

DRAINAGE MEETING  
DISTRICT HOWARD #46  
NOVEMBER 16, 2021

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building in Nevada, IA to consider the Engineer's Certification of Completion (on file in the Story County Auditor's Office) and payment of damages for a tile improvement project in Drainage District Howard #46. Members present were Lisa Heddens, chair, Latifah Faisal, and Linda Murken. Also present were Story County Drainage Clerk Scott Wall, and Outreach and Special Projects Manager Leanne Harter and Engineers Kent Rode and Tyler Conley from Bolton & Menk, Inc.

Heddens called the meeting to order at 9:00 a.m.

Faisal moved, seconded by Murken, to approve the agenda. Motion carried unanimously (MCU).

Rode said that construction has been completed and that Bolton & Menk certifies that the work is satisfactory. Construction began in July and was completed on August 20, 2021. There was one change order which reduced the project cost by \$2,685.34 for a total final cost of \$82,471.96. The final payment is for the 10% retainage of \$8,247.20 still due to the contractor, Hall Backhoe and Trenching, LLC. Rode recommended that the trustees accept the project as completed and approve the payment of damages.

The last page in the certification document specifies crop damages to the two landowners on whose property the work took place plus additional costs submitted by Harold Hovick for animal feed during the time his cattle had to be off the property, for repairs to fencing removed during construction, and for reseeded the construction area. Rode did not know of any other requests for damages.

Wall said Hovick was the only one to have contacted him with additional claims.

Heddens asked about the timeline for the reports on annexation and reclassification.

Rode said those will be completed this winter.

Murken questioned Harold Hovick's damage claims. Are they in addition to the damages recommended by the engineer?

Rode said they are included in the tabulation in the Certification. The last two columns are first, crop damages, and second, damages claimed by owners. In Hovick's case the two columns should be added together for the total damages.

Murken asked where the money for damage claims comes from.

Rode said damages are paid by the district because the damages are the result of work done by the district. All damages and the costs of the project will be assessed against the district under the new classification schedule.

Murken moved, seconded by Faisal, to accept the Engineer's Certification of Contract Completion. MCU.

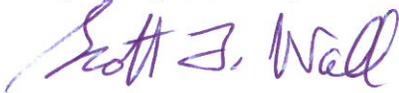
Faisal moved, seconded by Murken, to approve payment of damages to Carpenter Brothers, Inc. and to Harold and Vicky Hovick. MCU.

Murken moved, seconded by Faisal, to approve the final payment of the 10% retainage to Hall Backhoe and Tiling, LLC. MCU.

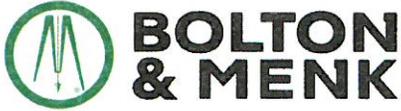
Rode noted that, as required by Code, the final payment to Hall Backhoe should be made not less than 30 days from today.

Faisal moved, seconded by Murken, to adjourn. MCU. Meeting adjourned at 9:12 a.m.

Respectfully submitted,

A handwritten signature in purple ink that reads "Scott T. Wall". The signature is written in a cursive style with a large initial 'S'.

Scott T. Wall



**BOLTON  
& MENK**

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1609 US Hwy 18 East  
Algona, IA 50511

Ph: (515) 395-3140  
Bolton-Menk.com

October 14, 2021

Story County Drainage District Trustees  
Story County Courthouse  
900 6th Street  
Nevada, IA 50201

Re: Certification of Contract Completion  
Hall Backhoe and Trenching, LLC.  
Main Tile A Improvement  
Drainage District No. 46, Howard  
Story County, Iowa

Dear Story County Drainage District Trustees:

I hereby certify that the contract with Hall Backhoe and Trenching, LLC., for the Main Tile A Improvement in Drainage District No. 46, Howard commencing in July, 2021, has been completed in substantial compliance with the plans and specifications. A completion report is attached. This certification is intended to satisfy the requirements of Iowa Code Section 468.101.

A date for the completion hearing will need to be set by the trustees in accordance with Iowa Code Section 468.101. Notice should be made by publication and to individual owners of land on which the work was performed at least 10 days prior to the hearing.

