

NEWTON COUNTY DRAINAGE BOARD

NEWTON COUNTY COURTHOUSE – KENTLAND, IN

November 5, 2012 10:00 A.M.

The Newton County Drainage Board met on **November 5, 2012** with the following persons present: Board Members – Russell Collins, Jim Pistello & Tim Drenth, Surveyor Chris Knochel, County Engineer Larry Holderly, Secretary Debra Chapman Risley, Drainage Board Attorney Dan Blaney and LeAnn Sale.

Minutes – October 1, 2012 – Jim made a motion to approve the October 1st minutes with a second from Tim. **Motion carried and minutes were signed.**

Etta Whaley Surface Repair – Chris reported that the contractor on this project was to be completed by a certain date and since he wasn't, the contract was extended by the board. This caused the project to commence after crops had been planted. Due to this Rick Stenz had crops that were damaged and he is present to plead his case and ask for monetary reimbursement for damaged crops. Rick explained that he had .56 ac of oats lost. Based upon his yield of 172.3 bushels per acre at a rate of \$7.68/per bushel his total loss for the .56 acres was \$741.02. **Jim made the motion to compensate Rick Stenz for the \$741.02 loss with a second from Tim. Motion carried.**

O'Brien Structure – Chris mentioned that Jeff Welsh is present in regard to this issue. We have two bridges – the old one and the new one. The landowner installed a new culvert and Chris had explained that as long as the original structure was there, the I/o is only entitled to one structure – the original one. And so any addition after that, by statute, he is not entitled to anything as far as cost share on installing the new one. They plan to remove the original structure and once the original is gone, the board needs to decide how they want to handle the additional work that needs done on the new culvert. The original bridge is a five I-beam bridge set in concrete on the ends with a wooden deck. To make it unusable the wooden deck needs knocked off. Jeff said they are more than happy to remove the wooden deck and knock out the concrete. Chris reported that Ronnie Madison is working in the area and had given him an estimate of \$3,450.00 to haul and place 6-8 loads of cement to armor both ends of the culvert, dip 100' of ditch and to remove the old bridge planks from the bridge and haul them away. **Jim made a motion to have Ronnie do the project for \$3450 with a second from Tim. Motion carried.**

Control Structures – Chris mentioned that there were two landowners here today who would like to place control structures. Basically IDEM and DNR will process it but they look to us to do the initial work since it is a regulated drain. If the drainage board does not want a controlled structure in there it will not go any further. **Bill Smart** stated he has two regulated ditches going through his farm north of Morocco - Beaver Creek & Salisbury and he would like to explore placing water control structures in those ditches. He only knows what Chris just mentioned and what the paperwork says that he was given to read. Bill and Paul (DeYoung) would have to hire an engineer to design something that meets their specifications. IDEM does not do that anymore. **Jim made a motion to approve the request as it is basically up to IDEM anyway. Tim seconded the motion and motion carried. Paul DeYoung** stated that he and Josh wanted it on record that they had appeared and asked permission for the control structure. His problem is that the one there now is made out of concrete as it was placed when concrete was cheap. He has an engineer working on it now and has found it is going to be very expensive to replace it with tubes as it is now. Paul was just asking permission to put it back in before they pursue it. **Whereas the situation is the same as the one previously addressed in that the landowner must work with IDEM, Jim made a motion to approve the placement of the control structure with a second from Tim. Motion carried.**

Dan Stoller – O'Brien Ditch & Parcels – Chris stated that Dan has a problem on the O'Brien Ditch. Ronnie Madison submitted an estimate for some armoring that needs

