silt. Discussion was held.

Moved by Agne seconded by Gaul to approve and authorize Chairperson Smith to sign the liquidated damages notification letter to B.W.C.

Ayes: Gaul, Agne, Kaufmann, Smith

Absent: Bell

Moved by Agne seconded by Kaufmann to return to regular session at 9:43.

Ayes: Smith, Kaufmann, Gaul, Agne

Absent: Bell

Moved by Gaul seconded by Agne to reconvene as the Stanwood Drainage District at 9:45 a.m.

Ayes: Kaufmann, Gaul, Agne, Smith

Absent: Bell

Moved by Gaul seconded by Agne to approve handwritten warrant #407081 in the amount of \$11,601.74 to Rodne and Teresa Wendt.

Ayes: Gaul, Agne, Smith, Kaufmann

Absent: Bell

Moved by Kaufmann seconded by Agne to return to regular session at 9:48.

Ayes: Smith, Agne, Gaul, Kaufmann

Absent: Bell

Stanwood Drainage District

August 23, 2016

Moved by Bell seconded by Agne to convene as the Stanwood Drainage District Board at 12:12 p.m.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

The Board acknowledged and signed Stanwood Drainage District claims #407083 - #407089 and #407090- #407092. Auditor Gritton was present.

Moved by Gaul seconded by Kaufmann to approve the Board minutes of August 16, 2016.

Ayes: Bell, Gaul, Kaufmann, Agne, Smith

Moved by Bell seconded by Agne to approve payment of \$224.66 to the West Branch Times.

Ayes: Gaul, Agne, Bell, Gaul, Agne

Moved by Kaufmann seconded by Gaul to approve payment of \$2,615.50 to Hudson Law Firm.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Discussion was held regarding 2015 Drainage Improvements Sections 1 & 2 project Change Order #2.

Moved by Bell seconded by Kaufmann to approve and authorize Chairperson Smith to sign 2015 Drainage Improvements Sections 1 & 2 project Change Order #2.

Ayes: Smith, Kaufmann, Agne, Gaul, Bell

Moved by Kaufmann seconded by Bell to approve payment of \$13,112.10 to B.W.C. Excavating for Pay Estimate #5.

Ayes: Agne, Bell, Gaul, Kaufmann, Smith

The Drainage District will be reimbursed by the I.D.O.T. for pay estimate #5 as it relates to Highway 38 road crossings.

Discussion was held on B.W.C. final pay estimate #13. The Board reviewed a spreadsheet of totaled liquidated damages and other damages being withheld from B.W.C.'s retainage.

Moved by Bell seconded by Kaufmann to approve payment of \$67,388.32 to B.W.C. Excavating for Final Pay Estimate #13 upon clarification of total damages amounts from Engineer Crawford and on the advisement of Attorney Hudson.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Discussion was held on Lateral A clean out. The Board reviewed an email from Engineer Etler regarding Lateral A clean out. Klima's contract does not include any work on the Lateral except to make tributary transitions with the open ditch. If Klima does work on Lateral A a change order will have to be issued. Regarding the spoil pile location Etler reported that the excavated silt is to be deposited on the existing spoil pile beside the open ditch and then leveled off so the land can be farmed. Spoil deposited beyond the right-of-way (50' from the ditch centerline) that causes crop damages will be considered as a damages claim. Jason Charlier, McClure Engineering will be contacted to further discuss the Lateral A clean out.

Discussion was held regarding Lateral A weed control. Engineer Crawford had contacted Josh Moses, B.W.C. requesting an estimate to mow Lateral A. Moses had not responded to Crawford. However, Crawford provided an estimate of \$357.55 to mow 20.49 acres of the Lateral A ditch. Crawford used the 2016 Iowa Farm Custom Rate survey for mowing CRP or pasture average rates to determine price. B.W.C. will be contacted to see if they will be willing to mow the Lateral A ditch for the amount of \$357.55. If B.W.C. is unwilling to mow the Lateral A ditch for the amount of \$357.55, Engineer Fangmann will then be contacted as a back-up.

