

NEWTON COUNTY DRAINAGE BOARD

NEWTON COUNTY COURTHOUSE – KENTLAND, IN

October 1, 2012 10:15 A.M.

The Newton County Drainage Board met on **October 1, 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 – September 17, 2012 – Jim made a motion to approve the September 17th minutes with a second from Tim.

Motion carried and minutes were signed.

Mary Spitler M-15 – Roger DeYoung began this part of the agenda with the following other landowners present: Gwen Rutledge, Rich Rutledge and King Clark. Roger stated that they had met as neighbors and had come up with their own solution to this project and hoped that this would work. Roger distributed a Google Earth photo with a red line representing 2500' of 18" dual wall with sock. The Rutledge's were happier with going back a little further and Matt DeYoung figured he could excavate the hill that far and that he could do the whole project for \$48,527 or less which was Chris earlier estimate. He stated this would include a 60' easement that had been discussed on the Chad Rutledge property and an enlarged culvert would be needed at the corner of 100 E and 200 S. Jim asked Gwen if they were O.K. with the easement to which Gwen responded that Chad could work with that easement vs. the huge ditch in front of the house. According to Roger, where the current tile is with the riser in the middle of the field, the riser would need fixed and the tile would need capped. Instead of all the water running down that old big tile, it would be diverted with the 18" tile. The old tile should not be a big issue after it is repaired because there won't be

any pressure on it anymore and it is only draining 40 acres basically. Russ asked Chris how it compared with the other estimates to which Chris responded that it sounded like Roger had negotiated the price of this project based upon Chris' previous estimate. Roger reiterated that Matt DeYoung had said he could do it for that price or less. It would have to be bid and perhaps somebody can do it for less. The other problem Chris has is the quality of the original tile. The decision is being based on not replacing all of the original tile. There would be another legal drain and the old legal drain would end where the old drain is capped. That would depend upon Clark's and where they want to end the old tile because it would become the responsibility of the landowner. King said they were going to fill it in so they would maintain it. King said that as long the tile that runs through their field to the new tile remains regulated, then he is O.K. with it. He also mentioned that we don't know where the tile is or what size it is that comes from Hammel & across Rogers. Chris said if you have 2-12" tiles then you will need an 18" tile to which Roger replied, "If it has to be replaced". Roger said the water is starting at his line. Russ said, "For the purpose of bidding – Chris will get with Matt to get the info and numbers. Jim stated that we must advertise for bids and that we could go ahead and advertise for the November 1st meeting. Chris said since we have had the hearing and the assessment was addressed at the hearing we won't have to have another one.

Jim made a motion to accept the proposal presented by Roger DeYoung so that we can proceed with the bidding on this. Tim seconded the motion. Russ reiterated that it is for 2500' of 18" dual wall with sock, 60' easement and a new larger culvert at 100 E and 200 S. All were in favor and the motion carried. Jim asked Larry to check into the size of the culvert and get with Keith Spencer. Jim told Keith that as soon

as Larry gets with him on the size of the culvert, then Keith needs to get them in. Deb asked for a motion on the Mary Spitler M-15 assessment and asked Chris to verify that as long as the assessment rate was the same or lower, we don't have to have another hearing. **Jim made a motion to set the assessment rate at the rate of \$14.76/ac. for 8 years as discussed at the 9-17-12 hearing. Tim seconded the motion and the motion carried.** Roger said we wouldn't need as much of the phase II as it won't go all the way to the corner – so it should be a little savings there.

Proposals – Russ closed the proposals. **Beasy Lateral to Narrows** – Ronnie Madison \$6,160.00; Tony Garriott \$15,640.00; E.W. Mattocks & Sons \$12,500.00; JD Excavating \$6,750. **Jim made a motion to accept the bid from Ronnie Madison in the amount of \$6,160.00 as long as it meets Chris' specs. Tim seconded the motion and the motion carried.**

Alice Holley – E.W. Mattocks & Sons \$4,200.00; JD Excavating \$6,000.00. Chris' estimate was \$2,070.00. **Whereas both bids were over Chris' estimate by more than 10%, Jim made a motion to rebid the project with a second from Tim. Motion carried.** **Stucker Combination** – E.W. Mattocks & Sons \$5,650.00; Tony Garriott \$9,680.00; JD Excavating \$5,950.00. Chris' estimate was \$8,165.00. All except Tony Garriott's bid would be within the guidelines. Jim made a motion to go with Josh DeYoung's bid. Dan asked how much over the lowest bid Josh's was to which Jim responded \$300.00. Dan said they must give a reason if they don't accept the lowest bid. Jim said he is a local contractor. Dan said it must state "equipment is nearby" or something. Deb stated this would be the second time that Jim was not given the contract when he had the lowest bid. Chris stated that Mattox is working on a project right across the road now. Dan understands that Josh is within the county and pays taxes here, but we need to

accept the lowest bid or we are going to run into problems. Dan doesn't recommend that we go with anything other than the lowest bid or we are going to get in trouble. **Tim made a motion to accept the E.W. Mattox bid in the amount of \$5,650.00 as long as it meets Chris' specs, with a second from Jim. Motion carried.** Deb gave the financial reports on the Beasy Lateral to the Narrows, Alice Holley & Stucker Combination.

