

## **NEWTON COUNTY DRAINAGE BOARD**

NEWTON COUNTY COURTHOUSE – KENTLAND, IN

**January 7, 2013 11:00 A.M.**

The Newton County Drainage Board met on **January 7, 2013** with the following persons present: Board Members – Tim Drenth, Kyle Conrad & Mickey Read, Surveyor Chris Knochel, County Engineer Larry Holderly, Secretary Debra Chapman Risley, Drainage Board Attorney Dan Blaney and LeAnn Sale.

**Election of Officers** - Kyle asked who had been the previous president of the drainage board to which the response was “Russ”. **Tim made a motion to nominate Kyle as president with a second from Mickey. Motion carried. Kyle nominated Tim as vice-president with a second from Mickey. Motion carried.**

**Maintenance Flow Sheet** – Chris explained the process that the surveyor’s office goes through on projects and how it segways into the drainage board as indicated on the Maintenance Flow Sheet. Deb’s responsibilities also change from secretary under the surveyor to secretary under the drainage board as the project phases advance. At a moment’s notice the status of a project can be confirmed as indicated on the spreadsheet.

**Emergency Contracts** – Chris stated that in 2008-2009 many of the regulated drains needed work due to flooding. A contract was therefore created in advance allowing a contractor to proceed with “emergency repairs” at a certain rate per man and machine hour and a maximum contract amount. This eliminated the need to address each situation individually with the board. There were two contractors designated under the 2012 contract which expired at the end of the year. **Chris is to review the contract language with Dan Blaney and present the new contract to the board the first Monday in February (Feb. 4<sup>th</sup>).**

**Spray Maintenance Information** – Chris explained that we contract outside firms to spray the regulated drains. Once trees are removed from the drains we try to spray them every 2-3 years for weed control. The map and list he presented to the board represents those ditches to be sprayed in 2013. **A contract including drains and lengths will be presented to the board at a later time for their signatures.**

**Maintenance Projects** - **Molson, Salisbury, Carlson-Johnson Group** – Chris told the members that he had held off on these projects since it was getting close to the end of the year and he didn’t want to have three contracts potentially that they would have to sign without any knowledge of what it is they are doing. They are included on the Maintenance Flow Sheet also. Mickey noticed that we weren’t doing any work up north and asked Chris “why”. Chris responded that the map show drains that have been assessed for maintenance and that all of the drains up north have no assessment...the Knight-Moffit would be the first. Once we get the assessments started then there will be a maintenance program that would reflect those drains up in the north end.

Mickey stated she has that problem with the railroad – the whole town has that problem with the railroad. Chris said, regarding Lake Village, we don’t have any regulated drains. If Mickey is interested, we can look into that to see how we can route storm water out of Lake Village to the north or west. It has never really been addressed. Mickey said it should be addressed as the old railroad is definitely blocked. Chris said he had referred the problem to INDOT to check and they never did. Larry asked exactly where the problem is to which Mickey responded it is at the railroad on SR 10. Larry said there is a problem at 300 W & 950 N and the only solution would be to install a storm sewer and take it somewhere. Mickey said the ditch along the railroad that runs to the river is all plugged. Tim asked if we have legal drains up north to which Chris said yes, we do, but none that would benefit Lake Village. And they aren’t currently assessed

either. Kyle asked about the Molson, Salisbury and Carlson-Johnson - Chris responded that they are scheduled for maintenance. Deb introduced the financial reports which were included in the meeting packets. **Tim made a motion to continue with the Molson, Salisbury and Carlson-Johnson maintenance projects. Mickey seconded the motion and the motion carried.**

**Reports – David D. Deardurff** – Chris reviewed the surveyor's report and explained the contents and points included in the report. He explained there is no reroute of the channel and no evidence of meanders in the open drain that would kick in the permitting process. Due to endangered species, as long as the work is done between October 1<sup>st</sup> & April 15<sup>th</sup> we avoid the permitting process. Chris's estimate for work on the Deardurff came to \$30,950.00 creating an annual assessment of **\$12.82/ac. for a period of 4 years**. Chris said he had included a 10% fudge factor in his estimate. He also mentioned that in the past we had occasion to request bids from contractors which were opened the day of the hearing so that the actual amount of assessment could be calculated rather than using Chris' estimate. Tim asked if landowners had requested work on the drains to which Chris responded that Doug DeYoung had requested help on the Deardurff. **McGraw Tile** - Chris' estimate for maintenance on the McGraw Tile was \$72,095.00 causing an increase in assessment rate from \$1.50 to \$10.28/ac. for 4 years. **Tim made a motion to schedule the David D Deardurff and the McGraw Tile hearings for February 4th at 1:30 PM as long as it meets with statute requirements. Kyle seconded the motion and the motion carried.**