Move by Bell seconded by Agne to authorize payment up to \$357.55, based off of the 2016 Iowa Farm Custom Rate survey for mowing CRP or pasture average rate ($\$17.45 \times 20.49$ acres = \$357.55) for mowing the Lateral A ditch.

Ayes: Agne, Gaul, Bell, Kaufmann, Smith

Moved by Gaul seconded by Kaufmann to return to regular session at 12:27 p.m.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Stanwood Drainage District

August 30, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board at 9:42 a.m.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Moved by Kaufmann seconded by Bell to approve the Board minutes of August 23, 2016.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Discussion was held on Lateral A weed control. Engineer Fangmann and Emergency Management Director Malott were in attendance. Engineer Crawford was unable to receive confirmation from B.W.C. on mowing Lateral A. Therefore, Crawford suggested that Secondary Roads mow Lateral A. Engineer Fangmann stated that Maintenance Superintendent Armstrong had observed the sight. Engineer Fangmann questioned which type of equipment to use for mowing Lateral A. Discussion was held.

Moved by Kaufmann seconded by Bell to direct Secondary Roads to mow the Lateral A ditch with a boom mower.

Ayes: Smith, Agne, Kaufmann, Gaul, Bell

At 9:55 a.m. Kevin Bailey, McClure Engineering met with the Board to give an update on the Main Open Ditch work progress. Bailey reported Jason Charlier has resigned from his position at McClure Engineering. Paul Ruckman will now be the onsite foreman for the Main Open Ditch project. Charlier will be available via email to help finish up the Main Open Ditch project. Bailey reviewed an outline of outstanding Main Open Ditch issues. Discussion was held on the Lateral A clean out. McClure Engineering recommends having Klima Drainage clean out Lateral A. Sup. Bell suggested that a smooth bucket be used for clean out of Lateral A. Engineer Etlar will need to be contacted to issue a change order for this work to proceed. Discussion was held regarding spoil pile placement. Engineer Etlar sent correspondence via email on spoil pile placement. The excavated silt is to be deposited on the existing spoil pile beside the open ditch and be leveled off so the land can continue to be farmed. Spoil should not be spread beyond the right-of-way. (50' from the ditch centerline) If spoil is spread beyond the right-of-way and crop damages occur the land owner may file for crop damages. The Board recommends having McClure Engineering stake the right-of-way easement. Questions were raised on berm placement. Discussion was held. Berms will be placed per design. Discussion continued. Bailey will clarify with Charlier on berm placement near the railroad bridge in areas that there was not enough spoil to create the berm. Bailey reported McClure is still waiting on the measurements of the PFC pipe that was installed instead of the CMP pipe that was supposed to be installed per design from Klima. Sup. Kaufmann recommended the Board be present during the final walk-thru of the Main Open Ditch project. Malott suggested an electronic copy of installed tile locations be given to G.I.S. Chairperson Smith briefed Bailey on the Jackson Ave. project being done by Secondary Roads. Bailey will obtain a timeline of work progress from Klima for the Board. Supervisors Bell and Kaufmann will complete a survey submitted by McClure Engineering.

Moved by Kaufmann seconded by Agne to return to regular session at 10:15 a.m.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Stanwood Drainage District

September 6, 2016

Moved by Bell seconded by Agne to convene as the Stanwood Drainage District Board at 9:18 a.m.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

Moved by Bell seconded by Kaufmann to approve the Board minutes of August 30, 2016.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Engineer Etlar informed the Board via email that McClure Engineering is to authorize the Change Order for the Lateral A clean out. Sup. Bell reviewed a phone call he received from Carl Kohrt questioning why the Stanwood Drainage District cannot get monies similar to those Drainage Districts involved with the Des Moines Water Works lawsuit. Sup. Bell explained that the monies are used for legal defense. Discussion was held. Sup. Bell reported Dennis Coppess has mowed the Lateral A ditch in areas where his equipment could reach. Dennis Coppess does not want reimbursed for the mowing.

Moved by Kaufmann seconded by Gaul to return to regular session at 9:25 a.m.