done on the O'Brien Ditch through the property that Dan farms. He gave an estimate of \$2,850.00 to armor the bank. It is somewhat unique as it is widening itself so the erosion needs controlled. **Jim made a motion to have Ronnie haul & place 10-12 loads of cement on the south side of the ditch bank in order to armor it. Tim seconded the motion and the motion carried.** Parcels – Dan contacted Chris in regard to two parcels. The first parcel (56-17-29-400-007.000-004) is approx. 1 acre in size. It is too small to do anything - can't build on it and it is not tillable acreage. Dan asked that the assessment be dropped even though he is only paying the minimum of \$5.00/ac. Dan said that he doesn't even know the location of the parcel - is it by the railroad or by the highway. Chris suggested Dan check into it because according to the GIS Website it shows as being part of Hwy 24 ROW on the south side of the road. **Larry said if he is given the information he will try to find it as there could be an error somewhere.** Dan said he spoke to someone a couple years ago and it was removed from the assessment and now it is back on. The second parcel (56-17-20-400-010.004-004) is connected and has a total of 69.14 acres but it shows up as less than 1/10 ac. as the tract is divided by the highway. The small portion is on the south side of the highway. Larry asked if there were ever any buildings on the property. **Larry will track it down.**

Fair Oaks Dairy – Ryan Weaver - Ryan stated they are in the engineering phase of designing a waste water treatment plant. As part of the design they must run a force main up along 600 on the west side of the road (Newton County side). It is his understanding that there is only one ditch that they will be crossing and it is the Gregory. He believes that the ditch begins right at 600. Ryan just wanted to make the board aware and to be sure of any regulations in regard to crossing that ditch. Chris reported that he does have all of the technical information however there is no legal narrative for this stretch of ditch. This is an extension that was done in 1916 by Templeton. When asked if it is a legal drain, Chris responded that he can find nothing on the legal route and stated that the drains speaks for itself – it is there. **Tim made a motion to allow the Fair Oaks Dairy to cross the Templeton Extension/Gregory Ditch with a second from Jim. Motion carried.**

Moran Tile – Chris had a bizarre conversation with INDOT in regard to the structure under 24 in Goodland. INDOT wants to challenge the legality of the Moran Tile under US 24. They called and said they are putting their attorneys on it and Chris told them our records show it is a regulated drain. They basically said they would not touch it until all of the work was done on the north side and the south side. We spent years on the work and it is completed. Now they don't think it is a legal drain. Chris is asking if the board wants to assign Dan the task of dealing with INDOT. Dan mentioned that he still has paperwork from way back. There is a tile running under the structure and INDOT doesn't want to mess with the tile – they want to reroute it, but if they reroute it they want to make sure it is a legal drain. **Tim made a motion to have Dan Blaney work with IDEM on this. Jim seconded the motion and the motion carried.**

1125 N between 600 E & 575 E – Chris explained to the board that the ditch on the north side of 1125 N had been improved and the grade had been corrected going through Oakwood Acres Subdivision. Now we have learned there is flooding on the south side of 1125 N. Chris had gone up there with Keith Spencer of the Newton County Highway Department. A landowner had planted trees in the bottom of the roadside ditch/road row. Keith didn't know what the policy is concerning this so Chris is asking how the board wants to handle this. The trees are 20 year old conifers. The upstream landowners have called in due to flooding. The board stated the NCHD should notify the landowner that they are going to be clearing the road right of way.

Fund Balance Reports – Deb has included the fund balance reports for the Long Ditch, Narrows Main & Alice Holley in the DB packets.

Bid Proposals – Long Ditch M-726 – Three bids were received and they are as follows: Edwin Mattocks & Sons \$12,200.00; Tony Garriott \$11,900.00; JD Excavating \$7,500.00.

Chris' estimate was \$14,976.50. **Jim made a motion to accept the bid from JD Excavating in the amount of \$7,500.00 as long as it meets Chris' specs. Tim seconded the motion and the motion carried.** **Narrows Main M-79** – Chris' estimate was \$16,346.00. Tony Garriott \$12,685.00; JD Excavating \$9,980.00. **Jim made the motion to accept the bid from JD Excavating in the amount of \$9,980.00 as long as it meets Chris' specifications with a second from Tim. Motion carried.** **Alice Holley Surface M-49** Tony Garriott \$3,750.00; Edwin Mattocks & Sons \$3,500.00; JD Excavating \$6,000.00. **Jim made a motion to accept the bid from E.W. Mattocks & Sons in the amount of \$3,500.00 as long as it meets Chris' specs. Tim seconded the motion and the motion carried.**

