

DRAINAGE BOARD MEETING – Newton County Government Center

January 18, 2011 – 10:00 A.M. –

The Newton County Drainage Board met on January 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.

Minutes – The first item on the agenda was the minutes from the previous meetings. Jim made a motion to approve the minutes with a second motion from Tim. Motion carried.

Maplebrook Terrace Obstruction – Chris gave an update on the home over the ditch. Landowner Gary Coleman was previously advised that his situation will remain on the DB agenda until the issues are resolved. Chris had spoken with Butch Cain and had been informed that Mr. Coleman has neither worked with Butch nor appeared before the planning commission. Chris will send a letter to Gary Coleman explaining that this needs to be pursued and continued and if he fails to address his problem then it will be resolved by statute. It will also be on the next DB Agenda.

Language & Specifications – Dan Blaney stated he had reviewed the contract language and specifications and stated that he doesn't see anything wrong with the language as it is. As long as we are compliant with the state board of accounts, Dan doesn't see anything that needs added and or changed unless there is something specific that needs addressed.

John Guildendzoph Tile Bids – Two bids have been received. The first bid was from DeYoung Drainage & Excavating in the amount of \$6,924.00. The second bid was from Edwyn W. Mattox and Sons in the amount of \$12, 500.00. The surveyor estimate was for \$9,559.95. Jim made the motion to accept the bid from DeYoung Drainage and Excavating in the amount of \$6,924.00 as long as it meets Chris' specifications. The second motion was made by Tim. Motion carried.

Monjon Tile Report – Rick Schuette had some complaints about this tile and Chris feels county highway may need to dip gravel. There is some legitimacy to his claim so Chris suggested that he and Dick go out to look at this area.

Storm Water Management Ordinance – Chris stated he is working with Pat Ryan to get the statutes that apply to mesh with what we are doing in the county. Since we have a Tech Review Committee it would make sense to have any developer submit a drainage plan to the Tech Review Committee and then it can be processed from there. The statute 36-9-27-69.5 places responsibility on the Drainage Board to approve the drainage plan before it goes on to the Plan Commission. Drainage Board must review and sign off on the drainage plan before it can go any further. We are currently working on the specifics.

John R. Camblin - The weather turned against us with ground freezing, snow, etc. We need to better define the parameters.

Frank Johnson Tile – Much the same as the John R. Camblin issues in that the ditch was filled with snow so no elevations have been made in order to make determinations. Jim & Russ said we are going ahead with this since we have not heard from the railroad. The estimate will probably fall below \$6500 so hopefully an estimate will work rather than bids being necessary. The board requested that this must be handled before planting season.

Other Matters - Hibler System - Deb asked the board if they want to continue expensing the ditches in the Hibler System individually or group them together as the "Hibler System". She mentioned that according to statute 36-9-27-41, if recommended by the county surveyor, the board may, after notice and hearing to affected owners, combine regulated drains located in the same watershed for the purpose of annually assessing the owners benefited for periodic maintenance. The ditches involved would be: Hibler Main, Valley Forge Lateral, North Newton Woods (Makeever West & Makeever East), Old Otis Boyle (Insalaco Lateral) and Hidden Pines Lateral N & W. Jim asked if this applies to future expenses rather than trying to recoup the past money spent. The \$100,000 that was originally approved by the council was to be used for engineering costs on the north end drains. Any future assessment would include all landowners who benefit from the watershed and would be for new engineering or new maintenance projects. Jim wants to make sure that if a landowner were to come forward and complain in the future about the assessment that they do not have any grounds for a lawsuit. He does not want us combining the ditches and having the landowners be in the hole \$80,000 to start. Chris stated that if there were a complaint from a landowner in the future there is a process in place where they can remonstrate followed by a judicial review. Deb reported that there is currently \$6360.00 remaining of the \$11, 960 allotted for HEC Engineering costs. Before it is decided whether the board will go up to the initial \$100,000 that was approved by the council, Jim stated that the council wants to see what has been done up to this point with the allotted money and asked that information be presented at the next meeting. Jim made a motion to do what is necessary with hearings and notice, to combine the before-mentioned ditches into the Hibler System. A second motion was made by Tim. Luke Abbott asked about the process. He stated there is sand up there and suggested that we need to be pro-active instead of re-active. The ditches up there are growing over. Jim stated we need to verify that we are benefitting from where the money is being spent. He also mentioned that HEC has been identifying drains, history and other legal information such as if a drain is legal or not legal. Chris told the board that HEC is currently working on a report to be presented to the board and council. Luke asked if this will eventually lead to re-assessment. Chris stated most of these ditches are not being assessed at the current time. Russ stated the assessments will be determined based upon the watershed. Up to this point most people have maintained their own ditches. Chris mentioned that we are identifying gaps between regulated drains and sub-divisions. Therefore drains must be regulated before work can be done. Due to the length of time that has passed since working on some of these ditches, we must determine where the regulated drains are located. Chris stated we have identified where all the regulated drains are and also where the drains are that need the most work and that will benefit the most people. After we define the watershed boundary, we will then know who will benefit. Russ said that our goal is to work from the Kankakee River back and to take care of these ditches. Jim mentioned that while there has been work done on the Knight-Moffitt, nobody has coordinated together on this project. He said the Hibler has a large population and will take care of a big drainage area. He noted that the council was good enough to give the drainage board \$100,000 to get the work done and that it will probably take another \$100,000.

There being no other business to be handled, Jim made the motion to adjourn with a second motion by Tim. Motion carried and meeting was adjourned.