Ayes: Bell, Gaul, Agne, Kaufmann, Smith

Stanwood Drainage District

September 13, 2016

Moved by Agne seconded by Gaul to convene as the Stanwood Drainage District Board at 8:43 a.m.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Moved by Kaufmann seconded by Agne to approve the Board minutes of September 6, 2016.

Ayes: Smith, Agne, Kaufmann, Bell, Gaul

Moved by Bell seconded by Gaul to approve payment of \$1,102.50 to Crawford Engineering for invoice #8599.

Ayes: Gaul, Agne, Kaufmann, Bell, Smith

Moved by Bell seconded by Agne to approve payment of \$868.00 to Bolton & Menk for invoice #0194111.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Moved by Kaufmann seconded by Bell to approve payment of \$380.00 to McClure Engineering for invoice #13407.

Ayes: Agne, Gaul, Bell, Kaufmann, Smith

The Board reviewed an email submitted by Kevin Bailey, McClure Engineering regarding the Main Open Ditch work progress. Klima will proceed with cleaning out Lateral A and will pile the spoil next to the ditch. Once the landowners crops are out, Klima will spread the spoil out and install more outlets. Klima is going to send Luke Huggins the lineal footage of the outlets with unit cost for the change order to switch from CMP to PVC. Klima will coordinate a time to meet with Paul Ruckman to review any other issues and berm locations. Huggins will work with Engineer Etlar on obtaining as-built drawings. Sup. Kaufmann reiterated the Board being present during the final walk-through.

Moved by Bell seconded by Agne to return to regular session at 8:50 a.m.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Moved by Kaufmann seconded by Bell to reconvene as the Stanwood Drainage District Board at 9:40 a.m.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Royce Lehrman requested an update on the Main Open Ditch work progress. Lehrman was given a copy of Bailey's email and Ruckman's contact information. Discussion was held.

Moved by Kaufmann seconded by Gaul to return to regular session at 9:47 a.m.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Stanwood Drainage District

September 20, 2016

Moved by Gaul seconded by Kaufmann to convene as the Stanwood Drainage District Board at 9:30 a.m.

Ayes: Bell, Gaul, Kaufmann, Agne, Smith

Moved by Bell seconded by Kaufmann to approve the Board minutes of September 13, 2016.

Ayes: Smith, Agne, Kaufmann, Bell, Gaul

The Board reviewed a letter sent by B.W.C. Excavating, L.C. Attorney Jon McCright. Discussion was held. A copy of the letter was emailed to Attorney James Hudson. The consensus of the Board is to have Attorney Hudson review the letter and then advise the Board how to proceed.

Moved by Bell seconded by Gaul to return to regular session at 9:34 a.m.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

Stanwood Drainage District

September 27, 2016

Moved by Bell seconded by Agne to convene as the Stanwood Drainage District Board at 9:56 a.m.

Ayes: Gaul, Agne, Bell, Kaufmann, Smith

The Board acknowledged correspondence from Hudson Law Firm regarding B.W.C. Excavating, LLC., liquidated damages and damages at the project completion.

Moved by Bell seconded by Kaufmann to approve the Board minutes of August 20, 2016.

Ayes: Smith, Kaufmann, Bell, Gaul, Agne

At 10:00 a.m. a phone call was placed to Attorney Hudson. Hudson had reviewed the letter sent from Attorney McCright. Hudson suggested the Board contact Hertz Farm Management or an appraisal firm to evaluate the decreased value of real estate within the drainage district due to the delay of the project. Hudson stated that there is no conflict of interest in using Hertz Farm Management because Hertz manages land within the drainage district. Hertz does not own land within the district. Further, Hertz would not be able to skew the appraisal. Discussion was held. If the request goes into litigation Hudson will not represent the Board. Hudson recommended using Attorney Bob Goodwin. Regarding the improper tile installation, Hudson stated these issues were addressed at the Completion hearing and were determined to be due to the negligence of B.W.C. Hudson agreed he advised the Board to withhold payment to B.W.C. which then caused B.W.C to stall work. The alternative was to terminate the contractor. Hudson stated he and McCright may be able to negotiate a settlement that will be agreeable to both parties. Hudson will refer Attorney Goodwin to contact the Board. The phone call was ended at 10:15 a.m.