Reconstruction Drainage Fund Resolution – Dan had introduced a rough draft of the Reconstruction Drainage Fund Resolution to the board members via email. What it entails is that the board will be funding the RDF out of the landfill fund. Jim said so in other words, we will have to ask the council for money. Deb said what would happen is money would be taken from the GDIF that is already there and move it into the RDF. There would still be ample money left in the GDIF but also enough in the newly established RDF to cover projects that are currently being reconstructed. In other words, Deb explained we would be taking money from Peter to pay Paul and not asking for any additional funds at this time. Dan stated we still need a formal resolution. Ultimately there will be two funds – GDIF and Reconstruction Drainage Fund. Larry thought the GDIF was broke to which Deb responded it was over a year ago but that we have had money in the fund for the last year. LeAnn asked if we have to take money from specific ditches to which Deb answered we do not as it is money that was not assigned to a specific drain. Tim asked if this is for reconstruction for the north end to which Chris responded yes. Dan will get a hard copy of the resolution to the board members.

Active Projects – Deb mentioned that a list of active projects was included in the packet which includes completion dates and amounts. Deb reminded Chris that there is a problem with a deadline on one of the projects – **William Whaley**. Chris explained that the landowner (Art Clark) has asked that we extend the contract another 30 days and not begin the project after December 1st. Deb explained that this will also have a bearing on the **Thompson** project as dirt from one project is being moved to the other. **Jim made the motion to extend both contracts until January 15th per landowner request. Tim seconded the motion and motion carried.**

Other Matters – Knight-Moffit Ditch – Chris mentioned that the responses have been sent to IDEM and that we are pushing the limits on the response time. Mike Kingman had done the survey however he did not want anything to do with IDEM so it is therefore up to us. **Goodland Lateral Culvert** – Chris reported a price of just under \$1500 for a 16' minimum length. The pipe needs to be extended beyond the sidewalk. Larry said the pipe needs installed and then it needs filled in for safety purposes. It is a legal drain. Chris said he could go back to the Town of Goodland for their approval. Jim asked if there is money in the fund to which Deb said she did not have the numbers with her but she thought there was. **Jim made a motion to go ahead with the culvert if it is O.K. with Goodland. Tim seconded the motion and the motion carried.** The board asked Chris to go with a 20' length on the culvert and to contact the NCHD to have them install it if possible. It is a 4 x 6 elliptical steel culvert. **Iroquois River** – Dan reported that he thought they had started to remove the big log jam this week. **Mary Spitler M-15** – Tim asked about the DeYoung project. Dan said when you get down to the point of paying for it there is a statute that says if somebody is receiving most of the benefit then they are the ones that should pay for it. He also said the DeYoung's have the major amount anyway. Tim asked if it was a go. Chris said his concern is everybody else in the watershed. Dan said DeYoung will be paying for the majority as he has most of the land in the w/s. Chris asked if DeYoung is paying for all of it and said he would be more comfortable if someone was paying for all of it. If Roger wants to pay for all of it then

Chris does not have an issue with it. Dan asked if Chris is ready to start on the project to which Chris said he is waiting on judicial review. Deb stated judicial review is up. Dan asked Chris what else he wanted from the board. Chris said he does not want to put his office in a situation. Tim asked if any work has been done to the tile. It is the assessment which we are talking about. Deb stated that what Chris had told her is according to Statute 52.5, anytime you move a regulated drain and it stays on the same property then that landowner is responsible for the whole cost. Dan said we are doing more work other than just moving it and there would be some costs associated with that. Jim said we are not moving it just to move it – we're moving it to drain it better. So Jim said it is a mute point since it is not being moved just to move it – it's to improve drainage. Chris said his report kept the drain where it is and the landowner wanted it moved to a different point. By statute Chris said the landowner has to pay for it. Jim asked Dan to look into it as we are moving it to improve drainage. Chris said the board needs to either accept or reject his report because his report kept the drain where it is and it needs to be in the minutes. **Jim made a motion to reject Chris' surveyor's report with a second from Tim. Motion carried.** Chris said they rejected his report so therefore he is done with it. Jim told Chris that the landowner did not just request that we move it – we are moving it because we had to do work on it and it will be better off to move it. Deb is to send Dan a report with the acreage of the watershed. **Jim made a motion to adjourn with a second from Tim. Motion carried.**