

DRAINAGE BOARD MEETING

April 1, 2019 – 12:00 P.M.

Newton County Courthouse, Kentland, IN

The Newton County Drainage Board met on April 1, 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 IV (Indian Gardens), Thom & Debra Cutts, Eric Courtright, Mike Schoof – DNR and John Wilson – JDR Excavating.** The meeting was opened by Mickey.

Minutes –March 4th– Tim made a motion to approve the minutes from March 4th with a second from Mickey. Motion carried and minutes were signed.

Sign Chemical Maintenance Contract - The chemical maintenance contract was signed by all members and secretary.

Year End Report Changes – Chris stated there are two locations where phragmites need treated at an estimated cost of below \$1,000 each. This will be in addition to the chemical maintenance contract however he would like the contractor to take care of this matter at the same time he is out on chemical maintenance. He will ask John Anderson of Anderson Tree Service for a quote. Deb mentioned that this was previously approved by the board. Chris distributed a replacement page for the year end reports entitled Unassessed Mutually Maintained Drains. The title was updated in order to meet state statutes. Chris said he is getting the indication that we need to create an asset management report similar to what the highway department does. If the drainage board wants future federal & state government cost sharing money it will be necessary to have an asset management report. Deb has already started the spreadsheet and has the information necessary however it will require going through the files to find when each drain was first regulated and what the value was at that time. He was hoping to have a part-time person hired to work on this but it did not reach fruition.

Beaver Lake Watershed Boundary - Mike Schoof – DNR – Chris explained that Mike is here to present a change in the watershed boundary. Mike distributed current and proposed watershed and drainage maps on the Beaver Lake. He stated DNR started just south of 100 N on Houseworth Ditch and cleaned approx 1 ½ mi. They will start seeding that area next week. He reported the state has spent approximately \$75,000 to clear that 1 ½ mi. Mike mentioned that DNR is being assessed for drainage north of 300 N as part of Beaver Lake. However that particular area drains south instead of north. Mike met with Chris and suggested 300 N be a continental divide watershed boundary by removing road culverts on north-south ditches to prevent water and invasive species of fish from getting into the property and J.C. Murphy Lake since the water south of 300 N currently drains into Murphy Lake. There are 2 plugs involved plus one on TNC property. Chris said while we are addressing which way the water should go

Mike is suggesting 300 N as the continental divide (watershed boundary). Chris advised that TNC is also aware that any spillage from the organic dairy will go into their wetland. Ted Anchor told Chris that is not a problem if it happens. Tim said there won't be any spillage with the dairy. Mike said there was a plug removed in 2015 from the east – west road which then infested Murphy Lake with carp and invasive species. Chris told Jason Durr we might want to extend the project down to 350 N in the Lawler Ditch where TNC has a structure to control the water height in their wetlands. We want to make sure we have good drainage for that. There is some trapped water on TNC so we would either have to remove some plugs or install culverts or something to accommodate the water that is trapped. Mike mentioned if 300 N is the divide he has some culverts that could be installed to save whatever expense that might be. Chris said the question is whether the board wants to leave the watershed where it is now or make 300 N the divider line. Chris will work up a LiDAR watershed involving the three watersheds delineating 300 N and see what that looks like and give a report. Chris asked Mike to explain the Colburn cleanup. That ditch drains the folks from the east that come into DNR. He would like to partner with the county on this. DNR has already done the chemical maintenance on it and would like to partner with the county to get that ditch de-brushed. Scott thinks it would be a good idea to work together. The farmers involved are Churchill, Styck and Warren's.

Sanderson Re-Route (Lateral to Beaver Creek) – The Sanderson originally was constructed to outlet into the Houseworth-Riner. There is a ditch that is already there but it is not regulated. The water on the east side is going into Beaver Creek. In order to assure good drainage the surveyor recommends making it a regulated drain. Mike Schoof stated that DNR dipped the ditch 2-3 yrs ago. County highway put in a culvert at the same time but it is approximately 1 ½ - 2' too high. If the culvert were lowered to the bottom of the ditch Mike thought it would then drain properly. Landowner Mr. Glenn did not want the ditch regulated at the time. Chris is however suggesting that since it is not draining properly it should be made a regulated drain. Chris said we should first see what it does if county highway can lower the culvert 1 ½ - 2'. Mickey suggested we lower the culvert and see what happens.

