

## **NEWTON COUNTY DRAINAGE BOARD**

NEWTON COUNTY GOVERNMENT CENTER – MOROCCO, IN

**July 15, 2013 1:00 P.M.**

**The Newton County Drainage Board met on July 15, 2013 with the following persons present: Board Members – Kyle Conrad, Tim Drenth & Mickey Read, Surveyor Chris Knochel, DB Attorney Dan Blaney and Secretary Debra Chapman Risley.** Also in attendance were James Duffala, Paul Schafer, Martha Langley, Ron Sumner and LeAnn Sale (Auditor's Office).

**Minutes – July 1, 2013 - Tim made a motion to approve the minutes with a second from Mickey. Motion carried.**

**Hearings – Stucker Combination/EdLong – Chris opened by stating that the work we are planning to do is per the previous specifications. Ron Sumner asked if the tile that runs through the woods is part of this. Chris replied that it is not. He explained that what Ron is referring to is the open ditch that ended at a certain point and a tile that was not connected to the ditch. If we extend the open ditch to the tile it would benefit 2-3 landowners. Chris asked if the landowners want to do it to offset the cost. Ron was in favor of this. **Tim made the motion to reduce the assessment rate on the Stucker Combination to \$4.00/ac. per year and to then combine the Stucker Combination and Ed Long into one watershed at an assessment rate of \$4.00/ac. for four (4) years. Mickey seconded the motion and the motion carried.** Elijah-Smalley – Chris stated that most of the work to be done is in the upper portion of the drain. The lower end of the drain is in better shape than the upper. The Dickinson assessment rate has been lowered to \$2.00/ac. per year. Martha Langley asked if all landowners will be assessed to which Kyle responded that yes, all landowners in the watershed will be assessed. Martha asked when it was last cleaned to which Chris replied judging from the trees he would guess 65-75 years ago. It was stated that Landowner initiative is what prompted the establishment of maintenance. It was asked by Martha if there will still be an assessment after four years to which Chris replied that it will probably be dropped to a maintenance level after 4 yrs. Martha still thought a 26% tax increase was too much. Kyle suggested it could be referred to as a user fee. Martha wondered how much the rate would be reduced after 4 years. Kyle said our goal is to not be in this situation ever again. Paul Schafer farms Martha's ground and asked if the culvert into her 16 ac. piece of land would be replaced. When asked if he has another way into the parcel he replied that he did not and that it is the only entrance. Chris informed him that the culvert was figured in as we have to allow egress and ingress. Chris said the project is planned for this fall after the crops are harvested. Jim Duffala said that whether he jumps up and down or not the assessment is going through. Kyle said that hasn't been decided yet. Jim wanted to know why it was such late notice and why the landowners weren't contacted back in March that we were thinking of this. He thanked the board for lowering the Dickinson assessment and asked where we stand on the Curtis Creek. Chris said there would be a bi-county drainage board meeting with Jasper Co scheduled for late summer. He also said that the estimate for the work on the project could come in below budget. Jim asked if there was a good chance that Curtis Creek will also be reduced. Chris said that the C.C. is a large watershed. Jim asked who initiated the maintenance on the Elijah-Smalley because he knew he didn't and neither did Martha Langley. Kyle replied that it really doesn't matter who initiated it – we are responsible for maintaining the ditches. It was stated that we wouldn't know until the end of summer if C.C. assessment will be reduced. Jim was frustrated with the pending assessment because the money will be spent to improve a ditch that isn't doing anything for him – his is working fine. Martha doesn't like the 26% increase however needs a culvert that will handle the farm equipment. Chris said the plan is to install a 20' culvert to which Paul responded that is what it is now. Chris said the new one won't have holes in it. Jim said he is looking for an end to the assessments. Chris said there is nothing else unless there is another watershed that could affect his property. **Jim Duffala requested that he be notified when the Jasper-Newton Bi-Co board meeting is scheduled. Tim made a motion to assess the Elijah-Smalley watershed \$12.00/ac. per year for four (4) years and to review the rate again after bids are received on the project. Mickey seconded the motion and the motion carried. Jim Duffala and Martha Langley both requested a notification letter if the rate is lowered later.****

**DeHaan Contract – Dan Blaney suggested that Steve Snell handle the permits on the DeHaan in order to lower the cost. He also mentioned that as-built plans be added after the work is completed. Tim wanted to know how long Abonmarche would take with the project to which Chris**

replied 34 weeks. Tim wanted to know why we are doing this now when we have been working on this 3-4 years already. Jasper County is already working on their portion and it will be draining into Newton County. Tim wanted to know how we can stop upstream work on the DeHaan. A Court Order? Dan suggested that Chris and Deb convene a Bi-Co Drainage Board meeting. Tim wanted to know who requires the contract to which Chris responded Army Corp, IDEM and DNR all require it as it will affect something over which they have jurisdiction. Dan suggested the board sign the contract today and notify the engineers of the problem – that they are digging in Demotte and for Chris and Deb to convene the Bi-Co Board. Tim said the issue is that they are digging in Jasper County now. Vince stopped the board from digging to the Newton-County line and has stopped two miles from the line. Kyle said our recourse is to fix our side of things. Chris said he would really like to convene the Bi-Co board when the Knight-Moffit can also be reviewed as that project has been going on longer than the DeHaan. Tim doesn't want to wait another 34 weeks. Kyle wondered if our only recourse is a court injunction. This is to also define where the spoils are to be and where the side cast levee will be located. Tim thought we had already surveyed the DeHaan. Chris said it has been surveyed however the side ditches have not been addressed and the center of the ditch has not been determined. Kyle said unless we get started we will be unable to delay the work in Jasper County. Mickey mentioned that unless we do this we will not get the \$150,000 from the state appropriations. Kyle said we have a history of not doing anything or doing it and not doing it right. We need to do this and do it right. It was decided to wait to meet with Jasper Co until Deb has the watershed acreage calculated on the Knight-Moffit. Tim would rather wait on the contract and meet with Jasper Co. before they flood us out. Dan informed the board that the initial survey was presented to the drainage board on 2/22/2011. Tim said we have been working on this for two years and we are just now signing the contract. Kyle made the motion to approve the contract with Abonmarche with a second from Mickey. Tim was opposed. Motion carried 2-1.

**Beasy Conversion** – Chris stated he thought Matt Gibson would be here to discuss the Beasy Lateral. We have an open drain on one of his parcels. He is asking to put a tile in and close the open ditch. Chris had told him that the other landowners need taken into consideration as their drainage needs must be met also. It has to be determined who the landowners are that benefit from that drain. The discussion was tabled at this time.

**Sarah Bright – SCS Drain** - Chris explained it is a roadside ditch, 1 ½ miles long, that runs from US 24 to the Morrison-Tally. It starts at the elevator on US24 and goes under the road and under the railroad. The tile under the railroad is too small. It is North of US 24 on CR 150 W. They are asking if the water can be sent from north of US24 and down the Sarah Bright. Nipsco also set a pole in the middle of the meander of the roadside ditch. This is more for county highway so Audrey needs to look at this. Chris will get with her.

**Dora Clymer – Sudhakar Kakani Correspondence** – Chris presented some photos of the obstructions. He stated that the landowner has done nothing on his parcel to prevent residue and vegetation from building. It is therefore affecting the downstream landowner, Daniel Pitstick. This is to advise the board of the correspondence to Mr. Kakani and to let the board know that the landowner could be held responsible for the costs. Deb asked if it is any different that the situation with the Batton Addition and Pat Mulligan to which Chris responded that it really wasn't any different.

**Tim made a motion to adjourn with a second from Mickey. Motion carried.**