

NEWTON COUNTY DRAINAGE BOARD

NEWTON COUNTY COURTHOUSE – KENTLAND, IN

July 1, 2013 11:00 A.M.

The Newton County Drainage Board met on July 1, 2013 with the following persons present: Board Members – Kyle Conrad, Tim Drenth & Mickey Read, Surveyor Chris Knochel, DB Attorney Dan Blaney and Secretary Debra Chapman Risley. Also in attendance were Scott Carlson (Newton Co. Council), Audrey Rothgeb (Newton County Highway Dept.), and LeAnn Sale (Auditor's Office).

Minutes – June 3, 2013 - Tim made a motion to approve the minutes with a second from Mickey. Motion carried.

Proposal – Kurfees-Kleinkort SCS Drain – Chris Yana and Norm & Jeff Light were present for this portion of the meeting. Chris stated that landowners had contacted him regarding a drain issue that involves roadside ditches. The drain has been identified thru US Dept of Agriculture. Chris has everything he needs to make it a regulated drain except for the roadside tile that is not included in the drain. We can make it regulated but we would need to decide what to do about the tile. The w/s area is the railroad line south of Hazelden CC. The Fleckenstein is a big drain with a lot of problems and it borders this drain. No acreage has been determined yet as Chris needs to work out the w/s boundaries with the landowners. The three landowners present are the primary landowners in the w/s – others are Kerry Stichnoth and Jane Horn Estate. All are on board with doing this. The tile runs along the road in the road ROW and is in use although Chris has no documentation on it. The size of tile needed has not been concluded. **Tim made the motion to continue research and pursue the plan to classify this as a legal drain. Mickey seconded the motion and motion carried.** Chris will work with the landowners to determine the watershed boundary.

Bogie Mutual Lateral to Mary Spitler Main – Chris reported that the outlet to the tile under CR 200 E was inadequate. It is unknown if this was natural causes or if it had assistance of a landowner, but the attempt was made to open the ditch over the tile which caused the tile to boil up to the grade of the ditch and find its way for an outlet causing a severe wet spot on the road. Audrey was concerned about the integrity of the road since it is a blacktop and constantly wet. Chris is working with Audrey of the Highway Dept. to alleviate the problem by making the effort to clean the ditch and adjust the grade so that the tile that drains the road will have sufficient outlet into the bottom of the ditch instead of boiling on the road. Chris is recommending it be named Bogie Mutual Lateral since he is the largest landowner, give it the mutual classification as it is not a regulated drain and make it the landowners' responsibility to maintain it. Audrey stated when the project was initially started there was water everywhere. They started at their ROW and found 4 blockages-fixed 3-and in order to fix the 4th blockage they had to break open the landowner's driveway. The highway dept. is beginning at Point A which is the ROW through the landowners yard (Sonty) to the ditch and replacing all tile. Since the highway department opened it up due to water on the road they will pay the cost of repair to the tile. The ditches will be the responsibility of the landowners. Chris again recommended the board proceed with giving it the name of Bogie Mutual Lateral with 115 ac. and 8 landowners. This would be a one-time repair and there would be a one-time assessment to clean the ditch and from then on it would become the responsibility of the landowners. **Kyle made a motion to accept Chris' recommendation for repairs on the Bogie Mutual Lateral with a second from Tim. Motion carried.**

SR10 & 600 E Drain – There has been a flooding issue at SR 10 where the Kentland Bank is located. This area can be drained to the north however a developer will have to build a retention pond on adjoining property somewhere. What we are creating is a channel that will divert the water north from the intersection into a tile that will drain on the west side of county line into the system at Lyle Marie Courts, Hidden Pines and then into the Hibler System. All of the work will be done in the ROW so the utilities will have to be moved. There had previously been a retention pond but it was filled in. We were told that the water drained west in a ditch, however after research it actually goes north. The project will depend upon the landowner (of Kentland Bank land) installing a retention pond. **The board recommended Chris continue toward the project by working with the landowner to see if there is any interest in creating a retention pond.**

Culvert under 300 E – When the Beasy Lateral south of Division was dipped it was discovered that the culvert is approximately 2' too high. It was requested by Matt Gibson to lower the culvert so his acreage upstream has better drainage. In the process of correcting the drainage problem in the regulated drain we created this problem. The problem was actually created by the highway dept. since the culvert was originally installed when the drain was full of sediment. The issue is therefore up to the highway dept. to correct. It was recommended by Kyle that we resolve the error. Audrey was present to here the recommendation.

