

DRAINAGE BOARD MEETING

March 4, 2019 – 12:00 P.M.

Newton County Courthouse, Kentland, IN

The Newton County Drainage Board met on March 4, 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; Landowners - Gus Ellicott (Kankakee Ventures Inc.), Allan Cameron, Jr. & Allan Cameron IV (Indian Gardens).** The meeting was opened by Mickey.

Minutes – January 7th, January 14th & February 4th – Tim made a motion to approve the minutes from January 7th, January 14th & February 4th with a second from Scott. Motion carried and all minutes were signed.

Bid Proposals – Chemical Maintenance – Chris' estimate was \$40,882.42 for 20 projects. Bids received were: JB Brush \$45,335.00; Anderson Tree \$42,718.00. **Scott made a motion to accept the bid from Anderson Tree in the amount of \$42,718.00 with a second from Tim. Motion carried.** Chris also mentioned that there were some phragmites that need removed from 2 different locations. He estimates a cost of \$1500 or less and asked if the board members want him to have the contractor take care of this as an additional. **The board approved.**

Proposed Projects – Clark-Deardurff – Chris explained that he had a Notice to Bidders prepared for publication in the paper since the project will exceed the \$75,000 parameter set by statutes. Chris estimates the project to cost approximately \$155,000. Deb mentioned that \$150,000 had been appropriated for this project during the 2019 budget hearings. **The board gave their approval for the project advertising.** **Haynes Co-Mingle** – Chris explained how the water is causing an erosion on the tile and creating a swale in the field. He plans to re-route the storm water to co-mingle down along 400 E. This is the project that was discussed with NCHD but they felt it needed handled by the surveyor's office and drainage board. **Darroch Tile & Surface** – Chris and Steve (Snell) have developed a conceptual plan where they have dropped the water and changed the grade to slow the water. BLN has the contract to complete a survey so Chris will be presenting the conceptual plan to their engineer/surveyor to see if it will work.

Kankakee River Railroad Bridge Erosion Control – Chris included an Opinion of Probable Cost in the meeting packet. He had spoken to Randy Peterson of Abonmarche regarding the erosion control on the Kankakee River Railroad Bridge Bank. The cost comes in just under \$75,000. Therefore Chris had given Randy the names and addresses of contractors and he was also to contact the Cameron's as they have just as much equipment and experience as anyone. Allan didn't know if he had received the packet. Chris said the agreement that he and Randy had was to include the Cameron's. Tim said we want it done but we don't have the money. Chris said the state appropriations are gone and all we have is the \$150,000 from the match.

Chris asked how much is left and Deb said she thought they only have about half remaining. Since money was the topic Deb advised the board that after the committed funds were subtracted from the GDIF there is only approximately \$104,000 remaining to last until July when more assessment funds are received. Deb asked if the contractors had already been contacted to which Chris responded that he told Randy to wait until he received feedback from the board. Deb is to send an email to the board members advising them of the amount of money remaining from the \$150,000 state appropriation match. **Tim made a motion to proceed with the project if we have the money. Scott seconded the motion and the motion carried.**

Knight-Moffit Ingress-Egress- Chris stated Dan Fowler was to be here to address this topic. Dan would like to install a structure on his property according to a map shared by Chris with the board. Dan claims he has purchased the property however it has not yet been recorded. The board stated he needs to come before the board with evidence of ownership.

John B. Bower Financial Report – The financial report was included in the packet. Chris asked Deb to present this to the board to see if they want to restart the assessment. Whereas the contract was not completed by completion date the project expenses were not deducted from the fund balance in time for the assessment to automatically begin again. Scott asked if this can still be done for 2018 pay 2019 to which Deb replied she didn't know but that she had given the assessments to the auditor on February 13th. She will check with Tami to see if it is possible to still include this for 2018 pay 2019. **Scott made a motion to restart the John B. Bower assessment if possible for 2018 pay 2019. Tim seconded the motion and the motion carried.**