Discussion was held on hiring an appraisal firm. Engineer Etler will be contacted for information on appraisal firms. The consensus of the Board is to send the requested spreadsheet of liquidated damages to Attorney McCright.

Moved by Gaul seconded by Agne to return to regular session at 10:20 a.m.

Ayes: Smith, Kaufmann, Agne, Gaul, Bell

Moved by Agne seconded by Gaul to reconvene as the Stanwood Drainage District Board at 11:43 a.m.

Ayes: Gaul, Agne, Smith, Kaufmann, Bell

The Board received a phone message from Kirk Weih. Weih informed the Board, Hertz Farm Management was not interested in performing farm appraisals within the Drainage District. Weih will be contacted to further explain Hudson's response regarding non conflict of interest.

Moved by Agne seconded by Kaufmann to return to regular session at 11:46 a.m.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Stanwood Drainage District

October 4, 2016

Moved by Agne seconded by Bell to convene as the Stanwood Drainage District Board at 10:08 a.m.

Ayes: Gaul, Bell, Agne, Kaufmann, Smith

The Board acknowledged and signed Stanwood Drainage District claims #407580 - #407582 and #407585- #407586.

Moved by Bell seconded by Kaufmann to approve the Board minutes of September 27, 2016.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Moved by Bell seconded by Kaufmann to approve payment of \$742.50 to McClure Engineering for invoice #1366.

Ayes: Smith, Kaufmann, Agne, Gaul, Bell

The Board reviewed an email sent by Rick Shafer, Peoples Appraisals regarding appraisals. Peoples appraisals are unwilling to do the appraisal. However, Shafer suggested to contact Brian Lynnemeyer of Agroval to get an estimate on an appraisal. The Board reviewed an email sent from Luke Huggins, McClure Engineering regarding the main open ditch work progress. Sup. Kaufmann read a text message sent from Royce Lehrman addressing main open ditch work concerns. Discussion was held. Lehrman will be forwarded the email from McClure.

Moved by Gaul seconded by Bell to return to regular session at 10:20 a.m.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Stanwood Drainage District

October 11, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board at 3:50 p.m.

Ayes: All

Absent: Smith

Moved by Agne seconded by Kaufmann to approve the Board minutes of October 4, 2016.

Ayes: All

Absent: Smith

Moved by Gaul seconded by Kaufmann to approve payment of \$126.00 to Bolton & Menk for invoice #0195335.

Ayes: All

Absent: Smith

Discussion was held regarding Stanwood Drainage District land appraisals. Dave Siebels was present. Per Attorney Hudson, Agrovoll's estimate for the appraisal is \$10,000 - \$15,000. Hudson advises the Board to wait and see on how B.W.C.'s Attorney responds to the letter sent. The consensus of the Board is to wait. Siebels addressed the Board regarding damages claims. Siebels reported damages to crops and gravel located near a bridge approach. Siebels had notified McClure Engineering about this issue. The Board reminded Siebels to address these damages at the Completion Hearing. Discussion was held regarding berm placement. Siebels is concerned with future repair maintenance of the Main Open Ditch in those areas where no berms are in place. Siebels suggested a permanent border be installed in those areas where there is no berm. Discussion was held. The Board will seek clarification on spring seeding requirements.

Moved by Kaufmann seconded by Gaul to return to regular session at 4:05 p.m.

Ayes: All

Absent: Smith

Stanwood Drainage District

November 1, 2016

Moved by Bell seconded by Agne to convene as the Stanwood Drainage District Board at 10:26 a.m.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Moved by Agne seconded by Gaul to approve the Board minutes of October 25, 2016.

