

## **May 2, 2011 – 10:00 A.M. – DRAINAGE BOARD MEETING – Newton County Courthouse**

The Newton County Drainage Board met on May 2, 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; Drainage Board Attorney Dan Blaney; Secretary Debra Honn. The meeting was opened by Russ.

**Minutes – April 18, 2011** – Jim mentioned a correction to the minutes stating that KRBC gave \$25,000 rather than \$125,000. After correction Jim motioned to approve the minutes with a second from Tim. Motion carried.

**Minutes – April 4, 2011** – Signed

Russ made mention that the new pickup had arrived for the surveyors office.

**Seeding Contract** – The seeding contract was signed for the Narrows Ditch which included the combination of a crossing and the reseeding of some spoils in a short section.

**Hibler System** – Chris stated he has the specifications for the surveyors on the Hibler System which had been sent to four contractors of which he received a response from two. Since today is the deadline, Chris will be meeting with those interested on Friday to review the site and drain. He plans to have something back for the meeting on May 16<sup>th</sup>. Tim requested that Chris email the report to him and the others.

**Long Range Plan** – Chris mentioned that he had revised the LRP as the DeHaan has been moved to the jurisdiction of the Jasper County Surveyor. He therefore removed the DeHaan and replaced #6 with the Conklin since our office had been contacted by a landowner asking when that ditch would receive work. Chris mentioned that IDEM & INDOT still needed to be notified of the LRP. This report will show a forecast of what drains will be receiving work and what resources will be needed. After June 1<sup>st</sup>, if nothing has been moved by the Drainage Board based upon landowner input, then the plan is set for another year.

**Obstructions – Maplebrook Terrace** – Chris explained to the board that he had sent letters to two landowners involved in this issue and has had some interesting conversations with one of them. They are not going to remove their fence. Tim said he had stopped in there and can see the point of the I/o as you can't even get in there and if we do get machinery in we will be unable to get it out. Chris said he had some I/o who had given permission to work on the other side of the drain (north side). If we put the material on the side it must be removed within 72 hrs. Tim said that even if Chris orders the fences out it is not going to fix the problem as there are problems all the way down the ditch with sheds and other things. Chris said we have it opened up but we need to lower the water table by getting the material out. So next is to work on the fence and then machines in there that can work under the electric lines. Jim said the equipment is up to the contractors. Chris reminded them that he could not get any contractors to bid on the project the first time for whatever reason. If we cannot get anyone to bid this time then we need to either move the project away from the electric lines and to the other side of the ditch or do something else. Nipsco can turn the power off while work is being done in a certain stretch. Tim said there is nothing good about the whole project and even if we get someone to bid on it the price is going to be through the ceiling due to liability. Larry said a bobcat could scrape, backup, dump and repeat and that is all that we can do – very time consuming. Jim said the best thing to do would be to order a contractor to use a bobcat and spec the job accordingly to see what kind of price range we are looking at. Why don't we just spec it that way? We can't get an excavator in there so the only way to do it is with a bobcat or mini excavator. Chris said a mini excavator is how he specified it the last time. Once you get it out of the ditch with a bobcat, you have to get it up on the bank and from there load it into a truck and out from there. Tim stated about the only way would be to dig with a mini excavator and load right into the bobcat bucket to get it out of there. Jim mentioned that DeYoung didn't bid on it but might if it is done over the summer. Chris responded it was scheduled to be done by Sept. 1<sup>st</sup>. Another alternative mentioned by Russ is to offer the job based upon time and material rather than contract. Chris said the other problem he has is that one or two landowners refused to take down their fence so it forces us to do something more expensive and now everybody else is paying more. Russ said that if they remove the fence and you still can't get in there due to other storage sheds, etc. then we don't have an option. Tim stated if the one fence is moved there are still obstructions on down the ditch. Jim asked what kind of fences need to be removed to which Chris responded chain link and board. Russ referred to Dan for suggestions. Dan responded that we use the alternative that was suggested of specifying the job with use of bobcat. Jim asked how long an area is it to which Chris responded 1300'. There are two phases. The problem area only is 1300'. The second phase is across the street. Chris stated that none of the landowners are responding and that he has made the language strong in order to intimidate and Tim said he has done that as the landowners are very upset. Jim said if they want their ground drained then they have to work with us. Tim said the problem is we can't get normal equipment in there. The ditch hasn't been maintained since the subdivision was established 40 years ago. Jim stated we need to get the job done. Russ said for Chris to work with whoever he can to get the job re-specified. Jim mention Yoder from Morocco to which Chris responded they are busy with tile and are not used to working around low electric lines. Jim said with a bobcat the lines shouldn't be a problem. The specs and orders are to be changed requiring a bobcat then the request for bids resent. Jim said Chris needs to make his own estimate high as the job cost will be high. Madison and Josh DeYoung are both busy and don't want to work around obstructions. Tim mentioned to Chris that the ditch is not finished at 1100 and it must be done to drain the subdivision. He wanted to know why. Larry stated it was 500-600'. Chris had reminded the highway dept. Tim said the landowners are upset over that ditch as it previously kept the subdivision from draining. Chris said almost all of the material is ending up in the ditch that he dipped a year ago. Tim said it is grass covered so he doesn't think so. Jim said a guy that tackles projects like that is Pete Pajoric from Sumava. He gets into tight spots and tackles things like that so Jim suggested Chris get in contact with him to show him the project. Tim also suggested Al Grube from Demotte. Russ told Chris to rewrite the specs to see what we can do and to contact the suggested contractors.

