

## **DRAINAGE BOARD MEETING**

**January 7, 2019 – 12:00 P.M.**

**Newton County Courthouse, Kentland, IN**

The Newton County Drainage Board met on January 7, 2019 at 12:00 P.M. in the Newton County Courthouse with the following persons present: **Board Members – Mickey Read, Tim Drenth & Scott Carlson; Surveyor - Chris Knochel; Secretary - Debra Chapman; Jason Durr of Christopher B Burke Engineering; Randy Strasser of VS Engineering; Zack DeYoung of IDNR (LaSalle Fish & Wildlife); Allan Cameron Jr. & Allan Cameron III of Indian Gardens; Thomas & Debra Cutts; Scott Pelath of KRBC.** The meeting was opened by Mickey.

**Election of Officers – Tim made a motion for the Drainage Board Officers to remain the same for 2019 as they are currently. Scott seconded the motion and the motion carried.** Mickey will remain Chairman and Scott will remain Vice-Chairman.

**Minutes – November 5<sup>th</sup>, November 19<sup>th</sup> & December 3<sup>rd</sup>** – Tim made a motion to approve the minutes with a second from Scott. Motion carried and minutes were signed.

**Sign Contracts – Contracts were signed for Chizum Open, Rebecca Spitler Open Ph I and Kindig Ditch.**

**Hibler System – Jason Durr, Christopher B Burke Engineering** – Jason introduced two maps which showed the areas of inundation during current 10 yr. events and the areas of inundation after recommended improvements. Jason stated they are making three recommendations on the 10 yr. proposal. He recommends contacting INDOT to have the culvert opened at Co. Rd. 600 by I-65. This would be of no cost to the county. There would be immediate improvement for inundation. There are 2 low spot areas west of 600 where water will still collect. One option is to expand the detention area by purchasing the land for probably wetlands. If the culvert is opened at I-65 so the area can drain east as designed and the wet areas are left alone, for zero dollar, there would still be a pretty significant improvement in drainage for that area. He said we could look at expanding the detention area to the south. There is a piece of farmland to the south on the west side of CR 600 where a 2-stage ditch could be placed. The dollar value and the improvement would not be significant as there is not much grade change in that area. Jason explained that as we progress toward Mackeeper they are proposing approx. 4300' of 2-stage ditch with a 70' easement on both sides of top of bank. From recent experience on a 2-stage ditch project CBBE is estimating the cost to be **\$1.3 million dollars for the 2-stage ditch – buying property, easement & 2-stage ditch.** The duration of inundation would go from 24 hours to 7.5 hours. When the 2-stage ditch is installed the berm around the perimeter would be gone so all the water from the farm field would drain rather than being trapped in the spoils. In the farm field area there is one crossing that would need changed to a 10 x 5 box culvert and another at CR 500 that would need changed to a 10 x 6 box culvert. That would be another **\$400,000 cost to replace the box culverts.** There is a drop in elevation at CR 500 and that is why a large crossing is being recommended. It will give a way for the water to escape at N Mackeeper. If we were to only do crossing improvements at I-65 and the two culverts, the farm field will still be flooded but would be reduced by .2' as far as depth. It

