

### **March 7, 2011 – 10:00 A.M. – DRAINAGE BOARD MEETING – Newton County Courthouse**

The Newton County Drainage Board met on March 7, 2011 at 10:00 A.M. in the Newton County Courthouse. Present were Board Members Chr.

Russell Collins, James Pistello and Tim Drenth; Surveyor Chris Knochel; County Engineer Larry Holderly; Building Commissioner Glen (Butch) Cain; Drainage Board Attorney Dan Blaney; Secretary Debra Honn.

The meeting was opened by Russ.

**Minutes** - Jim made a motion to approve the **February 7, 2011** minutes, with a second from Tim. Motion carried. The board also signed the previously approved January 18, 2011 minutes.

**Ditches to be Certified**— The board signed the list of ditches to be certified for assessment that had been previously approved at the February 22<sup>nd</sup> meeting.

**Newton County Baptist Church – Site Development Plan** - Chris announced that Pastor Kelly Howard is present for the meeting and that Russ will comment on this issue. Russ stated that he had received a letter from Pastor Kelly Howard asking for a small alteration to the original site plan development. Chris stated that there was a small 700' swale that had not been completed as designed according to the site development plan so he had therefore sent the pastor a letter stating it needed to be completed before payment could be made. The pastor then contacted Russ with his requested alteration. Pastor Kelly stated instead of removing spoils and taking them away, he would like to hold the spoils there and develop that along with the swale by adding a slope or elevation for a snow break. He would still comply with the engineering recommendation of the same type of slope coming up out of the bottom of the swale along the back side. That is the only change in the plan. **Jim made the motion to approve the amended site development plan. Tim made a second motion. Motion carried.** Pastor Kelly also stated that according to Chris payment would be held until the job was completed as designed. Jim stated he did not see any reason to hold the payment as that had already been approved at a previous meeting. Deb told the board that the claims had already been filed for payment with \$11,000 being paid from the East Kent Ditch as voted and the remaining \$3557.29 being paid from the General Drain Improvement Fund. Larry mentioned that there is now a new wrinkle as the people in the south pay Benton Co. and the north end pays Newton. Jim asked if we are paying Benton first. Chris explained that the assessment goes to the auditor's office and if Newton owes Benton we send them money and if Benton owes Newton they send us money. Larry stated that we want to make sure Newton Co. has control. Chris said instead of the county, the Kentland Conservancy would have jurisdiction to which Russ responded that Kentland Conservancy would be the agent of record if they take over the East Kent Ditch and the other 100 acres.

**Extension of McGraw Tile** – The McGraw Tile ends at US24 on the South side and the elevator to the east of that location has asked to outlet into the regulated drain. This means they would have to cross Newton County REMC property and property still owned by Mike Minniear. This would affect two landowners besides the elevator if this regulated drain were to be extended. I explained to the elevator if they wanted to do this they would have to come up with the engineering. Their engineering firm has actually done a plan and now the statutory details need to be completed in order to continue with the extension. The regulated drain would have to be moved out of INDOT right away which means they would be further into the adjoining landowners' property. Russ asked Chris if he had ever heard anymore about the culvert by Gary Rhuede's house to which Chris responded "no". Russ and Chris both agreed that we have done all of our work. They have ignored Chris' request for information. He therefore contacted Representative Lehe and Senator Landske to work at that level and they have responded by email "it is in the process". INDOT did send a survey team to the site.