Year End Reports – Chris distributed the year end reports to each board member and briefly reviewed the highlights of the contents. In reviewing the Unassessed Drains, Tim asked where we are on the Roselawn assessment for the Hibler. Chris said it was decided not to have a hearing for 2018 pay 2019. Deb pulled the minutes and said the numbers were presented by her at the January 14th meeting for an assessment at \$45.00 per acre with a \$25.00 minimum. Chris was to get with INDOT regarding the culvert under I-65 and also with NCHD on the installation of a box culvert on CR 500 E. Chris sent an email to Steve Benczik of INDOT who called back and stated he would be at road school. Chris will report back to the board at the April meeting after talking with INDOT. Tim said the next issue was how to separate lots and parcels. Tim asked the difference between lots and parcels. Deb explained that you could have one parcel that contained 3 lots or one parcel that only contained 1 lot. There were 801 parcels and 20 of those parcels contained more than one lot. Deb is to calculate totals based upon the following assessments: \$50.00/ac. with \$200 minimum, \$25.00/ac. with \$100 minimum and \$45.00/ac. with \$25.00 minimum and present results at the April meeting. Chris reported that all drains are to be classified and suggested changing un-assessed drains to un-assessed drains maintained mutually by landowners

Quietus – Homeland Security – Deb reported that a total of \$23,115.04 has been received as our first two payments on FEMA projects. The funds were deposited to the individual ditch

funds from where the expenses initially originated. There is still more money to be received on incompleting projects. The additional projects must be completed by June 1st.

Maintenance Funds Investment – Chris asked where maintenance funds are invested and where the interest is directed that is earned on the maintenance funds investments. According to statute earned interest can be placed back into individual drains. Scott said it would be very time consuming to place very low sums of money back into individual drains however it could be put back into GDIF. Chris thought the previous treasurer had held \$250,000 available for necessary work. Now we are doing close to \$500,000 in work on projects. Chris asked, “Do we want her to hold this amount”? Scott and Tim are to talk to the auditor and treasurer. As of right now Scott believes the interest collected is going back to county general.

Montgomery Ditch Bridge Replacement – Deb reported that a Certificate of Approval had been received for a bridge replacement over an unregulated portion of the Montgomery Ditch located on west 1275 south. Chris said it is located approximately 1-1 ½ miles from state line. It is a project being done by county highway.

Surveyor Reports – Mary Spitler Open Lateral #564 – Chris showed the watershed changes on a map stating the earlier ruling was to keep the watershed changes within 3%. Whereas the change from historical to LiDAR is more than 3% the board needs to decide what they want to do. Reports were included in the meeting packet. **Tim made a motion to hold a hearing on the Mary Spitler Open Lateral #564 to accept the LiDAR watershed. Scott seconded the motion and the motion carried.** **Mary Spitler Tile #515** – Chris introduced the map and reported on the Mary Spitler Tile showing the change from historical watershed to LiDAR watershed. The difference on this one is only 1.77% so no hearing is necessary. **Tim made a motion to change the watershed on the Mary Spitler Tile #515 to the LiDAR watershed. Scott seconded the motion and the motion carried.** Tim asked who determines the 3% ruling and Chris said it was determined previously by the drainage board. **Tim made a motion to accept 10% as a variance on historical watershed vs LiDAR watershed going forward. Scott seconded the motion.**

Other Matters – Chris is going to **road school** this week. He also told the board he is introducing a way for landowners to **report any obstructions or damage to a regulated drain** from the GIS website. There is a form there to be completed and once it is completed, the form is then automatically sent to the surveyor’s office. **Yoder Invoice** – Deb reported she had received an invoice from Yoder Drainage for work done on the Ezra Jones south of Brook to the river. Chris spoke with Jeff Laffoon who said the invoice would be paid by the Town of Brook. **Lawler Expense Update** – Deb included a report in the meeting packets showing the expenses thus far on the Lawler. Of the \$150,000 set aside by Economic Development/Commissioners, once the submitted bills are processed and paid by the auditor’s office, there will be \$58,839.80 remaining. Scott told Tim that the commissioners would have to ask for an additional of \$150,000 less \$77,282.50 as the funds went back into county general at the end of the year since they were not used. Tim will therefore be seeking