reduces the amount of time it is inundated in that area by 4.5 hours so it would go from 24 hr. inundation time down to 20 hrs. The recommendation is to talk to INDOT and get the culvert at I-65 opened and doing the culverts for the immediate project. The 2-stage ditch can be phased in at 1000' at a time to extend out the cost over 20 yrs. or the farm field could be purchased with a deed restriction. Scott said the cost of construction is estimated at \$1.3 million and the estimated total cost is \$1.7 million. Jason explained that there is a design services and construction observation cost built in so that the county knows there is a cost to design it and then construct in case the county wants someone to observe it. The additional cost is for engineering and construction services. Scott said the true cost could be closer to \$1.7 million to which Jason responded, "It could be". Chris reported based upon LiDAR watershed the total watershed acreage is 1958.47 acres for the Hibler watershed beginning at the county line. Tim asked about residential lots to which Deb said she does not have the lots broken down. Scott asked what authority we have to get the culvert opened at I-65. Chris responded it is the natural flow of the water so we would have some say in addressing that. Chris said he had not done anything as he didn't have the cooperation of Jasper Co. Jason suggested it be mentioned to INDOT to at least put it on their radar in case they have structural problems with their pipe crossing I-65 at which time they would want to address it. Scott asked if Jasper Co is not receptive because they have issues beyond that. Chris replied they don't want any more water down there from I-65. They have been trying to push the water west but due to elevations it is not feasible and it would be very difficult to permit because we are changing the flow of water and sending the water from one watershed to another. Chris said that is why Army Corp. does not like a ditch bottom lowered. The 800' gap is the ridgeline so CBBE would be taking the water the right direction. Opening the culvert would alleviate the problem. Chris asked if the regulatory agencies would allow an equalizer in the 800' gap. Jason said we could ask. Mickey asked, "What are we going to do"? Jason came today hoping we could give him some direction. Chris thinks Jason has the right idea by addressing the culvert with INDOT and also with the box culverts. Chris will work with Jason who can work with NCHD for the crossing at CR500. Chris will contact INDOT. Chris can't make any guarantees what will happen when Jasper Co. gets wind of the plan. Scott asked for verification of his understanding in the total cost of the project will be \$2.2 million. Jason said unfortunately there is no easy way to place a detention or retention pond. Tim asked if this would be over 8 yrs. since it is a reconstruction to which Chris confirmed. Chris will work with Jason to see what the cost of the two box culverts will be along with getting with INDOT. Deb asked about the status of the hearing. She said there is no guarantee that we can get it assessed for 2018 and pay in 2019. Jason said the culverts will work better in tandem – if you are doing one then both should be done. Tim suggested a 20 or 30 yr. plan. Scott estimated the total cost of the project at an assessment of \$45.00/ac for 25 yrs. Chris asked how long it would take for the fund to build to pay for Phase I. Scott thinks perhaps the county could pay for the expense of the box culvert under CR 500 and then the landowners would not have to pay for it through assessments. Deb stated she does not yet have the final year end balances to know exactly what the outstanding debt is for the Hibler. Scott asked about waiting to set the hearing for a month from now. Deb said if we do that then the assessments wouldn't

begin until 2019 pay 2020. Deb is to get the number of residential lots in the Hibler for the February meeting. Scott said it would be best to have all the numbers before setting the assessment rate and proceeding with the hearing. Chris asked if the board wanted to instruct Jason to work up the design and installation plan for the structure under CR 500 East for county highway to install. The sizing is set and based upon the models CBBE has the elevations. Jason can send the information on modeling. Scott said if NCHD is capable of installing the box culverts then they should install them. **Lawler Project** – Chris reported that the trees have been removed and the excavation part is close to being ready. Jason stated that a UAV drone had been used for the initial survey which supplemented cross sections. Jason asked the board if they want to continue downstream with the survey work and UAV survey. If so it should be done now or early spring before vegetation develops. The survey and tree removal on Lawler has been done from 400 N to 700 N. The trees have been removed but it has not been dipped yet as Chris wanted it dipped after trees were removed and grade and depth were determined. He stated we need to go downstream to know the grade necessary. He asked if we want to get the elevation under 400 W. Tim said there was still money left from the original \$150,000 earmarked by Economic Development & Commissioners for the Lawler. He would therefore like to see the remainder of the money used this year. Scott asked Deb if she had received the money or if she submitted invoices to which she replied that she submitted invoices. Scott will check to see if the remaining Lawler funds were placed in the 2019 budget. Deb explained to Tim that the contractor has been paid on the most recent invoice and that the funds from Economic Development would be to reimburse the expense.