Active Project Report – Deb stated that the project report was included in the meeting packet. She also mentioned that John Wilson of JDR Excavating is present. Mickey asked John if he had gotten his projects done. Mickey asked what the problem was that they didn't have them done. John replied they just couldn't get to them. John said that he had a couple going and was getting ready for the third one. The dirt work is done and he has the tile to fix on the Haynes. On the Clark-Guildenzoph the dirt work is done and all he has left is leveling and seeding. He just moved to the Kindig. Mickey asked if John's boss got registered with the county to which Deb said they are now registered. John said his boss had gotten the letter for this meeting but he is in Texas. Mickey said "You guys need to re-adjust your company. What a mess"! John stated, "We have lost an excavator operator and a truck driver. I intended to have two machines rolling". Mickey replied, "Then you shouldn't bid on projects unless you can get the jobs done". "Yes, that's why we didn't bid on anymore", replied John. Mickey

said, "You are going to be suspended for about six months I think". **Kindig Ditch Contract –** John asked if Merle signed the contract when he was in. Deb replied, "No, he did not. One, he wasn't registered and two, the board decided to hold off on the Kindig Contract until they saw if the other two projects were going to get completed". John asked if that was something he needed to take care of to which Deb replied that it depended upon the board. Tim asked, "So you are doing two jobs right now"? John replied, "I'm on the third job. The first two is just a matter of seeding and some tile repair. But I wanted to get started on the third one". Mickey said, "I'm not for you starting on the third one until you get the first two done due to your work ethics". John stated, "To seed it has to dry a little anyway. What it is like those tiles, if I can't get in to the ditch then I can be doing something else. That way I am doing something constantly one place or the other". Chris said, "In all fairness to John, some of the other contracts have been completed up to seeding and they have just been paid up to that amount. They have submitted their claim for the seeding but they can't get final payment of 15% until it has germinated". Deb reported the completion of the Kindig job is the 15th of April. Scott said it would probably require an extension. Chris said it requires some tree removal and actual ditch digging. John said he didn't see a problem with having it done by the 15th. Deb told John the project is 10,985'. Mickey asked Chris if he had checked the jobs they were suppose to have finished. Chris responded that he had and they were done correctly. The Haynes does have some tile work and restoration around headwalls to be done. The Clark-Guildenzoph all material has been dipped and side walls reshaped so all that remains is some seeding and the spoils leveled. Mickey asked why he didn't do the tile work while the machine was there. John said it would require a smaller machine. Mickey suggested holding their checks until they get the projects done. Deb advised that JDR had not billed anything yet. Tim asked what the board wanted to do on the third project. Scott asked if we decided to go with the second bidder. Deb said there was no second bidder. Deb asked when he would be starting on the Kindig. John replied, "Today" and said he had moved his machine in. Mickey suggested the board let him go forward with it but they are not to be paid until everything is done as it has been a nightmare with them. John still said he can be done by the 15th. Mickey asked Chris to keep an eye on them. John said he usually talks to Chris every day and that he needs to talk to him about the landowners. Chris said he would come out to the project after the drainage board meeting. Tim said the board had signed so we just need the contractor signature. Deb stated the project is to be paid in phases of completion. Deb asked John to approach and sign the contract which he did.

Contract Provision Changes –Chris said In order to avoid this in the future there is House Bill 1019 that raises our ceiling from \$75,000 to \$150,000 on all projects. If Chris kept the projects below \$75,000 he didn't have to advertise. The current legislation is raising it but it hasn't passed yet. Even at \$75,000 if we require a performance bond and they perform as required they get it back. If not then we keep it. In this case if JDR did not even start the contract they would lose the value of that bond. Chris said the size of the project will no longer be limited by the value of the project. The Hibler is one of those projects. Jason Durr is here to see what

our thoughts are and if you want him to go ahead and proceed with the survey or wait. Chris said he could have the watershed boundaries and all the other information by the next meeting on the 15th. Chris asked Jason if we are still working on the structure on 500 E. Jason said the H & H model has been determined. Jason suggests that they give Chris the model which will require IDNR permit as well as IDEM & Army Corp regional permits. Chris will give the elevation to the NCHD and figure the 150' of the ditch. He will have to show that he can stabilize the grade in a different location within 150' of the project. Deb questioned Chris on the performance bond required on the proposed project of \$150,000. She said, "According to the standard specs we can require a performance bond on any or all of the projects". Chris replied, "It would need decided prior to the bids being opened because the performance bond is submitted with the bid". It is at the discretion of the owner of the contract or drainage board as to whether or not a performance bond or bid bond is required. The board previously decided that a bid bond would only be required on new contractors. Deb stated she is holding a check now on DeYoung Dirtworks as they are working on their first project with the county.