**Obstruction – Birch Tree Estates** – Dan reported that he had spoken with Joe Morrison and asked him how much his client wants to get this done. Joe responded \$40,000 and Dan thought that was high. Tim asked if the trailer can be moved or if it is too old to which Dan replied it looks O.K. to move. Chris said it had been there since 2001 – 10 yrs. Jim stated trailers are cheap. Tim said the lot is useless. Jim said the lot should never have been sold and should have been given to the county. The trailer is up for sale by owner. The owner had said he was trying to find a lot. The discussion was tabled with the understanding that Chris would continue to work with Dan.

**General Drain Improvement Fund** – As a follow-up to a conversation Chris had with Jim, he stated if we have special projects and funds are given that we need to establish a separate line item. Jim explained that in 2008 or 2009 the council gifted \$100,000 for engineering work in the North end of the county. The money ended up in the GDIF and should have been set aside in a line item for the contractor. As it was, this inflated the fund. According to the auditor, we have paid \$149,580.60 to Heyde Engineering. As of right now, Jim stated we are over approximately \$50,000 as only \$100,000 was approved. So \$50,000 was taken from the GDIF and paid in addition to the \$100,000. Deb asked if the numbers included all three contracts for Heyde. Deb explained that a spreadsheet had been kept showing where the \$100,000 was expensed and to which ditches. The conversation continued over the contracts, amounts and what work was done prior to the contracts. Jim said that right now we need to stop to which Chris agreed until we figure how we are going to proceed. Jim explained that we are at \$150,000