**Kankakee River - Embankment Repair** – Chris introduced Allen Cameron, Jr. & Allen Cameron III stating that they are here with questions regarding the invoices they had submitted and were not paid. Mr. Cameron reported there was a break at the river bank by the railroad crossing. They had spoken to KRBC about it and nobody had gotten back to them so they had to take matters into their own hands as their property was being flooded. They spent about three weeks on a bulldozer pushing dirt around. They filled in the hole to the top. There has been no seed placed. Chris stated this had been brought before the board on October 1<sup>st</sup>. Deb explained that a copy of the previous board decision and the invoices had been included in the meeting packets. Mickey asked if the board had been notified when the problem happened. Chris said he didn't know if they knew about it – KRBC knew about it and they had limited funds. When it was revealed how much funds were remaining after the flooding and the funds had been dispersed across eight counties, it became questionable whether or not KRBC could handle that expense. Chris continued that then it became obvious that if they wanted reimbursed they couldn't go to KRBC they had to come here. Chris said they (KRBC) knew about it but had to negotiate terms with the other seven counties to pay for most of the damage that had been done and that it depleted their emergency funds. Tim asked if this area is included in a drainage assessment to which Chris responded "no". Tim and Scott both asked, "Then how are we going to pay for this"? "We don't have any resources either", Scott said. Chris asked Deb, "Where do we stand on the \$250,000 from state appropriations? Do you know? Randy Peterson will be here next month to give his report on the restoration

through the Cameron property. Do we have any of that money left through the state appropriation"? Deb replied, "The \$250,000? No, we are in the hole over \$80,000. As far as the KRBC \$250,000, I gave you that report the other day". Deb said, "With the \$83,000 from \$150,000 that doesn't leave a whole lot". "The only other money left is the \$150,000 that you appropriated in order for KRBC to get the \$600,000 for any additional work on the Kankakee that the other seven counties utilized". Tim asked, "And how much of that money is left"? "Less than half", replied Deb and Chris in unison. Deb stated, "The KRBC does not have it. In fact Jody Melton was at that meeting (in Oct) and said, "We (KRBC) don't have the money to pay it". Scott remembered Jody saying that. Tim questioned Chris on the whole structure of KRBC being about to change. Chris replied, "Ultimately we don't know when or what (the new structure) it is going to look like". "In fact we have Scott Pelath here, who is the replacement for Jody, depending on how the KRBC votes this Friday", explained Chris. "So, Scott, I'll introduce you and then you can answer this". Scott said, "Hi, I am Scott Pelath. I was having lunch with Chris today and wanted to come by and say hello to everyone. I am trying to maximize my exposure to some of the lingering KRBC issues". He advised there are many changes being discussed however after having been a lawmaker previously, he knows there can be many twists and turns. Tim asked Scott if he had looked at the outlet into Illinois to which Scott said he has seen aerial maps and is planning to make a "trip over there as an immediate course of business". Scott stressed the importance of "sand mitigation" and "keeping the Illinois folks engaged with this process because we do need them to take on their share of responsibility and we do need to include them and we also don't want to end up in a confrontational situation where we are going to be in front of a body that is going to give us a decision that isn't what none of us is going to like". "The good news is we are finally privy to a more detailed roadmap so we can address this long term". Chris said the work plan will be presented in Knox on Friday, January 11<sup>th</sup>. Allan Cameron said there are two problems – the DeHaan & the Kankakee River and they both border their property. Allan explained that when Jasper County worked on the DeHaan they cleaned all the ditches up to their property and stopped. So now the water comes up to the sand bank in the ditch and just stops there. He said they took it upon themselves to repair the railroad breakup because the trestle was being washed out or else the trestle would be lost. When they talked to KRBC they were told they would get funds from FEMA. When asked if they had filed anything with FEMA they responded negatively. Deb explained that they couldn't be paid from FEMA funds when the original invoices had been paid by KRBC from state appropriations. Cameron's said if they hadn't made the repairs to the ditch bank, come springtime, the water would have gone straight to Thayer & Shelby and flooded them. Scott said he didn't know where they would get the funds to compensate. Chris said they (KRBC) will be asking for more state appropriations at Indianapolis for this session and they would have to wait and see if the county receives anything. Scott said, "As far as money that the county holds". "The only thing you have is what remains of that \$150,000 that you dedicated to the river", interceded Chris. "We used the \$150,000 to get the state match of \$600,000", said Chris. Deb said, "I have no idea where the money sits". "The money that I track on state appropriations, the \$100,000 and \$150,000, is gone", stated Deb. Scott said, "The \$150,000 appropriation from Newton