Financial Reports – Deb had included the financial report in the meeting packet. She mentioned that the Clark-Deardurff was included as it is the project for which bids will be opened on April 15th. The GDIF has a projected balance of \$190,001.06 after projected estimated expenses have been deducted for active projects.

Meridian Co-Mingle – Chris explained that on the Haynes we had regulated water running over a tile and then water running off private land entering roadside ditch which is also regulated drain. We have the same situation on Meridian on the east side of the road. The culverts aren't aligned correctly and are undersized so the water is overwhelming the culvert on Meridian just north of St Rd 114. The water started running down the field and is straight and consistent until it co-mingles with water coming from the SE corner of that private property into the NW corner of the property and entering the Zoborosky Ditch. It is all meeting right there but some of the water is leaving the roadside ditch and going out into the field. Chris needs to see if the highway department has any interest in this. We are trying to co-mingle the water where it is supposed to go. Chris is still working on a solution. Deb asked where the money will come from for this project. Chris said first we need to see if the highway department has any interest as their undersized culvert is part of the problem. The elevation of the culvert needs corrected along with the size of the culvert. We also have a problem with the water coming from the SE corner to the NW entering the Zoborosky Ditch. We need to do something to stop the erosion from both of those.

DeFries Ditch – Chris said he understood from Josh DeYoung that Tim Drenth had met with Josh and Marvin Crook on the DeFries. The agreement was that Josh would work from the roadside and Mr. Crook would pay for all that. The cleaning will be done by the landowner in the county ROW. Chris mentioned that Sig Boozeman and Mr. Crook are the only ones that use that road. Tim said after Marvin's section is done then the section North of there also needs done. Chris said it is part of the DeFries but if we can correct it within this 7' drop

section then we can be sure that the subdivisions in the upland area will drain. Chris said this is the last phase until the fund builds. We do need to remove the trees.

Proposed Drain Hearings – Frank Best Tile - The problem area is through only one or two landowners. Chris would like to get the landowners in to see if they have solved their problem by installing a private tile. Chris thinks the low spot is being drained but it doesn't have enough fall to make it to the ditch. Tim asked if someone had petitioned this to which Chris replied, "No, but this is something that needs addressed". Chris said he would rather get all the landowners in for a hearing because the Frank Best either needs corrected or the drainage board needs to vacate it. If the landowner has a private tile going somewhere then it needs noted in the minutes in case the board decides to vacate the Frank Best. Tim mentioned that it is only a 90 acre watershed. Chris confirmed and said that is why he doesn't want to put a lot of money into it. Mickey asked what problems there are with it. Chris replied that there is a low spot that doesn't drain. The tile water from the upland area flows to that point but then the grade of the tile is insufficient for it to drain any further. Tim said, "But no landowner has knocked at Chris' door to do anything." When Chris bridged the subject with Doug DeYoung he claims there is a private tile that is draining that low pocket but everything in the file indicates there is a regulated drain but it doesn't work. Tim said if everyone is happy then I don't think we need to worry about it". Chris replied, "The regulated drain is broke. They need to know if they don't want the regulated drain fixed so that it works then they have another route for the water to go." Tim said to just ask the landowners to which Chris replied that he has but there are upland landowners that benefit from that drain also. Tim thinks there are enough drains that need fixed and we are having problems getting our work done now. Chris said then we just need to vacate it as one landowner is letting the trees grow so he can use it for deer hunting and so the water is boiling to the surface creating wetlands on his property and encroaching on the neighbor downstream. "Has that neighbor called and complained", Tim asked. "Whenever I bridge the subject he doesn't really complain he just said the regulated tile doesn't really drain so he is sending the water another way". Scott said Doug would be the one that is adversely affected. Scott will look into it and talk to Doug.

