

**April 18, 2011 – 10:00 A.M. – DRAINAGE BOARD MEETING – Newton County Government Center**

The Newton County Drainage Board met on April 18, 2011 at 10:00 A.M. in the Newton County Government Center. Present were Board Members Chr. Russell Collins, James Pistello and Tim Drenth; Surveyor Chris Knochel; County Engineer Larry Holderly; Drainage Board Attorney Dan Blaney; Secretary Debra Honn.

The meeting was opened by Russ.

**Scott Helton – Faith Homes** – Scott was here to discuss an issue with his client, Lou Williams, 11627 N 200 E, DeMotte, IN who has property and is in need of a new home. He stated they had the County Sanitarian along with other state people come out to look at the property in order for his client to get a septic system installed. He said in order to move forward they must run a drain tile around the septic field and drain it across the street into a Newton County Ditch. Therefore he attended the meeting for information. Chris stated he didn't know if it is a county ditch or a private ditch. Russ stated if it is a private ditch then they need a road cut. Chris said they must be careful allowing residential drains in private ditches since the county then has no authority over them. Scott stated the ditch runs along CR 200 E, stops and goes directly West. He had checked with the county first and also into boring under the road. There will be approximately 200' drain tile. Jim stated if the state has approved boring under the road and the highway department has approved it, then he can't see holding it up. Jim made a motion to let them bore under the road with a second motion from Tim. Motion carried.

**Jodi Melton – Kankakee River Basin Conservancy** – Jodi stated they have received 401 Water Quality Certification from IDEM and we are to get the 404 Permit, however it is not yet here but have been insured it is coming. It has all been authorized and there is some mitigation that we have to do and that is the reason for his attendance. The Council gave \$125,000 & KRBC gave \$25,000 for that project. Approximately \$143,000 was spent on the project when the Corp said we should not have had concrete and rebar in there. Jodi mentioned the letter that was received dated March 4 that states that the rebar must be cut out of the concrete, concrete removed and then seed placed. Jim responded that he had cut the rebar out last summer and there was only enough in there to fill maybe two garbage plans. A seed mix is to be put 1' above ordinary high water mark and extend 6' up the bank. It calls for the concrete to have a single edge no longer than 18". It then must be monitored annually. Jim stated Ronnie probably has a ball to crack anything to which Jodi responded he could break it right there and then Jim said we could seed and put in plugs. Scott Madison stated that the when the project began the council gave a pot of money and he thought it was still there. Jim said he thought it was still there also and Jodi agreed but they didn't know how much. They remembered it might be either \$40,000 or \$50,000. Jim didn't think the original \$400,000 was ever touched. Jodi said when it was decided it was not going further, the money was not touched. Jodi said Sumava is in great shape for another 20 years and it was county money well spent.

**McGraw Tile Extension** – Chris mentioned that Co-Alliance on the West side of Goodland has proposed a project. John Miller and Doug Hartman were present to represent Co-Alliance. The project will begin from the West edge of their property for approximately 950-960' to the 8" tile where the regulated drain begins on the West side of SR 55 on the North side of US 24. We need to extend the regulated drain which includes four landowners. We have spoken to INDOT and they are O.K. with it as long as it is outside of their right-of-way. Jim asked if Chris is talking about going under 24 to which Chris stated the tile is already under 24. It is a private tile and is not considered regulated, however it has been located and is a 10" tile. Co-Alliance would like to install that and they have requested that if they do it and will bear all of the expense. We need to set a hearing date as there are 4 landowners plus INDOT involved. Chris has spoken to REMC and they are also O.K. with it as long as they can utilize any drainage they might need in conjunction with whatever is installed. Chris explained we must give landowners a minimum of 30 days and no more than 45 days notice. It was determined to set the date for June 6<sup>th</sup> at the NC Courthouse in Kentland, IN. Jim made a motion to schedule the hearing for June 6<sup>th</sup> with a second from Tim. Motion carried.

**Receive Seeding Bids** – There were two seeding bids received from the same contractor, Kent Ames. The bid for the Narrows was \$1,835.00. Chris' estimate was \$2,000 +. Jim made a motion to accept the Ames bid with a second from Tim. Motion carried. The next bid was for the Thompson, East side of 300. The bid to level and reseed was \$250 and Thompson on 41, 3 locations, \$1235. Chris' estimate was \$1500. Jim made the motion to accept the Kent Ames bid of \$1485 with a second from Tim. Motion carried.