County went to KRBC. The money left Newton Co". Chris said, "It did not leave Newton Co. They could use the \$150,000 match without actually holding the money". Deb said she thought that was something Dan Blaney was going to take care of at the time – that he was actually going to give them the money." Chris said, "No, Jody said it wasn't necessary. **All they had to do was prove that Newton Co. had \$150,000 dedicated to the river**". Tim said, "So we have to wait for more budget money from the state". Chris replied, "It won't be until July and once we get the money we have to get on the budget committees' agenda which sometimes takes several months. Therefore even if we get the money it will not appear in a bank account on July 1<sup>st</sup>". Cameron's said it wasn't just Newton County water that came in on them – it was also the seven other counties to the east. The Cameron's are asking for reimbursement again. "There is no money at this time" per Scott & Tim. Mickey asked if we can pay when we receive the money from the state. Scott said, "if and how much". Mickey asked the landowners to "hang tight" until we know more on the state appropriations and see what we can do later. Long Range Plan – Chris introduced the long range plan stating it must be adopted by the June drainage board meeting. Management Work Plan Presentation – Chris told the board that the report on the Kankakee River will be made on Jan. 11, 2019 in Knox.

LaSalle Fish & Game – Zack DeYoung – Zack stated he would like to create a wetland area and that by re-establishing the hydrology it will not impede any other areas. Chris explained that the county drain identified is the Davis Watts. If Zack is installing a structure it must be outside the 75' easement. Zack stated that potentially there might be some trees that need removed. Chris mentioned that it is all private ditches except for the Davis Watts. As long as Zack DeYoung stays out of the 75' easement the drainage board has no issues.

Darroch Tile – Richard Ratcliff – Richard stated that he and Chris have been emailing regarding the Darroch. Richard was here in November and fees had been submitted prior to changes being made. The project has changed since submission to FEMA. Chris said he was told by FEMA if the project goes beyond the original status then FEMA will only pay for the original plans. Richard asked if they can still use FEMA funds for the survey design work. Chris explained that letters have been sent to landowners and the people damaged are in favor of the work. Water is breaking out and meandering into farm fields. **Mickey made a motion to have BLN proceed with the survey. Tim seconded the motion and the motion carried.** Richard mentioned that he will need an email containing a NTP (Notice to Proceed) for the Moran and also for the Darroch survey that was just approved. Chris said the other project BLN has been working on is the Bridgeman Tile. The locate for utilities is being called in today so that the Town of Kentland can open the tile. Richard said, "If a Memo of Agreement could be reached the Town of Kentland could definitely do it cheaper". Richard had a meeting with the town manager regarding a detention pond and using the Bridgeman as an outlet. Deb is to get with Dan Blaney to create a Memo of Agreement with the Town of Kentland.

Lake Village Drainage - Randy Strasser – VS Engineering – Randy explained to the board that it is his understanding that the contract for the South Lake Village Drainage project was signed by the commissioners but it has not reached the office of VS Engineering. Therefore he needs a NTP on the survey.