**Crossing Placement**- We have a request from a landowner to install a culvert crossing over the outlet where the East Kent Ditch and Kindig-Montgomery converge. The statutes allow for access because the ditch divides the property and he cannot get to the other side of his property. He is damaged due to the drain. Chris has determined there previously was a crossing there and it was lawfully established at that time. The structure was undersized due to heavy equipment so they made arrangements to enter the property through a neighboring property. Now the neighbors' property has tile breaking down so the neighbor is requesting the landowner replace the tile. We are therefore looking for a way around that. He is requesting a crossing. As Deb mentioned there is only approximately \$1200 remaining in the East Kent Ditch fund, but since a structure there would help in the maintenance of the Kindig-Montgomery Ditch it could feasibly be put there to help both the East Kent and the Kindig-Montgomery to be maintained much more efficiently. The board has the authority to assess any part to all affected lands. Jim wanted to know why the crossing would make it easier to maintain to which Chris replied that right now he cannot get maintenance equipment across there. Russ asked if Chris had any idea of cost. Jim asked if we needed permission to go across there to which Chris replied that since it is a regulated drain we must only notify the landowner of our right to access his property. Tim asked if there used to be a culvert there and Chris responded it was a bridge there previously. Due to size of equipment, it has changed a lot in the last 15 years. Jim asked about the size of culvert needed now to which Chris responded he had figured 12 ½' diameter and 46' long with a \$20,000 projected cost. Russ asked if the landowner would be responsible for any of the cost to which Chris responded that was up to the board. Russ stated he thinks the landowner should bear some of the expense. Larry mentioned there is only the one landowner who is benefitting from the crossing as he owns the property on both sides of the ditch. Tim wanted to know if the landowner was asking permission to put something in there to which Chris said the landowner wants us to do that. Tim suggested that Chris tell the landowner what he needs and let the landowner place the crossing. Jim wanted to know who took out the old crossing to which Chris said "I did". "Once the bridge got to a certain point, I removed it and placed the support pillars against the banks". Jim asked about the upstream culvert size and was told it was 12' high x 24' wide and flat on the bottom. Jim asked who is going to pay for it now. Russ and Jim agreed and wondered if we could ask the landowner to pay ½ and we would pay ½. Chris said he would go back to the landowner and ask him if he would pay ½ as it will only cost him \$10,000 instead of \$20,000. Tim asked how often the ditch is serviced to which Chris responded about every other year.

**Hibler Extensions** - Chris said that the board should have a report on the Hibler that includes **Valley Forge** and **North Hidden Pines**. He explained that he has noted recommendations on the bottom of the documentation. They are the only drains that have unregulated portions in them between the subdivisions and the regulated drain. Chris' recommendation is to **set a hearing date to extend the unregulated portions of the before-mentioned drains, convert them into regulated drains and include them in the regulated drainage infrastructure**. Chris stated he had a total of 7 landowners plus 4 landowners that would need to be notified as it is directly on their property. Any and all landowners affected should have the opportunity to appear. Dan suggested the meeting be held at the Government Center. This was approved by Jim and Russ. The board decided to receive the next three reports and vote on all at once. **The Otis-Boyle Reroute and Redirect** is just a follow-up to work that has already been done at some other time. There is a regulated drain that is not where the open drain is. It therefore is recommended that it be rerouted and redirected and shown in legal language that the tile drain is no longer where the historical record indicates. We recognize there is still a regulated drain in that area and recognize the current open drain as the regulated drain. We need to notify the landowners and this can be handled at the same meeting as previously discussed. The **Otis-Boyle (Insalaco Petition)** has historically flowed into Jasper County so if you

are voting to redirect and reroute then we need to contact Jasper County for a Bi-County Meeting so that they know what we are doing. According to statute anything that affects them requires a Bi-County Board meeting. Since the redirect and reroute, the Otis-Boyle has now been going into the Hibler, however Jasper Co. does not know that. There is a small section that still goes into Jasper Co. Chris' suggestion is that we connect that section into the Otis-Boyle Reroute and have it all go into the Hibler so the watershed would actually end at the Jasper County/Newton County Line – that would be the watershed boundary. Jasper County has been assessing Newton Co. but has done nothing to correct the drain only collecting money. If this is re-routed then all future assessments will stay in Newton Co. Tim asked why we are cleaning the DeHaan if they are not helping us out. He suggested holding off on the DeHaan however Chris said it does not work that way. He said they are very lax on the Otis-Boyle – perhaps E-coli or something. Tim stated he does not like landowners paying and getting nothing in return. We need the Bi-County board meeting in order to get it changed and explain what we are doing. Jim mentioned the bank flooding on SR 10 and asked if there was any way to get this connected and Chris said perhaps through Hidden Pines. Larry didn't think this was possible. Chris stated the only place close for storm water would be in Hidden Pines. It was discussed as to whether we could drain it to the South somewhere. Tim stated it is all ridge through there. Jim asked if we could drain south and go under SR 10. Larry said we would have to bore under SR 10. Larry thinks the only way to get rid of it is to go to Yogi Bear's Pond. Butch didn't think it was going east along Route 10. Larry and Chris both said they could check into this. **Jim made a motion to accept Chris' four recommendations on Valley Forge, North Hidden Pines, Otis Boyle Reroute and the Otis Boyle (Insalaco Petition). Tim made a second motion. Motion carried.**