**Hibler System – Paul Hoffman** – Chris reminded the board that the Hibler was extended into the Rich Ditch. Mr. Hoffman saw the crew out and asked to attend the meeting. Paul stated he had received a letter regarding the obstructions in the ditch and asked what they are and what we are going to do. Jim asked if he has obstructions on his property. Chris said no verifications have been made as to whether or not Mr. Hoffman has obstructions on his property. Paul asked for permission to dredge along 400 as he has been maintaining the ditch himself. Mr. Hoffman stated his property goes to 1200 and then the neighbors' property takes off in the other direction. Chris said we can end the Hibler System where the Hibler actually ends. Jim asked if Mr. Hoffman would be included if something happened. Chris said Mr. Hoffman would be excluded from the Hibler Watershed and the assessment since he is maintaining his portion himself. Jim said if the property was ever sold then the new landowners would need to be made aware of the situation or would need to be added into the watershed at that time. Jim made a motion to take Mr. Hoffman's property out of the Hibler System as he is maintaining his portion himself. Tim made a second motion. Motion carried.

**Frank Johnson Tile** – Chris stated that he and Larry had gone out and gotten the technical information on the Frank Johnson Tile. Larry reported that the landowner dug the ditch that goes East & West. Water has to come up before it can get out of the tile and into the ditch. The ditch flows to the East and around the corner into the RR Ditch. The bottom of the pipe is at an elevation of 100. For the tile to drain it must start at station 6 and scrape out a 1 ft. – 1 ½ ft. and go all the way back to the tile which is about 900'. The problem over at the RR track is when the landowner dug out the ditch they got to close to the RR embankment and it caused erosion of the bridge embankment. . Now the landowner will lose two rows of crops in order to get this scraped out at the proper slope. Jim stated it can be done. Larry confirmed that it will work. Jim reiterated that the project can be done with 900' of scraping and that the farmer would lose 2-3 rows of crops. Dan asked how far along the Railroad? Larry answered that 600' along the railroad will be lost of the landowners field. Russ asked if the E-W ditch would also have to be sloped to which Larry said yes, a little. Dan asked if we would be losing any at the top to which Larry responded, yes, but actually it might be a gain as the south side of the bank is getting built up. Larry confirmed that it will work however saying that Chris has concerns about going into private ditch. He said Chris had probed and that having only 18" – 20" of dirt over the tile could be part of the drainage problem. Chris added by diverting the surface water, not the tile water, the tile will run the same course. Larry explained that the tile will not flow until the surface water is gone. Therefore we need to block the tile downstream. Jim added; block it where it is cut. If not blocked the surface tile will drain into the tile also. Russ asked if this is a legal drain that can be assessed. Who is going to pay for it? Chris said if you are messing with water in a regulated drain then there must be assessments. There is no assessment on the East-West Ditch or on the tile. Russ said we need to look at putting a dollar amount assessment on this. Jim said unless Wiseman's agree to pay for it. Russ said we need an assessment regardless of whether they pay or not. We need to set a dollar amount and Deb reported a balance due the GDIF in the amount of \$422.25.

Chris said the w/s size is approx. 640 acres. Jim suggested getting the project done and then having the assessment hearing as the project needs done before Spring. It was suggested that Dan see if Wisemans want to do this or pay to have it done so that we know where we stand on the project. Dan asked if Frank Johnson is to the West of the RR Ditch to which Chris responded it is between RR and waterway. Chris asked to go on record as stating that “this does not meet with my approval”. Chris asked the board what they were going to do about the one mile of private drain that they just drained into a regulated tile. Jim said to leave it the way it is as there is so much fall there. He asked Scott Carlson what the fall is to which he responded approximately ¾ mi to where the Shue crosses 400. Jim said he didn’t see it doing anything to the ditch due to the amount of fall and the size of the ditch. He asked what a little tile is going to do to it. Scott didn’t think anything would happen to which Chris responded that was his point & we wouldn’t know for 30 years just like all the other drains that are piece-mealed together. Russ said to get this drain right and if we have to make it a legal drain, and then make it a legal drain. Dan said to note that Chris has stated the one mile of private drain needs to be included in the regulated drain. Russ said it needs to be assessed then. Russ asked Dan to talk to the Wisemans to see if they will pay. If we do the job we will make it part of the legal drain and place assessment on the whole watershed. Russ added that most people don’t object to a dollar an acre and that would enable us to collect a little over \$600/yr. for repairs and maintenance.