Ayes: Bell, Gaul, Kaufmann, Agne, Smith

The Board reviewed an email sent from Kevin Bailey, McClure Engineering. Robert Dircks was present. Work has been completed south of STATION 145+00. This station is approximately 650' north of the Lateral A ditch. All work in Lateral A is complete. Klima has work north of STA 145+00 yet to complete. This includes the installation of 12 – 13 surface drains as well as the berms. Klima will not be on site the week of October 24th. Paul Ruckman, McClure Engineering will contact Klima to remind him of the November 18, 2016 completion date. Bailey will be contacted to schedule a walk thru with the Board, Klima and Ruckman. Tentative walk thru date will be November 22nd.

Discussion was held regarding location of tile line connections along Lateral B2. Dircks is unable to find the tile connections located on Lateral B2 using the G.P.S. coordinates provided by Engineer Crawford. Crawford submitted the G.P.S. coordinates based off of the design plans sheet A.03. In August, Crawford agreed to find the tile connections once Dircks crops were out. Now, Crawford is unable to complete the work within the next four to six weeks and requires an additional \$900-\$1000 for survey crew costs. During the completion hearing Dircks had submitted a claim to reinstall an 8" tile line that B.W.C. obliterated. This claim was denied. Robert Dircks stated he will "eat" the cost of installing the 8" tile. Further, Dircks stated he does not want the Drainage District to pay for anything else. However, Dircks reported there are several sink holes along Lateral B that need repaired. The Board questioned if repairs to fix the sink holes are covered under warranty work. Discussion was held. The Board will contact Attorney Hudson to clarify warranty work procedure.

Discussion was held regarding design versus actual plan maps. It appears there are discrepancies with the design and actual plan maps. Discussion was held. Engineer Etlar will be contacted for clarification on who has the completed as-built maps in order to identify tile locations. Emergency Management Director Malott suggested Crawford Engineering provide G.P.S. maps of tile location to G.I.S.

Moved by Kaufman seconded by Bell to return to regular session at 10:46 a.m.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Stanwood Drainage District

November 8, 2016

Moved by Bell seconded by Agne to convene as the Stanwood Drainage District Board at 10:30 a.m.

Ayes: Agne, Smith, Gaul, Bell

Absent: Kaufmann

Moved by Bell seconded by Gaul to approve the Board minutes of November 1, 2016.

Ayes: Smith, Bell, Gaul, Agne

Absent: Kaufmann

Moved by Bell seconded by Agne to approve payment of \$2,314.50 to McClure Engineering for invoice #13903.

Ayes: Gaul, Agne, Smith, Bell

Absent: Kaufmann

Chairperson Smith reported on the water damages and sink holes she observed along Lateral B. Robert Dircks had asked Chairperson Smith to come observe areas of concern along Lateral B. Chairperson Smith believes the 24 inch tile line is not capped causing areas to be bogged down. On the advisement of Attorney Hudson, a letter was sent to B.W.C. on Thursday, November 3rd requiring B.W.C. to repair tile connections along Lateral B within 30 days of receipt of the letter.

Discussion was held regarding G.P.S. coordinates of installed tile. Per an email from Engineer Crawford the Auditor's office has the only set of as-built maps. Engineer Etler was called for clarification. Etler stated B.W.C. was only required to provide the station and the materials used. The plan notes did not require G.P.S. coordinates to be used. Discussion was held. Warranty work needs to be completed by B.W.C.

Discussion was held regarding the Main Open Ditch work progress. Royce Lehrman reported Klima was working on Saturday without McClure Engineering on-site. McClure Engineering agreed to be on-site this week. A tentatively scheduled final walk-through of the Main Open Ditch will be November 22nd.

Moved by Gaul seconded by Bell to return to regular session at 10:45 a.m.

Ayes: Smith, Agne, Bell, Gaul

Absent: Kaufmann

Stanwood Drainage District

November 15, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board at 9:16 a.m.

Ayes: Smith, Agne, Kaufmann, Gaul, Bell

Moved by Gaul seconded by Bell to approve the Board minutes of November 8, 2016.

Ayes: Smith, Agne, Bell, Gaul, Kaufmann

Chairperson Smith gave an update regarding the reported sink holes and uncapped tile along Lateral B. Robert Dircks hired a private tiler to repair the sink holes. The tile connections have been capped. Dircks will be contacted requesting installed tile placement locations, in an effort to correlate tile locations.