**General Drain Improvement Fund Status** – Deb reported that the GDIF has a cash balance of \$377,029.79. Kyle asked how much of that amount is committed to which Deb said she did not know however she would have the information at the next meeting. He then asked if there was money owed back to the GDIF to which Deb stated that \$715,000.00 had been borrowed. It was verified that it is like a line of credit that is borrowed and paid back. Dan reiterated that the county does not pay for drainage, the landowners do. Deb mentioned that there is a large amount that is owed by the northern watersheds for which preliminary work has been done but for which they have not yet been assessed. The amount owed directly by the drains is \$838,057.98 for which NOT all are assessed. Kyle asked who defines the watershed boundaries to which Chris responded that his office defines them. Scott Carlson mentioned that you don't want to make the assessments too low as you want to create enough money in the fund in order to complete the initial work and also have money for maintenance work. Chris explained that the assessment can be dropped without a hearing but to raise the assessment a hearing must be held if the increase is more than 25%. Chris said that an open drain assessment is typically less than a tile assessment. Scott also mentioned that some of the drains might be paying 2-3 assessments for different drains depending upon where the water flows – from one watershed into another watershed and perhaps into yet a third watershed.

**Maintenance Fund Status** – Deb stated that there is currently a combined balance of \$939,763.57 in the maintenance fund. LeAnn will be forwarding the ditch balance report to the board when she mails claims.

**Drainage Board Ruling Tracking** – Chris said he had asked Deb to create a report to track decisions made by the board that involved the surveyor's office along with perhaps the highway department and auditor's office that could eventually be put on the website. This would enable the highway department to check the website to see if any decisions had been made that would affect them.

**Reconstructed Drain Fund Resolution** – A copy of the resolution was included in the meeting packet for the members to review. Dan mentioned that the drainage board had talked a couple of times about creating this fund. Deb said

that one thing they need to pay close attention to is that the money to establish this fund will come from the General Drain Improvement Fund. This will therefore decrease the current balance in the GDIF. When asked what the difference is between the GDIF and the Reconstructive Drain Fund Chris replied it is definition. GDIF is used for all drainage maintenance. When using funds from the GDIF, a reconstructed drain is required by statute to be paid back 100% within 1 year – anything that isn't has a penalty of 10%. The Reconstructive Fund would establish a fund for drains that need reconstruction - such as those drains up north. This would enable a possible 8 yr. term for repayment. Tim mentioned that there were no locations specified in the resolution. Dan responded it is for the entire county. Chris reiterated that the Simons Lateral is one. Chris explained that much money is spent to scope the work prior to any work actually being done. We are trying to find another funding mechanism for the large sum of money so that the landowners don't have to pay it back within one year. Kyle questioned where the money would come from prior to the establishment of this fund and how much money is already committed out of the approximate \$150,000.00 that would be remaining in the GDIF. The money would have come from either Drainage Maintenance or GDIF. **Deb replied that she will have the figures at the next meeting as to how much money has already been committed from the GDIF for active contracts.** Danielle asked if there is a time limit as to when the landowners must begin repaying however no answer was given. **The board decided to table the matter until they receive the dollar amount that is already committed for deduction from GDIF.** Chris asked that since we are all new to reconstructed drains, do we want to bring someone in that is well experienced with reconstructed drains, how the laws work, so on and so forth. Chris said he would be more comfortable. He has tried to piece it all together himself as well as he can. Tim asked if he had someone in mind such as Purdue. Chris replied that he found an attorney recommended by Zack Beasley, Tippecanoe County Surveyor, who has done reconstructed drains. Chris said he wasn't sure how well versed Purdue University is and thought we would have a better chance with Farm Bureau as he knows the attorney there. It was asked what the cost would be for him to come in to which Chris responded that he would just set a flat 4 -5 - \$6,000.00 - whatever dollars you are comfortable with and when the money is out, he is done. Tim stated he was thinking of a one-time fee – for a presentation added Kyle. Chris said he would pursue it and check back with the board to which Kyle agreed that it would be a good idea. Chris said he had been maintaining drains not reconstructing them. **He will report back to the board on this matter at the next drainage board meeting.**