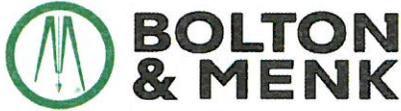
Sincerely,

**Bolton & Menk, Inc.**

**Kent Rode P.E.**  
Senior Project Manager

Encl: Completion Report

Cc: Hall Backhoe and Trenching, LLC.  
Scott Wall, Story County Drainage Clerk  
Darren Moon, Story County Engineer



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**COMPLETION REPORT**

Main Tile A Improvement  
Drainage District No. 46, Howard  
Story County, Iowa  
BMI Project No. P13.121546

**Contract Summary**

- 1) Bids received on May 13, 2021
- 2) Contract awarded to Hall Backhoe and Trenching, LLC. - \$85,157.30
- 3) High bid was ----- - \$140,660.00
- 4) Work commenced in July 2021
- 5) Work was substantially completed on August 20, 2021
- 6) Construction Costs:

	Total
Original Contract Price	\$ 85,157.30
Change Order No. 1 - Rectification of Quantities	<u>\$ (2,685.34)</u>
Total Completed Work	\$ 82,471.96
Total Amount Paid to Date	<u>\$ 74,224.76</u>
Total Amount Due to Contractor	\$ 8,247.20

**Damages**

- Landowners are eligible for damages resulting from the work on their land.
- A survey was conducted by the engineer to determine the actual damaged areas. The dollar amounts are calculated but can be adjusted by the Trustees at the time of the hearing. The calculated areas and damages are shown on the attached spreadsheet. Disagreements with the calculated amounts must be made to the auditor at or before the time of hearing to be considered by the Trustees.
- Any additional landowner requests for damages must be made to the auditor at or before the time of hearing to be considered by the Trustees.
- Hall Backhoe and Trenching, LLC., can be made to return and repair anything that fails because of their workmanship within the first year after acceptance by the Trustees. The District will need to pay the contractor the bid price for any work not found to be because of their negligence.

**Next Steps At Time of Filing**

- 1) Trustees set a time and place for the completion hearing. Date must be at least ten days from filing of completion report.

**Next Steps At Completion Hearing**

- 1) Trustees consider accepting the work.
- 2) Trustees approves payment of damages to landowners.
- 3) Trustees approves Pay Application No. 2 – Final for payment of retainage and directs the auditor to make final payment thirty (30) days after the board’s acceptance of the work.

Sincerely,  
Bolton & Menk, Inc.

**Kent Rode P.E.**  
Senior Project Manager

CROP DAMAGES  
 MAIN TILE A IMPROVEMENT  
 DRAINAGE DISTRICT NO. 46 HOWARD  
 STORY COUNTY, IOWA  
 2021

CONSTRUCTION DAMAGES	
\$ PER ACRE	
PASTURE	\$251.10
BEANS	\$720.00

LANDOWNER (TENANT)	CROP FARMED	PARCEL NUMBER	SECTION	LEGAL DESCRIPTION	CONSTRUCTION DAMAGE AREA (Acres)	CONSTRUCTION DAMAGE (Dollars)	FUTURE DAMAGE (Dollars Figuring One Additional Total Crop Loss)	TOTAL CROP DAMAGES	MISC. DAMAGES SUBMITTED BY LANDOWNERS INCLUDING FENCE AND ANIMAL FEED
CARPENTER BROS INC	BEANS	0215200405	15-85-23	SECTION:15 TOWNSHIP:85 RANGE:23 SE NE EX S120' W140' E173'	0.50	\$360.00	\$360.00	\$720.00	-
TOTALS					0.50	\$360.00	\$360.00		

HOVICK, HAROLD L & VICKY V	PASTURE	0215425101	15-85-23	SECTION:15 TOWNSHIP:85 RANGE:23 NE SE ROLAND	1.00	\$251.10	-	\$2,555.10	\$6,185.00
	BEANS				1.60	\$1,152.00	\$1,152.00		
TOTALS					2.60	\$1,403.10	\$1,152.00		

	CONSTRUCTION DAMAGE AREA (Acres)	CONSTRUCTION DAMAGE (Dollars)	TOTAL FUTURE DAMAGES	TOTAL CROP DAMAGES	TOTAL MISC. DAMAGES
TOTAL:	3.10	\$1,763.10	\$1,512.00	\$3,275.10	\$6,185.00

Total due to  
 Hovicks  
 \$8,740.10