**John Weiss Tile** - Chris reported that the John Weiss Tile took a considerable amount of research. There is an amount of \$224.50 owed to the General Drain Improvement Fund. We can either find a place to take the money in order to repay the GDIF or start assessments. Jim asked if we were planning to do work on that tile in the future. Chris didn't feel that would be necessary as this ditch has not required much work in the past. **Jim didn't think it would be worth the time to assess in order to repay so he made a motion to forgive the \$224.50 owed to GDIF with a second from Tim. Motion carried.**

**William Whaley Tile** – There are 22 landowners and 760 acres in this watershed and a balance of \$1032.60 owed to the GDIF. Due to the road we are now dealing with two channels now on opposite sides of the road. **Since there has never been an assessment and the tile needs work, Chris recommended a hearing and setting the assessment at \$1.00/acre. The board decided to have the hearing at the same time as the others.**

**William Baker Combination** – All that remains of the original **Wm. Baker Open** is the segment of open ditch. And all that remains of the tile is the portion of tile "taken up" and reset as part of the **L.E. Camblin** Repair in 1917. For all practical purposes, the **Wm. Baker Open and Tile** has been absorbed by subsequent repairs. As the original got repaired it got renamed to whatever the repair was. In this case the **L.E. Camblin** Repair and the **Newell Johnson** were the new names and assessed as such. The farmers have vacated the tile on the West side of 600 West. In the technical sense, the Wm. Baker is gone; however we have an expense owed to the GDIF in the amount of \$22.80. Chris recommended that we vacate the Wm. Baker and vacate the L.E. Camblin Tile on the West side of 600 West. That will take care of the problem we have with an existing regulated drain that is no longer there. **Jim made a motion to vacate the Wm. Baker Tile and to vacate the L.E. Camblin Tile on the West side of 600 West and to forgive the \$22.80 owed to the GDIF. Tim made a second motion. Motion carried.**

**Hibler** – Chris stated that we needed a stopping point for repairs on the Hibler. Chris recommended we dig sediment from the Hibler with a stopping point at 1200 North. Heyde Engineering determined that if we go toward the Kankakee River there would be sufficient grade to correct most of our problems. Larry stated that the property was dipped north of 1200 a couple years ago. Jim asked if it would bring the cost down if we include those between 1100 and 1200 in the watershed. Chris said dipping 3' of the sediment would make room for more storm water. Larry and Jim suggested stopping at 1200 North. Larry stated it drains a big area and goes back into Valley Forge. Jim commented that the Rich Ditch and Wendelburg Ditch run into there. Larry stated dipping the Hibler will help lower the Wendelburg. Chris suggested the board make the statement to include these two laterals in their motion. Since all others are being done, these two ditches should also be included. **Jim made the motion to dip the Hibler to 1200 North and include Rich Ditch and Wendelburg Ditch into the Hibler System. Tim followed with a second motion. Motion carried.**

**County Road Assessment** - Chris stated that since the 1960's or early 1970's, the county roads have not been assessed. \$8,234.52 is the amount of backlog in assessments that has not been paid. Dan asked if that is the amount per year to which Chris confirmed, "yes". The amount would be taken from the appropriate budget and paid to the drainage budget. Benton and Jasper both charge assessments for county roads. Jim said the money is going from one pocket to another. Larry asked about railroads to which Chris said they should also be included. **Chris asked the board to look into this situation and said he would get with Dan on it.** Russ mentioned that the new GIS would make it easier to figure. Chris agreed GIS and Drain Calc would both help. Jim asked Chris if he had been out to **Wiseman's** yet to split the tile. Chris said he had been out there the previous week and the ditch still had six inches of snow in it. Jim made a motion to adjourn with a second motion from Tim. Motion carried.