

January 4, 2011 – 10:00 A.M. – DRAINAGE BOARD MEETING – Newton County Courthouse

The Newton County Drainage Board met on January 4, 2011 at 10:00 A.M. in the Commissioners Room of the Newton County Courthouse. Present were Board Members Chr. Russell Collins, James Pistello and Tim Drenth; Surveyor Chris Knochel; County Engineer Larry Holderly; Secretary Debra Honn.

The meeting was opened by Russ.

Organization Planning- Jim Pistello made the motion to keep Russ as President with a second motion from Tim. Motion carried. Tim made a motion to keep Jim for Vice President with a second from Russ. Motion carried.

Heyde Engineering Consultants- Chris stated that we had calculated that the Heyde contract would expire at the same time the funds were depleted. However we still have \$11,960 left in that contract fund beyond the element of time that was calculated. Therefore Chris asked that the contract be extended until the \$11,960.00 is used rather than a new contract being renegotiated. Jim made the motion to extend the contract until the \$11,960.00 is depleted with a second motion from Tim. Motion carried. Russ asked about the work being done by Heyde and whether we would continue at an hourly rate or create a new contract after the approved money is exhausted. Chris stated the whole project is going to take on a different form. Once we define the area and know the direction the water is supposed to go we can then define the watersheds and know who is included in them, it then sets us up for an OCRA Grant. Chris encouraged the board to keep that in mind. Jim stated he thinks they may tell us we have enough money & not give us the grant as they just did with Lake County. Chris wants the board to have the luxury of trying it. Following that, Chris said when the commissioners approved the Heyde contract, \$100,000 was actually approved. Jim said it is too late to encumber. The money went back so he suggested we wait and see how it plays out. Chris also explained that HEC is close to defining the Hibler watershed which will correct some of the drainage problems. It will also help Valley Forge Subdivision. The Hibler lays just East of 500 E, exclusively in Tim's district. Chris also said we cannot find a drain route to solve the problem at SR 10 & the Jasper County Line as there is a ridgeline.

Other Matters – Discretionary Expenses - Chris said that traditionally the board has extended discretionary expenses up to \$1500 for common, everyday tile repair and asked if the board wants to continue that. Also the drainage board extended to themselves another discretionary of bringing an estimate to the board of anything over \$1500 and under \$6500. A report is provided at the end of each year showing how the money is spent in the different funds. Jim made a motion to continue the same policy with a second from Tim. Motion carried. Chris also stated that the work is done on an hourly rate for both the equipment and man hours.

Language & Specifications - Another issue brought to the attention of the board by Chris was that a review is needed for the language for specifications and contracts. He said 5-6 years had lapsed since the last review. The board agreed that Chris should have Dan Blaney review this information and bring any recommendations to the board's attention.

Certified Drains – Chris informed the board that Deb will be presenting at an upcoming meeting, a list of the drains to be certified.

Year End Reports – Chris will submit a year-end report showing a breakdown on how all the money was spent including discretionary expenses, etc.

Storm Water Management Ordinance – Chris said he had been working on SWMO for several years and it still is not in place. We need to make sure for instance if a large subdivision is being introduced into the drainage system there has to be something in place to make sure the subdivision does not exceed the capacity of the drain to cause a problem downstream. The only plan we have in place now is handled on an as needed basis. According to Pat Ryan, we almost have to set the ordinance up so that it is included in the subdivision control ordinance. Russ stated the developer must develop the plan and include it in the lot price. The tech review committee would send the developer where he needs to go before it goes to the planning commission. Pat Ryan stated the proposed ordinance is an amendment to the zoning ordinance and so it has to start at the plan commission and then they would have to have an advisory opinion which they would defer to the commissioners. If that is the procedure, what are the hang-ups? Jim stated that the last presentation was too complicated as it was patterned after Fishers IN and we are not Fishers. It needs trimmed down for Newton County. Chris said he included the most up-to-date template he could find. Russ suggested finding something that applies to a rural community. Pat said Chris got the best plan he could find so now we need to compare plans and then move forward.

Frank Johnson Tile – Chris mentioned that the Wisemans are present for the meeting. Chris stated there is a precedent set already on another drain without creating a regulated drain downstream. Russ stated he didn't think Dan had heard back from the RR yet. Chris stated with a regulated drain, the railroad would be in the watershed and receiving a bill for an assessment, whereas with an auxiliary drain, they would not. This issue is the one we discussed about cutting the tile and sending water over to the railroad. Scott Carlson reiterated that Chris had mentioned that the railroad was never part of that drain. When the RR went in, the watershed was cut because there was ground on the east side of the tracks that was originally part of the Frank Johnson and I assume it just drains into the RR now. So I think the RR has been involved all along. Chris stated the RR is involved in the Shue Open Ditch or the Thompson Ditch. As soon as they dug the ditch and severed the tile and outletted the water from the East side into their ditch that private tile accepted some of that regulated water by their choice so that eliminated everything from the RR tracks on East. So according to Scott, the RR disrupted that watershed to begin with. Mike Wiseman said there is water under RR going into RR ditch that is no longer part of the watershed. Jim said we need a timeline on how to get this done. Russ asked if we need to make this an auxiliary drain to which Chris responded if the board wants to do that. Chris has it on the agenda for the first meeting in February. Jim made a motion to make the RR ditch an auxiliary drain for Newton County. Mike Wiseman asked what that means. Jim and Russ said we will be able to split tile, run east then south and keep that water running and drainage cleaned. Chris said the county will be able to keep the tile clean and maintained. Tim made a second motion. Motion carried. Jim asked if this project will be completed before crops are in. Chris said we need an assessment hearing for the Frank Johnson tile as right now they are not paying an assessment. They are currently part of the Shue/Johnson. Previously 70+% of those paying were not benefitting from the tile. So I brought it before the board and they separated the Shue from the Frank Johnson. So we need to have an assessment hearing to determine what assessment we need on the Frank Johnson as there are continual expenses associated with the tile. Work can be done prior to assessment hearing as the funds will come from the combined Shue/Johnson Fund. The assessment hearing will be discussed at the first Monday meeting in February. Jim said we want the project done before crops go in and suggested we get estimates today. Russ confirmed we will get it done and Chris will get estimates to see if it falls under \$6500.00, which it should. Larry said we need to discuss the ditch south of Dale's house. This is the Robert R. Camblin tile. Mike said they were at the December 3rd meeting at 10 A.M. and there was only one board member there and Dad had to leave for a doctor's appointment. Maury said at the meeting he was not there to represent Dad. Dad and Maury were 2 different issues there. Larry said Dale doesn't want the extra water going across his ground and the minutes should reflect that. Chris said there is improved drainage where there was very little drainage before. Jim asked Mike if there is anything else he wanted to bring before the board. Mike stated that we are going to do something from the South to give relief to Maury. Russ said we talked about a culvert under the road and some waterway work. Larry said as soon as the weather clears, he and Chris will be going out there to see if we can go south from Maury's.

Pat Ryan stated for the record and the minutes, that while he did not participate and he doesn't have a legal conflict, there are definitely some improprieties, since his Dad is involved in one of these issues. Therefore it does present a conflict and **he is not offering any legal advice** in all fairness to everyone.

Larry asked if **Deb** needed to be appointed as **Drainage Board Secretary**. Russ and Jim both stated that her job description covers the duties as drainage board secretary so she therefore does not ever have to be appointed.

Jim made a motion to adjourn with a second motion from Tim. Motion carried.