**Lawler** – Thom and Debra Cutts spoke with Surveyor Knochel during the break regarding the Lawler.

**Newton County ROW's** - Chris reviewed the work that needs completed in the county road right-of-ways on regulated drains: **Lower Dickenson** – There are trees that need removed. He stated that the dairy farm owns the adjoining property and they will remove the trees on their property. This is a regulated tile that goes into the Curtis Creek Ditch. Chris will show the NCHD where it is located. **Oscar Holley** – Chris will also show NCHD where this is so that they can keep the trees out of the ROW. **Wildasin Lateral** – This is located south of US Highway 24. Chris explained that he can't get to the Kent Main without this maintenance entrance and there is a tile hole that needs repaired. **Haynes Tile** – Chris reported the estimate on the Haynes Tile as \$28,014.25. This is for the co-mingled drain over the Haynes Tile at St. Rd. 55. Dave Pluimer reported on an issue where a company dug along a fence to drain water across a road. It is now draining onto Will Ade's property where Bob Lane farms and a retention pond has developed. The company was going across St Rd 114 into a field on the north side until a farmer said "no". Dave is working with the landfill on the issue and Chris is working with Soil & Water on inspection reports.

**Financial Reports** – Deb had Included the financial reports on the Rebecca Spitler Tile, Defries Ditch, Beaver Lake Ditch and Beagley-Chizum Tile in the meeting packets.

**Bid Proposals** – **Rebecca Spitler Tile** – Chris' estimate was \$6,721.00. Bids were: DeYoung Dirtworks \$3,400.00; Elwyn Mattocks & Sons \$3,200.00; JD Excavating \$1,450.00; Anderson Tree \$3,500.00; Heartland Excavating \$2,200.00. **Scott made a motion to accept the bid from JD Excavating in the amount of \$1,450.00 as long as it meets Chris' specifications. Tim seconded the motion and the motion carried.** **DeFries** - Chris' estimate \$12,727.00. Bids – JD Excavating \$8,400.00; DeYoung Dirtworks \$19,200.00; Anderson Tree \$20,974.00; Heartland Excavating \$17,500.00 . **Scott made a motion to accept the bid from JD Excavating in the amount of \$8,400.00 as long as it meets Chris' specs. Tim seconded the motion and the motion carried.** **Beaver Lake – Ph II** – Chris estimate \$66,324.50. Bids – Watkins & Associates \$48,900.00; Heartland Exc \$143,750.00; Anderson Tree \$112,170.00. **Scott made a motion to accept the bid from Watkins & Associates in the amount of \$48,900.00 as long as it meets Chris' specifications. Tim seconded the motion and the motion carried.** **Best Ditch Lateral** – No bids were received. Mickey asked why county highway can't do this project since it is so close to the highway. Chris said they would have to move equipment off the road. There is a collapsed culvert 16' x 4'in the state road ROW which needs replaced. NCHD would also have to enter private property. Chris' estimate given on 9/14/18 was \$124,960.00.

**Beagley-Chizum** – Chris' estimate \$5,181.00; JD Excavating \$7,400.00; Heartland Excavating \$10,260.00. Both bids are outside Chris' estimate plus 10%. **Scott made a motion to reject all bids as they were more than 10% over Chris' estimate. He asked Chris to review his estimate and rebid the project. Tim seconded the motion and the motion carried.**

**Board Workforce** – Chris quoted IC 36-9-27-77(e) which states the county can have their own workforce to perform work on county drains such as is done in Jay County Indiana.

**Geri & Steves Carpentry Invoice** – Deb included an invoice from Geri & Steves Carpentry in the packet. The amount of the invoice exceeds \$1,500.00 and she therefore needs approval to

pay the invoice on the Darroch Tile. **Tim made a motion to pay Geri & Steves Carpentry in the amount of \$3,127.50 for work done on the Darroch Tile. Scott seconded the motion and the motion carried.**

**Indiana Storm Water Management Standard Specifications** – Chris stated he does not have a copy of the ordinance the county is using. What he passed out last month was revisions not the ordinance. Tim said, “I am not discussing this again – you two can”. Scott said, “We are going off the state”.

**Tim made a motion to adjourn with a second from Mickey. Meeting adjourned.**

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Mickey Read, Chrm.

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Tim Drenth

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Scott Carlson