Discussion was held regarding the Main Open Ditch. A final walk through is scheduled for November 29th at 10:30 a.m.

Engineer Fangmann entered the Board room. Discussion was held regarding a local road safety plan workshop being held on December 12th.

Discussion was held regarding the Iowa Department of Transportation late fee for late payment of a drainage district assessment. Auditor Gritton was requested to be present. The Board suggested the email correspondence sent from Patty King be reviewed by Attorney Hudson. Dave Siebels entered the Boardroom.

Siebels expressed concerns regarding shoring along the bank, berm design, and berm placement. Engineer Fangmann was requested to be present. Engineer Fangmann reviewed clear zone requirements. Engineer Fangmann stated he would be willing to meet with Siebels to discuss berm placements. McClure Engineering will be contacted to review the adjustments from the actual design plans and to review with Siebels.

Moved by Gaul seconded by Bell to return to regular session at 9:33 a.m.

Ayes: Smith, Kaufmann, Agne, Bell, Gaul

Stanwood Drainage District

November 22, 2016

Moved by Kaufmann seconded by Bell to convene as the Stanwood Drainage District Board.
Ayes: Smith, Agne, Bell, Gaul, Kaufmann

Moved by Agne seconded by Bell to approve the Board minutes of November 15, 2016.
Ayes: Gaul, Agne, Smith, Kaufmann, Bell

McClure did a walk through with Famers on the north end. Discussion was held. A final walk through is scheduled for November 29th at 10:30 a.m.

BWC was contacted to fix a sink hole. Robert Dircks had his tiler fix the issue at his expense. Discussion was held.

Discussion was held regarding the Iowa Department of Transportation late fee for late payment of a drainage district assessment. Auditor Gritton was present. The Board reviewed Attorney Hudson's email response. Discussion was held.

Moved by Bell seconded by Gaul to approve the Board to send a letter to the Iowa Department of Transportation regarding late payment of drainage district assessment.
Ayes: Kaufmann, Agne, Bell, Gaul, Smith

Moved by Bell seconded by Kaufmann to return to regular session.
Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Stanwood Drainage District

November 29, 2016

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board at 11:53 a.m.

Ayes: Smith, Agne, Gaul, Kaufmann, Bell

Kevin Bailey, Luke Huggins, and Paul Ruckman of McClure Engineering met with the Board to give an update on the Main Open Ditch project. Ruckman verified Klima has completed the previously unfinished list of items. Berms located on the upper end were constructed per plan. Ruckman reported Landowner Royce Lehrman's pleasure with how the project was completed. Landowner Dave Siebels expressed concerns to Ruckman on crop yields. Discussion was held. Siebels will have to submit a damage claim during the Completion Hearing. Ruckman reported there is little to no pockets of blue clay. Ruckman and Siebels toured the area and Ruckman reported Siebels could not find areas where blue clay had been placed. Huggins reported on the vegetation growth on the side slopes has reduced bank erosion. Dormant seed will be placed along those banks. Huggins stated overall the system is working really well. However, there were lapses with the topography in areas so it did not require as much dirt to be removed. Discussion was held on buffer strips. Klima has completed the project. McClure Engineering will submit a statement of completion to the Board. In addition, McClure Engineering will fly a drone over the Main Open Ditch and submit the aerial footage to the Board. Sup. Kaufmann will contact Lehrman and Siebels for their input on the Main Open Ditch work completion.

Moved by Kaufmann seconded by Bell to approve the Board minutes of November 22, 2016.

Ayes: Smith, Kaufmann, Agne, Gaul, Bell

Moved by Bell seconded by Gaul to approve payment of \$60.00 to Hudson Law Firm.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Discussion was held regarding as-built maps submitted by Crawford Engineering. Landowners and contractors have requested copies of the as-built maps. Due to the large size of the maps copies are unable to be made. The consensus of the Board is to request a digital copy of the as-built maps from Crawford Engineering. A previous email to the Board from Crawford indicated the only copy of the as-built maps is the current one on file. Images Ink or Rapids Reproduction may need to be contacted if Crawford is unable to provide a digital copy.