an additional of \$72,717.50 from council to replace these funds. **Kankakee River Funds** - Deb asked Scott if he found the \$150,000 that was a match for the state appropriations for the Kankakee River project. Chris thought the money was part of the (surveyor/drainage board) budget and appropriated by the council at budget hearings. Deb said if that is the case then she KNOWS the money is gone. Deb is to update the report and check the loan report to see if the \$150,000 of the 25% match is the amount approved by council at the budget hearings.

Certified Drains for Assessment 2018 Pay 2019 – Deb produced the list of Certified Drains for Assessment 2018 pay 2019. **Scott made a motion to accept the list of certified drains to be assessed with a second from Mickey. Motion carried and list was signed as approved.**

JD Excavating Invoice \$1,850.00 – Deb reported an invoice had just been received for the Mary E Spitler Main Open project done last year. This invoice should have been an additional for that project. Whereas it is over the \$1500 limit she needs permission to process invoice #1384. **Tim made a motion to pay invoice #1384 in the amount of \$1,850 to JD Excavating. Scott seconded the motion and the motion carried.** Tim stated he had received a call from JD Excavating regarding the work on the **DeFries**. There are trees that were planted in the 75' easement by the landowner and Josh is trying to work around them. Chris said, "Marvin Crook". He was asking for permission to work from the other side as he can get to it from the road side. Scott asked if he can dip it and put the spoil by the trees. Chris will have to quiz Josh. Scott's concern is that we have a landowner planting trees in the easement. Chris said they are pretty tall and have been there for a while. Tim thought the landowner took care of the area. Chris said it is like a wildlife refuge. Chris suggested Josh and the landowner come in to meet with the board. The board gave Tim permission to make the call on this after he goes out there. **KKK River Expenses** – Deb found her report and as of January 22, 2019, \$33,209 had been used from the \$150,000 but the report has not been updated since that date. The monies were spent from GDIF and not from the \$150,000 as she doesn't know where that money even is. **Knight-Moffit** – Tim stated that the Knight-Moffit has a fund balance of over \$151,000 and ask if we can start making some progress out there. Tim said it has 1.5 yrs times the annual assessment. Chris is sure he can come up with a project for this fall. Tim mentioned that Beaver Lake has a balance. Back to the Knight-Moffit, Mickey asked about doing something from St Rd 10 to the river so that the water would flow better. Chris said to not forget that it is not regulated. It is only regulated for about ½ mile from St Rd 10 and then it is unregulated. Mickey asked why we don't regulate it. Chris said it is the same argument as the Best Ditch...we just need to get it done. It is Ollie Dorn property. Tim asked if Ollie needs to petition to have it regulated. Chris said the commissioners can petition the drainage board to regulate that section. This is a regulated section going into an unregulated section and then it is regulated again right before the river. Scott asked how long the regulated section is. Chris said it is quite a ways but he can get the information. So there is approximately 28,000 acres going into an unregulated drain which proceeds to Bluegrass which is regulated. Mickey suggested starting at the unregulated area and go to the river. Mickey thinks it will help drainage tremendously. Tim said, "Well I think you have a recommendation on where to

start". "Well, it's unregulated", replied Chris. "Well, let's get it regulated", stated Mickey. Chris replied, "I would recommend submitting a petition". "O.K.", said Mickey. "That's how we got Lake Village South Drain started". "Well, let's do that", stated Tim. "O.K.", replied Chris. Mickey asked if Chris submits it to the commissioners. Chris said, "All that is needed is one signature from a commissioner and then that petition comes to this board". "O.K., I think we can deal with that", said Mickey. All were in agreement. Since it is Mickey's district it should probably come from her.

Tim made a motion to adjourn with a second from Scott.

Mickey Read, Chrm.

Tim Drenth

Scott Carlson