

NEWTON COUNTY DRAINAGE BOARD

NEWTON COUNTY GOVERNMENT CENTER, Morocco IN

June 18, 2012 1:30 P.M.

The Newton County Drainage Board met on June 18, 2012 at 1:30 PM with the following persons present: Board Members – Chairman Russ Collins, Jim Pistello, Tim Drenth; County Engineer Larry Holderly; County Surveyor Chris Knochel; Drainage Board Attorney Dan Blaney; Secretary Debra Chapman Risley; Building Commissioner Butch Cain; Landowners – Roy Cooper, John A Ziegler, Marcella & Mark Meyer, Carl & Cindy Ward and Delbert McCarty.

Russ called the meeting to order.

Minutes – Jim made a motion to approve the June 4, 2012 minutes with a second from Tim. Motion carried and minutes were signed.

Hearings - McCray-Ade M-4– Delbert was present to represent this watershed and agreed to do whatever the board decided. Jim made a motion to raise the assessment on the McCray-Ade to \$3.05 per ac. for a period of 5 yrs with a second from Tim. Motion carried. **Strole Ditch Extension M-604** - Whereas there were no landowners present with interest in this watershed, Jim made a motion to extend the Strole Ditch from a point near CR 50 W for an approx. length of 5,600' ending approx. 200' downstream from CR 1125 S. Tim seconded the motion and the motion carried. **Barton Ditch M-707**– Butch Cain was on hand to help with projecting the maps on the screen. Mark Meyer indicated a location where a culvert that goes to a field is jammed & backed up with debris. Chris reported that the majority of the work remaining to be done on this ditch is downstream towards the river between 250 E and 175 W. Most of the work in the uplands has been completed. Some trees have been cleared downstream but it still needs excavating. There are log jams toward the river that come from the river. Carl Ward asked if the project will end at the Iroquois River to which Chris responded that he wasn't sure – it depends on IDEM & how much they will let him work in a floodplain. Carl replied that Chris is already working in a floodplain. While the drain is in a floodplain there is still a whole permitting process required to work in a floodplain. It depends on how much surveying, engineering and cross sections are needed by IDEM. Whatever they need is what Chris has to provide and they are very particular. Carl had asked if that meant that Chris did not have jurisdiction in that area and Chris responded that he has jurisdiction because it is a regulated drain all the way to the river, however there is still a need to report to other regulatory agencies which are not just interested in drainage as is this board. They are interested in water quality and other endangered species. Chris stated we do have plans to do work in that area but there was an immediate concern upstream as the ditch was so full it was blowing out tiles in the field and therefore needed to be addressed. Carl then asked for verification that Chris was going to continue on to the river. The response was that it was his intention to exercise the jurisdiction we have – yes, whatever form that takes. The board recognizes if there is an endangered species we are immediately behind the 8 ball at that point. To put it bluntly, the endangered species has more authority than this board. Tim then questioned Chris if his intentions are to finish the job. The intentions are to go all the way to the river, responded Chris. Tim asked if he was going to follow through and get the permitting necessary to finish this job. When asked if he had begun the permitting process, Chris stated he had not due to the lack of funds. We need to get the money to fund it. That will reinvigorate the project. Carl reiterated the reason he wrote his letter was he objects to getting taxed for this if we are not going to do it. If the Army Corp of Engineers is going to do it, then we pay them. Army Corp is not going to do it replied Chris. We will have to work with them. Russ asked how much we are looking at if we do the whole scope of work. How much more work are we going to need to do? What do we need to set the rate? Chris replied we are down to part of phase II and part of phase III. Chris recommended a 4 yr. assessment at the rate of \$5.11/ac. in order to expedite the project as Mr. Ward expressed. Deb mentioned there had been another objection letter received also. John Ziegler questioned being included in the watershed as he does not sit on the ditch or near it. Chris stated the property was in the watershed boundary by several hundred feet. Russ explained that even though he does not sit right on the ditch his water still runs into the Barton Ditch. Carl stated that a lot of his land is in that watershed and that his main concern is whether Chris is going to clean the ditch. If he is going to be paying for something then he wants some results - so he needs to clean the ditch like the letter said – from the beginning to the Iroquois River. Carl mentioned that was his whole thing – Chris started this project a long time ago and he has already quit and now you want me, a person that hasn't gotten cleaned out yet, to pay. And Carl also stated he just doesn't trust that it is going to get done - because of some kind of turtle eggs in there or something. "If we aren't going to clean it, then don't tax me on it". Russ stated some of the money has to be repaid to the drain. They owe \$56,000 to GDIF now and the estimate is approximately \$35,000 to finish the project downstream (Phase II & Phase III). Phase IV can be done anytime. That estimate to finish the project is not figured in the current proposed assessment increase. Chris estimated if he started today by the time he got finished with IDEM and everybody, it would be 1 yr. to 18 mos. And that is if they don't find any endangered species that would regulate when we could actually work on the drain. Russ asked if the process (of permitting) could be started now to which Chris replied that he could but the project needs to be done with 2 years of applying. Russ mentioned we need to replenish the money to the drainage fund for work done already over the last 2-3 years. Mark questioned where the work had been done in recent years to which Chris responded that most of it had been east of 250 E – tile/structure repairs. Russ asked if there were other questions. Jim asked if everybody is O.K. with it to which Carl replied that he is as long as he has their promise that they are going to continue the project. He would feel a

whole lot better if he had it in writing and notarized. Chris said it would be started again within two years. **Jim made a motion to raise the assessment rate to \$5.11/ac. for a period of 4 years and for Chris to proceed with the permitting with Army Corp of Engineers now. Tim seconded the motion and the motion carried.**

