

Drainage District #37
Hearing on Completion of Repair Project
10:00 a.m. June 6, 2024
Clay County Administration Board Room

The DD#37 June 6, 2024 Hearing on Completion of Repair Project was called to order by Chairman Allen McGranahan at 10:00 a.m. in the Clay County Administration Board Room.

In attendance in person were trustees Allen McGranahan, Bill Gerdeman, and Rod Dillard; clerk Connie Swan; engineer Collin Klingbeil of Jacobson-Westergard & Associates; landowner representatives John Metcalf, Brent Swart, John Rahn, Leonard Langner, Aaron Rutter, Jerry Groenewold, Sandy Langner, David Wyatt, Steve Swan, Bob Swan; guests Nathan Reffer of B&W Brush & Weed Control Specialists, Inc. Algona, IA, and Nick Lowrey from Spencer Daily Reporter.

Three landowner representatives were in attendance by phone: Linda Carter, Megan Roos, and LeAnn McGranahan

Allen opened the hearing by providing a brief history of the repair project and the obligations associated with it. He thanked all of the many people who helped with the project along the way. The Trustees posthumously recognized Dale Langner, and expressed gratitude to all of the Langner family for their contributions to DD#37. Dale regularly kept abreast of the actions of the Clay County Board of Supervisors and made landowners aware of the impact on DD#37. When it became clear that those actions were leading toward an improvement project of significant cost that differed from what many landowners considered to be necessary, desirable and feasible, the process of a remonstrance was implemented. The results announced on the day of the remonstrance showed that the effort had failed. Not confident in the accuracy of the stated outcome, some landowners sought out the services of Attorney David Johnson. Allen thanked Steve and Connie Swan for reviewing the spreadsheet created by Bolton & Menk Engineering for use in calculating the results of the remonstrance, the review of which revealed significant errors. Allen pointed out that justice is not free, and a fundraising letter was distributed. He expressed appreciation to Bob Swan and David Wyatt for their time and financial resources in representing many landowners and for being the faces behind the subsequent lawsuit.

After petitioning and succeeding in the pursuit of private trusteeship, three landowner trustees were elected. As one of his first actions as Chair of the new Board of Private Trustees, Allen interviewed five engineering firms to assist with the repair project. Allen was impressed with the preparedness and concrete ideas of Collin Klingbeil of Jacobson-Westergard & Associates and proposed his services be contracted.

Rod and Bill thanked Allen for his diligence and leadership throughout the project.

Allen introduced Collin Klingbeil, who took the floor. Collin explained that the Hearing on Completion of Repair Project is the last step in a project. If the Board of Trustees agrees that the project has been done satisfactorily, then the project is considered completed and the retainer is released.

Collin presented the completion report. The scope of the project was to address trees that were either already in the channel, or were threatening to get into the channel. The desire was to get to the problem trees without clear cutting. When soliciting bids in September 2022, contractors were to bid on both a base bid to remove only the trees in the channel, and an alternate bid. Reutzl Excavating of Burt, IA was awarded the contract for their alternate bid, which allowed building a path along the channel using an excavator. The completion date was to be on or before June 1, 2024.

Collin stated that the project was completed in April 2024. There is a one-year warrantee period, which does not include a guarantee of seeding establishment. There was some crop damage to crops along the work area, and the completion report includes a spreadsheet of the land affected and the cost reimbursement proposed, the total of which is \$4613.92 to be reimbursed to landowners out of the funds of the district, as the damage done was necessary to the project and not due to negligence on the part of Reutzl Excavating.

Allen reported that he has heard good things and that his observations were that seeding was coming in well. Throughout the project he was confident that Collin had a clear view of what needed to be done to bring the drainage channel back into good repair, but also an understanding of the desire to be minimally invasive. The method the contractors used was good, and resulted in a path that will be beneficial for future maintenance access. Going forward, some of the outlets of the tile mains will need repair, but that can be addressed as issues arise.

Bob Swan pointed out that the high water this year is good evidence that water is moving. There was discussion on whether it would be possible for county mains to be sumped. Collin stated that reclassification might allow this as an improvement, with approval from the Trustees. Reclassification of the district currently would cost in the area of \$60,000. An idea proposed was for landowners to create a private bypass and pump from that, the cost of which would belong fully to the landowners involved.

Jerry Groenewold informed the Trustees and Collin that there were burn piles on his property that have not been smoothed and seeded. Collin and Allen agreed to follow up on this.

Gannett Swan created a drone video of the completed project, which can be viewed on the pickerelrun.com website.

Trustee Rod Dillard moved to accept the Drainage District No. 37 Tree Clearing Certification of Completion from Jacobson-Westergard & Associates, Inc. dated April 18, 2024 and to release the retainer after the 30-day waiting period. Second by Trustee Bill Gerdeman. Motion carried.

Allen expressed appreciation to Collin for his part in the project and for his sense of responsibility in keeping costs down.

The hearing was adjourned at 10:46 a.m.

Respectfully submitted,

Connie Swan, Clerk

Allen McGranahan, Chair

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