and he only knows of \$100,000 being designated for engineering. We took \$50,000 out of GDIF which is not going to get repaid because none of the ditches are assessed. Chris said he wouldn't say it won't get repaid as they will - once they are assessed. Jim replied that you can't assess until you start working on them. Russ reminded everyone that Chris can't assess them until he knows the grades. Chris said that is part of the problem they have with the Knight-Moffitt is that we had to do all of that engineering which Kingman did that work which is separate from this \$100,000. Tim asked if most of the engineering is done. Chris said yes on the Knight-Moffitt and that we are waiting for DrainCalc. The Hibler and all that they have done on the North end? Is that all done? Chris responded that we need to get on the Conklin and the Davis-Watts yet. Jim said, "Basically, what I am going to try to say is the \$28,000 – you can scratch that - we don't have any money left for the contractor – for Heyde. We don't have any money left". Jim continued by saying, "You are sitting there showing we have \$28,000 left for that contract but we are done, done because we don't have the money, Chris", to which Chris responded, "Right, right - I don't disagree". Russ asked if that is from the original contract to which Chris responded that he thinks it is. Jim said, "The fact is we have spent \$150,000 with the guy already". Chris said, "Part of it is the initial work that he did". It can't be assessed until the watersheds are defined. Jim said we are inflating the numbers to the council by showing what we have on the books when it isn't. Chris said, "It will be". Tim asked if we can't assess until work has been done. Chris replied we can do the specifications and when the bids come in or he gives an estimate, the board can have a hearing based upon Chris' estimate before we do the work. Russ said we can't have a hearing without the scope of work. Tim wanted to know how far out we are to defining the watersheds. Chris said with DrainCalc we have just expedited that exponentially. So that is close? That is close. It will be months before we go through the training and know how to actually operate the program but we are that close. Jim said then you have to define what work you are going to do to which Chris replied that we pretty much know on the Knight-Moffitt as that is the next one. Jim commented, "That is what I am saying". "By the time we get to all that, Chris, it could be two, three years down the road and I don't want to present that to the council". If you go through the whole process, it could be 8-10 years. Russ remarked that if we do that, there won't ever be any drainage done. Jim wasn't saying we weren't going to do drainage. We need money from the council but we can't sit there and tell them all of it is going to be paid back. Tim said, "We have to have a plan presented to the council of how this will be paid back, goals and how it can be accomplished". Right now it looks like a million bucks and all it says is loan, loan, and loan. We need a plan to pay it back. Russ responded that he "understands that we need to assess and do all that, but once we determine what drainage needs to be done, they have to fund the drainage". Russ agreed that the money should have gone into a separate line item. Tim told everyone that he would like to see monthly budgets to know where we are every month. Chris said we have that but don't present it. We try to include that as part of the annual report. We get that from the auditor's office. Deb stated that right now we have a little problem as the GDIF was at zero and Sharon added \$15,000 to that fund on Friday. The rest is not available until June 6<sup>th</sup> since it is invested. Sharon just got approval today for \$8,000 to Heyde's so that leaves my GDIF at \$6900. If all the contracts were to come in, without the Denham since we don't have bids on it yet, the total would be \$45,102. So we don't even have money to pay the contracts as of right now. So there is the budget. The contracts must be paid first. Jim said, "I am not blaming anybody. All I know is first of all, Heyde needs to stop right now – immediately – OK – because we don't have the money to pay him - because we used this money other places and other things". "Right now she says she doesn't have money – so he needs to stop his work until we get a hold of what we are doing". Chris asked, "How much time do you need"? Jim said, "We are going to need time to get some money" to which Chris responded, "I understand that". "You can't keep contracting with somebody if we don't have the money" to which Chris replied, "I agree". "You need to call him and say hey, look, let's stop". "Because if he presents another \$10,000 bill to us, Chris, where are we going to it until we get the money in place"? Deb commented "and they will, because this is the end of April". Jim said the council just gave \$100,000 to which Deb responded that "but we only got \$15,000 of it". Jim thought the motion the other night was to take \$100,000 out of landfill and then again the motion was made to replace the money of \$35,000. Jim explained that the \$100,000 was to come from Landfill to which Sharon said she thought it was out of Sumava. The board said the Sumava was invested so the council gave us \$100,000 out of Landfill to pay immediate bills. Russ stated that all they did the other night was give us \$100,000 out of the Landfill – they did nothing with Sumava. \$100,000 was approved out of Landfill and \$35,000 from that was to be paid back to Contractual Services. So we will have a total of \$65,000 + the \$15,000 in the GDIF. Russ stated that they did not push for the whole \$300,000 "because we agreed that we needed to see what was going on". Jim suggested to Chris that before we go before the council for more money, he should take the North end where Heyde's have been working and color in the different watersheds that he has recognized. How much of the area has been covered with Heyde for \$150,000? Color in the Beaver Lake w/s, the Knight-Moffitt, Otis-Boyle, wherever he worked. Color it in and we will look and see what the percentage is that has been covered. They need something visual. Identify what has been done with the \$150,000 and then we can justify getting more money just for Heyde, not counting what we are going to need to run the GDIF. Chris told Jim he could do that. Russ said that even though we use the money, it can be 5 years before we can begin collecting and then they might continue for 4 yrs. or more. Tim stated it is very important that the assessments not be put on the back burner as 1/3 of the money from the council can be given – the other 2/3 must be repaid. Jim mentioned that the \$100,000 was a gift and should not even be applied against the ditches. It should have been in Contractual Services or separate line items. Jim wanted to know how we are going to wipe it off the individual ditch funds to which Deb responded that we can do it according to the ditch expense spreadsheets. Jim explained that we are going to fight for more money but we need to make sure we have all our ducks in a row. Russ suggested Chris show from 14 South how everything is assessed and how we are now trying to get that situation up North. Tim asked why it takes 10 years to get the assessments rolling. Jim said first of all the watersheds must be defined – we don't know whose drain runs into what. Tim asked if that is done. Then we have to decide what work needs to be done in that drain. Once the costs are calculated and a hearing scheduled and assessment established and the loan repaid it could be stretched out 8 yrs. Deb reported that the projected expense for future work on the Hibler is another \$246,000 and another \$300,000 on the Knight-Moffitt. We will be having hearings on these ditches as well once DrainCalc is installed. Russ said the council had given us the \$100,000 out of Landfill to get us through until July at which time they will look at giving us some money out of the Sumava funds.

Other Matters – **Subdivisions** - Butch, Larry & Chris will be getting together to review buildable areas, language, easements in minor subdivisions, etc. in order to circumvent future problems.

**Iroquois Conservancy** – Dan stated KIRPC has applied for a grant and that the letter was signed on Friday and sent in this week asking for a \$500,000 grant to remove debris and a large log jam from the Iroquois River. The jam is approximately 1 mile from the SR55 Bridge north of Foresman.

There being no other business, Tim made a motion to adjourn with a second from Jim. Motion carried.