DeHaan Ditch Report – Randy Peterson of Abonmarch Engineering was present in place of Daryl Knip. Randy gave his report on the DeHaan Ditch which deals with the encroachments along the DeHaan. Chris introduced Jeff Pals, landowner along DeHaan in project area, who was also present. Randy stated that he and Daryl had met a number of the landowners and had toured the DeHaan from I-65 to Kankakee River. The issue at its core is to clean the DeHaan Ditch, but getting to the DeHaan Ditch is the real issue. There are private drains and other encroachments that prevent machinery from getting up close to the DeHaan Drain. Starting at the down end closest to the Kankakee River there is an area where the DeHaan comes along and makes a jog. There are actually twin channels that parallel each other. The bank between the two channels is barely 10 ft. wide. That is problem area #1 - how to restore the bank to a condition that would be fit for machinery so we can get in there to clean the ditch. East of I-65 there are not as many encroachments but there are other issues that come into play. Mr. Pals wants to know that whatever is done will take into play the environmental considerations of his property. Jeff's is the property immediately adjacent and W of I-65. Randy said the project is very big and will take time to work out the best solution to clean the DeHaan. They are going to survey, provide additional survey that hasn't been previously done, figure how to address the bank issues and how to get to it to clean. Abonmarch will provide surveying, engineering, consulting, securing proper permits from Army Corp, IDEM and DNR and work with Chris to identify and notify all landowners. Chris explained that Jasper Co. is responsible for cleaning the ditch. This is separate from cleaning. We have to have the ditch ready to clean and the state appropriation is to help with the encroachments. Per the hearing last summer, there is a current assessment of \$2.00/ac. with a \$24.00 minimum which began in 2013. Everything Jasper clears will come our way. We are preparing for dipping in Newton Co. and Jasper Co. will clean. Per Randy, right now there is no conclusion to this project – we are here to get our proposal approved. Jeff Pals stated that is what has led to his frustrations. "To say we do not have a plan is no reason to not include the landowners". He felt the bi-county meeting was blindsiding to the landowners. Kankakee River is filled with sediment. There is actually a hump at the Kankakee explained Jeff. So if we clean the DeHaan, the Kankakee cannot hold it. Chris replied that Jeff is correct from the standpoint that the Kankakee is filled with sediment. It was brought to the attention of the bi-co. board and they ruled to do the work all the way to the Kankakee. Nobody was interested in stopping at the county line. Jeff stated based upon that premise, the value of his land west of I-65 is the wildlife habitat and the pond. It is a recreational piece and it's wildlife habitat – that is the value of it – and it is valuable. Jeff's concern was that we are going to clear 75' from the top of the bank which will destroy the habitat. Because we are operating under the premise it will not do any good, we are going to build a secondary levee stated Jeff. The Kankakee already floods to all the landowners to the south. What do we hope to accomplish? Is there a greater good? Kyle asked that if we do nothing where is the impact the greatest? Jeff mentioned that the property is in a flood plain now and there is no effective levee now. Kyle asked if there is no way around damage to your property will there be greater damage if we do nothing? When asked if the current flooding was due to the historical lack of cleaning the ditch Jeff responded that his property is only wet with flooding. Randy said they are not trying to remove the spoils – the purpose is to make a path to be able to clean the ditch. They are trying to get the water to the Kankakee so that there is no flooding upstream. It does drain the upland area that includes DeMotte. Kyle said Jeff is concerned about the damage to his property. All Jeff is asking is that if the project has no merit, please consider his concerns. Jeff asked why the north side is being left out of the scope of the project and not being impacted. For the people on the last 2 mile stretch there will be no benefit other than it will flood with greater intensity. The north side (of the ditch) sustains no damage - Indian Gardens get out scot-free – they have manipulated the DeHaan so that they sustain no damage - they lose no trees or duck boxes. Jeff asked that he be given a shot to protect some of their stuff and to keep some of his trees. Chris said the trees are in the way of the equipment accessing the ditch. Kyle asked what if we do nothing. If we do nothing, nothing will happen with the trees. If we do nothing we are at the mercy of Jasper Co. and by doing nothing it may actually do Jeff more harm. Jasper Co. might come in and do whatever in Newton Co. Jeff is requesting that the engineering firm state why we are working from the south side – evaluate from which side it would be best to work. Jeff said his property may not produce an income but he loves it. It is owned by him and his brothers – it is not just dirt – it is a love of the land. Kyle explained that nobody here is going to purposefully do anything that we don't have to do - we will have to make concessions – Jeff will have to make concessions. He is afraid if we don't do anything we will be at the mercy of the contractor hired by Jasper Co. Mickey said she would like Mr. Pals to be kept abreast of what is taking place. Emails and business cards were exchanged so that Deb could send Mr. Pals a copy of the approved minutes. Randy said looking at their written scope, it states they are to review the impact on property owners. They (Abonmarch) are going to do everything they can to meet everyone's expectations. Chris asked Randy to give the board time to review the contract from Abonmarch and they will then get back

together with them. Mickey said she was going to look at Jeff’s property and was given permission by Jeff Pals to go on his property any time she wants.