**Gary Coleman Closure** – Dan Blaney reported that the drainage board had agreed to pay \$20,000 for the trailer that had been placed over an open ditch. He went to the closing on the 17<sup>th</sup> of December with the money and they refused to sign. Joe Morrison was concerned about a permanent (drainage) variance so they could keep the garage within our 75' drainage easement. Dan latest conversation with Mr. Morrison was if Dan draws it up Joe will get it signed. Dan said we have the other side of the lot but the trailer was placed over the open ditch. He said the latest was that Mr. Coleman was going to hire Turning Point Surveying to come out and do a survey. Neither Dan nor Larry Holderly thinks this is necessary as Larry already wrote a legal description of the area. Kyle asked if we were just buying the trailer to which Dan responded that we are buying the trailer and letting the owner keep it just so it will be moved off the property. Tim explained that the other option we had was to just order the trailer off the property as the surveyor's office has that authority. He said we have spent enough time and money on this so Dan should tell him the next option is we will

order the trailer off and you won't get the \$20,000.00 or the trailer. This is ridiculous – they are dragging this out forever – and we've bent over backwards for them. **Tim made a motion to give Gary Coleman/Joe Morrison 30 days to close or the original offer is void. Mickey seconded the motion and motion carried.**

**William Whaley Contract - Adjustment for Seeding** – Chris explained that the landowner asked us to extend the contract. The delay with the project caused a seeding issue. During the course of the project we also found two tiles that will need replaced. This all caused a problem with seeding. Since the contractor was obligated to seed and the contract was extended, Chris told the contractor to hold off on the seeding and to deduct it from his invoice. Chris just wants to verify with the board that it is o.k. to deduct the seeding amount of \$385.25 from the original contract. **The board approved the withdrawal of seeding costs.**

**Other Matters – Elijah Ditch & Beaver Lake** – Chris has been down the Elijah Ditch but has not defined the watershed boundary and on the Beaver Lake we have defined the watershed boundary but he has not been down it yet. We can hold hearings later in the year on those. **Knight-Moffit** – Is changing from Permit 404 to Permit 401. **Draincalc** - Danielle Sands was present to address the issue of Draincalc. This program basically goes off the GIS map. And whereas the landowners and acreage were manually entered in the old program, this program basically connects to the assessor's and auditor's offices and pulls the information. The problem is that none of the railroads or US 24 & 41 and SR 55 has parcel numbers associated with them. Regardless of whether or not they are taxed they need to have a parcel number. If Danielle does not have a parcel number then they will not show up on Deb's assessment rolls and they will therefore not receive letters involving hearings or projects which can result in lawsuits. She asked what she needs to do as she only has a few of the parcel numbers. Danielle also stated she does not have any parcel numbers for those in town labeled Kentland Co. Larry's understanding is that the railroad pays an assessment to the state. Kyle asked who assigns the parcel numbers to which Danielle responded the auditor's office. **Kyle said if Danielle is familiar with the numbering system and is comfortable with assigning the parcel ID numbers and then giving the information to Sharon, then it could get handled now.** We just need to make sure we are following the auditor's process. Scott Carlson asked if each parcel will need a legal description to which Larry said "no". Scott then asked if there is no legal description how will the railroad know which parcel it is. If there is not a legal description for each section, how will they know where it is? It could say "railroad right of way, section ---" said Larry. Kyle asked if Danielle is O.K. with this to which she replied "yes". Kyle wondered if they don't have parcel numbers and haven't been assessed how we know that we even have the ownership. Danielle said she has a list of all properties without parcel numbers. Kyle will make sure Sharon is O.K. with this before Danielle proceeds. **McGraw Tile** – Chris stated he does have the x-ray on the McGraw Tile, the technical specifications. **H.L. Wright** - Deb mentioned that H.L. Wright is on the chemical maintenance plan for 2013 and they are only paying a current assessment of \$.44/ac. They owe in excess of \$4000 and the chemical maintenance will be another \$48. Deb suggested that we increase the assessment to \$1.20/ac. in order to meet their debt and to include this drain in the assessment hearing next month. **Mickey made a motion to increase the assessment rate and to schedule the hearing for next month along with the other two drains. Tim seconded the motion and the motion carried. Tim made a motion to adjourn with a second from Mickey. Motion carried.**