**General Drain Improvement Fund** – Chris stated there were some questions regarding the Rebecca Spitler Tile and the Open. The fund shows a negative balance for money owed to GDIF for repairs on the Tile due to the decision years back to discontinue assessment on the tile. The \$600,000 borrowed from the Landfill was split among various tiles for which the breakdown is designated on handouts. The balances forgiven to GDIF were Weiss \$224.50 (3/7/11); Wm. Baker \$22.80 (vacate – 2/7/11); Foresman \$28, 836 (2/7/11 – not previously reported balance of \$3156). Deb asked if the board still wanted to forgive the corrected balance on the Foresman Tile to which they said yes – no assessment. Deb asked where the funds are coming from in order to change the forgiven amounts owed the GDIF to zero. Jim said that is why we have the Landfill Fund. Tim asked if the bigger projects are usually put on maintenance to which the board responded yes. Deb presented the board with the list of ditches that owe the GDIF however are not currently being assessed. She commented that since 10 yr. projections are given stating which ditches are needing work based upon priority perhaps we need to give more attention to the list and assess prior to the work in order to prevent the same problems in the future with the GDIF. The board agreed, however they also mentioned that we are unable to predict emergency situations. Jim stated state statute required the Drainage Board to fund the maintenance fund for repairs. Tim understood that we have to get projects to the point where they can be assessed but there are projects we have done in the past that still are not being assessed. Tim asked if all the stuff that has been done is being assessed. Chris responded once we get it to the point we can get it to a hearing. Jim mentioned the Knight-Moffitt and the amount of money we have spent on it and it still is not to the point of assessment. Jim said you cannot expect the landowners to pay an assessment until some of the work has been done on the project and many require engineering costs before projects can begin. Tim then asked if everything that has been done and fixed to this point is on maintenance to which Chris responded it is either on maintenance or in the process. Russ mentioned if it is on maintenance then we are repaying the GDIF. It could take 10 yrs. before the GDIF is reimbursed. Scott Carlson mentioned Jim’s comment on the Knight-Moffitt and the older assessments and how nobody helped those people and there was no Landfill Fund then. The people did it themselves in the north. The conversation continued into the fact that the people in the north section had always taken care of their ditches themselves and not asked for help before the landfill funds existed. The price of repairs has risen tremendously over the last hundred years and what previously cost \$1000 is now over \$10,000. Councilman Michael Mark asked about of the legality of spending before we have the money. How can you be spending money or putting bids out there when we don’t have the funds? How do you balance the budget? Chris responded there are multiple funding mechanisms within drainage code. One that we work with the most is the assessment process. There is also a funding mechanism if a drain is obstructed. You can imagine if an obstruction is causing flooding and a community is flooding over a ten year period, we are obligated to remove the obstruction and then it’s up to the drainage board and commissioners to figure out how it is to be paid. If the funding is not there and you have an entire community being flooded you have to do something. Michael said he understood emergency situations, however he did not feel all of these issues were emergencies to which Chris responded actually they are.

And that is why after two years of flooding, eighty years of neglect at the north end and being brought to the attention of the planning commission that we are building in former marshes with hydric soils, Chris had to declare a county state of emergency just to remove the obstructions so the drainage system would work to drain the former marshes. So after 80 yrs. the state has some say in what the county does. Michael then commented that we are all products of the state. If the county is negligent for 80 years then the state can come in and say you fix it, assess it or we are going to step in and fix it and then you (county) can figure out how you are going to repay it. Russ stated according to state statutes the drainage fund has to be funded. Russ stated as long as he had been on the board (22 yrs.), the drainage fund has been in the negative. Jim asked Russ if there has ever been so much money that we didn’t need to ask to which Russ responded that we had asked for money regularly to cover drain expenses. Larry commented on Scott’s question stating that the lots in Roselawn were charged \$100 per year per lot (or portion of a lot) and that is why the Rebecca Spitler assessments were stopped as people just couldn’t afford to pay them. Jim stated that there are plenty of places up there that nobody has had to bother as they handled their own. Jodi Melton reminded the board and those present that Newton County is the newest county in the State of Indiana because it was all swamp up North. It took a lot of money to drain that swamp and that is why people didn’t do it years ago and now it is either residential or farm ground. The conversation turned back to the need for funds. Jim made a motion to ask the council for \$300,000 for GDIF with a second from Tim. Motion carried.

**April 4, 2011 Minutes** – Chris saw a couple issues in the minutes from the April 4, 2011 meeting and took exception to the final paragraph under the Frank Johnson Tile and also the very last two sentences under other matters. After much discussion between Jim, Tim and Chris, both items were struck from the minutes. Upon removal of the items, Jim made a motion to approve the minutes with a second from Tim. Motion carried.

Dan stated the funds in the Sumava account show \$400,000 to which Jim responded that \$350,000 has been sitting there since 1999 for the levy project. The plan to abandon the project was made by the Army Corp of Engineers so the funds are not being used. Jodi Melton stated the State has abandoned us so we don’t have to worry about the Corp. Russ suggested we ask for \$300,000.

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