Kankakee River Basin Report – Michael Wigginton, USD NRCS Resource Soil Scientist - Chris contacted Michael regarding the Surveyor’s Report on the Kankakee River Basin. Michael gave a history of the KKK River Basin. Michael stated that once a soil is hydric it is always hydric soil. Kyle asked what we would need to do to identify soils. Michael responded that the county assessor uses what the state provides. “SURGO” is what everyone in Indiana uses and it was created in 1986. In 2004 the Soil Survey Geographic Database was created which is a digitized copy of what was created in SURGO in 1986. From 2004 to present there have been ongoing updates. “The data base we have is state of the art”, Michael said. So what we thought was sediment is actually bank falling in. Michael agreed saying for the most part the soils have not changed. To drain or not to drain depends on land use and resources. Michael recommended updating soil types on a 10 yr. interval which is now.

Dickinson Combination M-57 – Deb read the letter received from Jim Duffala expressing his concern at the amount of assessment he was paying and his suggestion that the Dickenson be lowered at the end of the year per the initial plan. **Tim made a motion to lower the Dickinson Combination M-57 from \$7.00/ac. to \$2.00/ac. Kyle seconded the motion and the motion carried.**

Curtis Creek M-21 - Deb reported a cash balance in the fund of \$171,800 and a current assessment of \$3.50/ac. Jasper Co. has jurisdiction of this drain and also makes the determination on continuing the assessment. Curtis Creek M-21 is to be added to the agenda for the Jasper-Newton Bi-Co Board Meeting along with the Knight-Moffit.

Knight-Moffit – Chris stated he is working on the watershed boundary and landowner list. We now have to line up the computer watershed boundary with the parcel lines. Chris stated that the survey is done, permitting is done and the hearing will be this summer so that we can start work on the project this fall. Half of the watershed is in Newton Co. and half is in Jasper. The w/s acreage is approximately 28,087 acres.

2013 Construction Season Project – Chris introduced the project flow sheet contained in the member packet. The projects listed are not time sensitive except for the H.L. Wright Tile which needs attention even though it has a balance in the red. Chris said if the drain has limited funds we will not do any work until the fund balance improves. Kyle asked about when the GDIF builds if we planning to repay some of the money borrowed. Chris feels we have a major project coming up for the Kankakee River Basin and doesn’t know if we want to have the money repaid only to have to go back to the council for more money.

Projects Over \$1,500.00 – Chris stated he had 2 estimates – one from Tony Garriott and one from Craig King. The one from Garriott is for \$3,800.00 for the **Kindig Ditch @ Burton’s** (North of Kentland just off Fairgrounds Rd)Years ago when the ditch was dipped - 1980’s or late 70’s - a culvert was placed in a washout so that they could get to the other side to maintain it. The culvert was too small and so we are diverting the water that comes to the surface as a result of the restriction over to an old meander. The fund has a balance of \$44,000.00 now and it is currently assessed. It is not an emergency until it rains so Tim and Mickey recommended it be put to bid. **Mickey made the motion to place the project out to bid with a second from Tim. Motion carried.** The second estimate received was from Craig King for the **McGraw Tile** in the amount of \$1,573.23. We are having an issue with the culvert that was put in under CR 1550 years ago. They installed an 18” culvert that interrupted a tile and we have been getting seepage. We are going to install a manhole on the downstream side of the culvert and divert it into the main ditch. **Tim made a motion to approve the estimate from Craig King in the amount of \$1,573.23 to install a manhole on the McGraw Tile. Kyle seconded the motion and motion carried.**

Jeff Pals asked for verification on what Jasper County is planning to come in and accomplish. The initial plan has already been made to clean the DeHaan and was addressed at the hearing last summer. The second plan was deferred to Newton Co by the Bi-Co Board and it consists of establishing a way to clear the encroachments and to determine from which side the contractor and machinery will be working. This has not yet been established. Kyle explained that the decision was forced upon us just as it was upon Jeff. We (NC Drainage Board) are trying to mitigate the situation. **Whereas there was no other business to discuss Kyle made the motion to adjourn with a second from Mickey. Motion carried.**

KYLE D. CONRAD, CHAIRMAN

TIM DRENTH

MICKEY READ