Oakwood Acres – Chris said he had received a phone call from the neighborhood in Oakwood Acres. Last year we had corrected the grade of a ditch – it wasn't deep enough and in essence we repaired the drain. The landowner called and said he still has problems. After we deepened the ditch the roadside ditch didn't get completed. Chris had spoken to Keith about this and Chris is not sure if it is the roadside ditches or if the low area to be drained is at the right elevation for the ditch to drain it. Chris said he would work with Keith to determine the elevation with the GPS unit and see if the ditch needs deepened more. It will take some working with the county highway and landowners. It could be a combination of draining the subdivision and roadside ditches.

Reconstruction Fund – Dan Blaney – What has been discussed at the last few meetings is that if there is going to be a major project, there are four ways that the Indiana Codes provides to pay for drainage. 1) Watershed Funds 2) General Drain Improvement Fund 3) Bonds 4) Loans - bank. And there is one that the state is not aware of and that is our landfill source. Dan wants to do some more work on this and talk to Pat Ryan about it. According to Dan, there is no Indiana code that states we can borrow from the landfill as they are unaware that we even have that money. Dan thinks borrowing from the Landfill Fund would be our best option. If we didn't have the landfill, then we would have to get the funds from county

general, stated Jim. Dan is going to recommend that we go them again. Chris stated that he and Dan have been working on this. You can only borrow from the GDIF for 4-5 years. With a reconstruction you have eight years – therefore you cannot borrow from the GDIF. As we move into the north end, the projects could cost millions. Dan suggested that we use a different fund. Landowners would still be assessed. Tim asked if that means that we would be working with approx. 1/3 of the north end that would all be in one watershed. Dan said that is what he would like to see done. Then you would have only one watershed for the area. With a reconstruction fund, there could be an eight year assessment for reconstruction verified Chris. Tim said we need to start with the big drains but asked about all of the little drains – is this only taking care of the main. Chris said it would be important that there be a priority order either as the landowners bring it to the board's attention or as Chris brings it to the board's attention. Chris did state we are working on the Beaver Lake now and that will be a 40,000 acres watershed. Dan stated he had a different idea and he got Ted Anchor of the Nature Conservancy into it. What if we have a drain going through the Nature Conservancy, have the Nature Conservancy pay for it and see we can go around it and leave the nature conservancy alone and then we can make sure our drains work. That is just an idea that we presented to Ted. If there is just some way that we could let them do their own at no cost to our landowners. Chris said they have always responded well and are currently working with Coussens and Rob Churchill. They have shown evidence that they are willing to work with us. Chris will continue to work with Dan on this.

Other Matters – Larry stated that **Gary Coleman** had called him this week about the status of his situation. Dan asked how we handled the money. Deb reported that we had

submitted a request for an additional from the Landfill Fund to cover the expenses under “Legal Services”. We did not want it to be applied against the General Drain Improvement Fund where all landowners would have to pay.

Deb also mentioned that we have been waiting for **IT to update Draincalc**. She stated that it is mandatory that we get this done soon as before we know it, we will be working on assessment rolls and the landowners need to be listed properly. Deb also reminded the board that both she and Chris would be gone the day of the next proposed **Drainage Board Meeting on Oct. 15th** and asked if they wanted to have a meeting to only accept proposals and sign contracts or if they wanted to wait. **Jim suggested that they only sign the contracts as an extension of the commissioners meeting on that day and that there would not be an actual drainage board meeting on that day. The proposals would therefore be opened at the November meeting.**

Chris mentioned that he has also received an estimate from JD Excavating to repair a ditchbank that is quicksand and that keeps sloughing off. We need to get this addressed. The proposal is \$3,410.00 to attempt to install a tile to capture the water and divert it away from the quicksand pocket. It is for the **Shue Drain** on 600 N. It is part of the Thompson. Deb reported that the **Shue Open** was split in 2005 and it has \$9,708.00 in the fund. **Jim made a motion to have JD Excavating work on this project for the amount of \$3,410 with a second from Tim. Motion carried.**

Chris also told the board that the railroad wants us to pay \$1,500.00 permit charge to work on the Simons Lateral. They have a 100' ROW which means we will be in their easement. Dan said to ask them to waive the fee as we are a county governmental agency and they did not mention this fee before when Dan spoke to them on the phone.

There being no other business, the meeting was adjourned.