Moved by Gaul seconded by Agne to return to regular session at 12:17 p.m.

Ayes: Agne, Gaul, Bell, Kaufmann, Smith

Stanwood Drainage District

December 6, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board at 11:06 a.m.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Discussion was held on as-built tile maps. The as-built tile maps were digitally scanned and copied by Rapids Reproduction.

Moved by Bell seconded by Agne to approve the amended Board minutes of November 22, 2016.

Ayes: Agne, Kaufmann, Bell, Gaul, Smith

Moved by Kaufmann seconded by Gaul to approve the Board minutes of November 29, 2016.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Discussion was held regarding the Main Open Ditch. Sup. Kaufmann will contact Royce Lehrman and Dave Siebels regarding the Main Open Ditch completion work. McClure Engineering will be contacted requesting digital copies and photo copies of the as-built maps.

Moved by Kaufmann seconded by Bell to return to regular session at 11:10 a.m.

Ayes: Smith, Agne, Bell, Gaul, Kaufmann

Stanwood Drainage District

December 13, 2016

Moved by Kaufmann seconded by Agne to convene as the Stanwood Drainage District Board at 10:54 a.m.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

Moved by Agne seconded by Bell to approve the Board minutes of December 6, 2016.

Ayes: Kaufmann, Bell, Gaul, Agne Smith

Moved by Kaufmann seconded by Bell to approve payment of \$3,891.50 to McClure Engineering for invoice #14303.

Ayes: Smith, Agne, Kaufmann, Gaul, Bell

Discussion was held on invoice #10197 to Eastern Iowa Drainage for the amount of \$6,768.70 submitted by Robert Dircks. At the Completion hearing held July 21, 2016 the Board approved payment of \$6,418 for tile installation. The amount of \$6,418 was based off of Eastern Iowa Drainage's July 20, 2016 estimate #1099. Per an email from Crawford Engineering dated July 26th this claim should only be paid after the maintenance work is completed. Maintenance work has been completed. Engineer Crawford has reviewed invoice # 10197 and considers it appropriate for payment.

Moved by Bell seconded by Gaul to approve payment of \$6,768.70 to Eastern Iowa Drainage for invoice #10197.

Ayes: Bell, Kaufmann, Smith, Agne, Gaul

Discussion was held on invoice #10195 to Eastern Iowa Drainage for the amount of \$11,706.45 submitted by Duane Dierks. On August 2, 2016 the Board approved payment of \$14,300 for tile installation. The amount of \$14,300 was based off of Eastern Iowa Drainage's July 22, 2016 estimate #1100. Engineer Crawford has reviewed invoice # 10197 and considers it appropriate for payment.

Moved by Bell seconded Gaul to approve payment of \$11,706.46 to Eastern Iowa Drainage for invoice #10195.

Ayes: Smith, Agne, Kaufmann, Bell, Gaul

A copy of the checks and a letter notifying Dircks and Dierks the installed tile is now their responsibility and not the drainage districts will be sent and filed.

Discussion was held regarding McClure Engineering drone flight. McClure Engineering provided an estimate of \$1,000 to fly the Main Open Ditch. Discussion was held on drone formatting and editing. At 11:05 a.m. McClure Engineering was called. Luke Huggins and Kevin Bailey were unable to be reached. McClure Engineering will be contacted to verify they are able to provide voice over editing. No action was taken. Further discussion regarding McClure Engineering drone flight will be held on December 20th. Sup. Kaufmann read a text message from Royce Lehrman regarding the Main Open Ditch work progress. Lehrman reported concerns with tile extension lengths, weed growth and the upper bank shaping.

Discussion was held regarding the upcoming Completion hearing. Once the Main Open Ditch project is certified complete by McClure Engineering a completion hearing will be held. Annexation and Reclassification will be held on another date after the Completion hearing.