Mary Spitler Report M-15 – As Larry passed out a couple of handouts, Russ asked if Roger DeYoung was made aware of the meeting to which Deb responded that she personally had talked to all three involved landowners. Larry reported that he and Steve had gone out to shoot elevations and mentioned a couple options including an open ditch or cutting through the hill. He mentioned that Chad did not want a deep open ditch. The east line as suggested by Larry would run behind Chad's farm and the suggested W line would go through the cornfield. Jim stated he thought Chad would probably rather have it run to the east of his building. Jim recommended following the east line so there would be plenty of cover and less obstructions. Larry said the ditch is already 4' deep. Chris mentioned the ditch would need to be out of the right of way and if we were to deepen it we would therefore need to move the ditch. **It was decided to install new 12" tile from 101/102 to the 110/111 vent. Then follow the east line from 101/102 directly to 112, go under CR 200 S and then on to the headwall at 120/121 with new 18" tile. There would be no tile at all between 110/111 and 112.** Larry stated that King doesn't want a waterway for the surface water but that someone has already smoothed out the area previously discussed for the waterway. Jim's opinion was if we do these two new tiles and after Roger DeYoung's tile is cut, he doesn't think we will need a waterway. He thinks the surface water will go into the two risers and there won't be any standing water. If there is it should only stand there for 24 hrs. Russ again verified that Roger had been contacted and stated that someone should speak with him about this. Larry is to get the figures and costs for the project and Tim will stop and talk with Roger. When asked about the width of easement Deb responded that according to the previous meeting there was to be a 30' easement on each side. Larry said he would need Steve's help for a day in order to get the numbers together.

Morrison Talley - Simons Lateral – Mark Simons was in requesting help with drainage due to flooding. He wants to scrape out along and under the railroad. This would require a 3' cut. Larry said that there had been cornstalks in the ditch that are now gone. If the roadside ditch were cleaned out along CR 150 W then the water should drain to the north. Russ said if we try taking the water north we are going to have a hard time getting it there. The other option is to go under CR 150 W and scrape going east. If we go to the culvert under the railroad it would need to be 6' deep at the deepest cut. The highway would need to place a new pipe under CR 150 at the elevator. Chris said we would need to make sure it is not such a deep cut that we cause a diversionary channel to the west. Dan had spoken to Steve Wade with the railroad and they said we are fine to go ahead as long as we stay off tracks. **Jim made a motion to schedule a hearing for adding the Morrison-Talley Lateral to the regulated system, with a second from Tim. Motion carried. Chris is to submit a Surveyors Report.**

Denham Subdivision – Gary Coleman – Dan reported that he still did not have confirmation from Gary Coleman's attorney, Mr. Morrison. For \$20,000 + attorney fees, we get everything from the start of the easement going west and he would have the garage going east. Larry said that the garage encroaches on the easement to which Jim responded that Mr. Coleman can have anything where the garage sits.

Other Matters – Bowton-Bonham – Chris reported on several other topics, one of which was that he is working up the Bowton-Bonham combination watershed. They owe approx. \$20,000 to GDIF and there is no assessment on that watershed. Chris hopes to have the information put together for the next drainage board meeting and then the board can make whatever ruling they feel necessary to include Benton County as this will require a Bi-County Board Meeting. **Wm. Whaley Surface Report** – This is a Soil Conservation Service tile that was put in. Chris mentioned he will have a report regarding it along with the expense for the reconstruction so that we can start the assessment on this drain as well. **Goodland Lateral** – Goodland has property with an old house on it that is to be torn down. It is actually part of the Goodland Lateral Phase III. There is \$20,000 against the Goodland Lateral and it only brings in \$6,000-\$7,000 so it will take awhile before the fund is built back up. The Town of Goodland asked Chris to attend their board meeting tonight to report on what we intend to do concerning phase III. The old house is under new ownership and is located at Central & South. Chris has an estimate on phase I and phase II in the amount of \$2,800 and asked the board if they wanted to accept it. **Jim made a motion to get it cleaned up with a second from Tim. Motion carried.** **Iroquois River** – Dan reported that we have received the tax money from the people of Newton County for the Iroquois River in the amount of \$111,000 along with the money from Jasper County in the amount of \$275,000. We will have enough money from the grant to clean Newton County and still have money to work on other areas. Dan stated that Jasper Co. has approx. 60% of the Iroquois and Newton Co. with approx. 40%.

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