Moved by Kaufmann seconded by Agne to return to regular session at 11:11 a.m.

Ayes: Gaul, Bell, Kaufmann, Agne, Smith

Stanwood Drainage District

December 27, 2016

Moved by Gaul seconded by Bell to convene as the Stanwood Drainage District Board at 10:00 a.m.

Ayes: Bell, Gaul, Agne, Smith, Kaufmann

Moved by Agne seconded by Kaufmann to approve the Board minutes of December 20, 2016.

Ayes: Kaufmann, Agne, Bell, Gaul, Smith

Dave Siebels met with the Board regarding the Main Open Ditch. Siebels reported concerns with the clay dirt deposited onto his fields, berm design, and weed growth. Siebels stated his main concern is with the clay dirt. Siebels reviewed field map yield amounts. The berm located on his property is not level and not per design. Siebels is concerned he will not be able to maintain the berm. Chairperson Smith reviewed an email submitted by Engineer Etler regarding seeding requirements. Per Etler the seeding requirement applied only to the cut slope of the open ditch and not to any part of the leveled spoil. The actual establishment of seeding is not a requirement. Siebels reported bank erosion on the slopes near the bridge. At 10:08 a.m. Paul Ruckman from McClure Engineering was called. Ruckman was unable to be reached. A message was left at his office. Discussion was held regarding seeding requirements. At 10:17 a.m. Ruckman returned a phone call to the Board. Ruckman stated the clay dirt was cleaned up the last time he had met on-site with Siebels. Ruckman was under the impression Siebels was satisfied with the work. Ruckman had reviewed Siebels field maps from crops planted in 2016. Ruckman reminded the Board those field maps do not reflect the area after the spoil was taken out, chiseled plowed and the work completed. Discussion was held regarding the placement of the berm along the creek bank. Siebels reported there are areas along the berm where it is 5 to 10 feet away from the creek. Ruckman stated he never saw that. Ruckman assumes the type of plow being used along the berm may have caused those discrepancies. The intent of the berm was to be at the top of the creek bank. Ruckman stated the berm was built per plan. Discussion was held on creek bank erosion. There is no gradual incline along the Lehrman farm near the Siebels bridge. Ruckman reported Klima has pulled up the creek bank twice. Ruckman's opinion is the erosion will continue because the soil is not sustainable on such a steep embankment. To remedy the erosion Ruckman's opinion would be to make the creek banks flatter. Ruckman will have to check with Luke Huggins to get his opinion. Huggins may have to refer to Etler. Ruckman feels a final walk through will need to be completed before the Completion Hearing to address some of these issues. Lehrman questioned how to establish seeding on the inner side slopes of the ditch. Conservation Director Dauber entered the Board meeting. Ruckman stated he had met with Siebels and Lehrman and he was under the impression the land owners were taking care of seeding themselves. Lehrman responded he was taking care of seeding the ground level area only, not the side slopes. Ruckman replied he misunderstood. Ruckman's opinion regarding the seeding along Lehrman and Siebels land is the seeding did not have time to establish since it was seeded so late. Discussion was held regarding surface drainage. Siebels questioned if the water would be able to get to the surface drains since it appears the slope faces away from the surface drain. Ruckman stated they did not change the lay of the land. The berm area was built well and he would stand by the design. Ruckman will review corrective measures to address the berm located near the creek bank, creek bank erosion, and yield decreases because of soil alterations in order for the Board to prepare for the Completion Hearing. Discussion was held regarding side slope seeding. Conservation Director Dauber suggested the following: using the Pheasants Forever program to establish native seeding along the slopes or using a hydro-seeder. Secondary roads has a hydro-seeder that may be able to be used. Dauber would be willing to work with Secondary Roads to help establish seeding. The seed would be provided by Pheasants Forever. Dauber will have to check with Engineer Fangmann to verify using the hydro-seeder and the estimated costs. Lehrman agreed this is a good option. Discussion was held.

Moved by Kaufmann seconded by Bell to return to regular session at 11:00 a.m.

Ayes: Bell, Gaul, Agne, Kaufmann, Smith