Glasgow Clymer (Tri-County) & Monjon Tile (Bi-County) – Chris explained that the assessment level is low for the Glasgow Clymer & Monjon Tile but if we can extend the assessments by utilizing 43(b) for 8 years then the fund might build enough in the assessment fund to actually do some work that needs done. Glasgow Clymer is SE of Goodland and the Monjon is NE of Goodland. Even though it has a cash balance the funds are not enough to do any work. Therefore we either need to raise or extend the assessment. Both will require either a bi-county or tri-county hearing. **Tim made a motion to begin steps for a hearing with other counties to extend the assessments to 8 yrs.** Chris will send letter to other counties to advise that as surveyor of record we need to schedule a hearing on these two drains. **Mickey seconded the motion and the motion carried.** **Hibler** - Chris said we need to know how to proceed on the Hibler and asked if the board wanted to wait to proceed until the culvert is in on 500 E. Chris said there is also the other culvert that needs corrected as it is also in the

drain. Tim asked why the culverts need corrected before scheduling the hearing. Deb stated she had included in the meeting packets the three (3) different assessment levels as requested by Scott at the last meeting. Scott said it's possible it could be done through council action. Deb stated that we have \$100,000 for the Hibler that was requested by the drainage board at budget time that is sitting in the Drainage Board Landfill Fund under Contractual Services. She mentioned there is also \$150,000 in the same fund set aside for the Lawler which is in addition to the money being reimburse on the Lawler by Commissioners for Economic Development. Tim wants to continue with the hearing rather than waiting for the culverts to be installed. Scott said if we are going to have a hearing then he would want the rate set at the highest rate so that we can reduce it if necessary rather than presenting it low and then needing another hearing to raise the rate. Tim asked if Valley Forge is included in the Hibler to which Chris responded that they should be. He will verify that information. Scott said before we schedule a hearing we need to make sure the watershed is correct. **Knight-Moffit** – Mickey asked Chris if he got the petition done for the Knight-Moffit. "No, there was some question about you being a commissioner and you having legal representation through the commissioner's office. Why would you want the surveyor to be your legal representation"? Tim replied, "We need to get that area clean, right"? "There is a length of that drain that is unregulated", replied Chris. "That is what we are petitioning and you do the petitions". "I oversee the petitions". "What do you want from the commissioners", asked Tim. "I was going to turn it over to your attorney", said Chris. "Those are usually done through the attorney. The only time I've done them is when I go to the farmers and say this has to be done by an attorney and drawn up by an attorney and their eyes glaze up and they say they I don't have an attorney or I don't want an attorney and I write it up". "Oh, here we go", laughs Tim. "Get us the form and we will get it done", stated Mickey. "What do we need", asked Tim. "I'd say an attorney but it sounds like you're not going to use one", replied Chris. "What does your office need from us", asked Tim. Chris replied, "A petition". "Right, how do you do petitions for landowners", asked Tim. "I usually advise them to get an attorney", stated Chris. "And what if they don't have an attorney and have the deer in the headlight look like you just described, what do you do then", questioned Tim. "Well, then I write up a petition, base it on all the related statutes and..". "Perfect", interjected Tim. "Would you do that for the commissioners please", asked Tim. "I'll give it to your secretary", replied Chris. "Thank you", said Tim. "Thank you", said Mickey.

Other Matters – April 15th Drainage Board Meeting @ Government Center Time – "What does that mean", questioned Tim. "We just need a starting time", replied Chris. "The Clark-Deardurff proposals will be submitted and Jason Durr of CBBE will probably have something on the Lawler. He was going to have it today but with the watershed changes he didn't know how to draw it up with the changes at 400 N". "This is all part of the Lawler. It's just that we stopped the project at 400 N. Since TNC's wetland is south of 400 N in order to make sure we have good drainage for their wetland area we have to extend it to their structures for their wetland area. If you remember some of that water has historically gone south. CBBE will address the drainage needs for the Lawler in that ½ mile". Chris has proposals to be submitted

at Kentland until 12:00 so the meeting could be scheduled for 1:00. A meeting time of 1:00 P.M. was scheduled for April 15th at the government center. Deb introduced **Eric Courtright** stating he has been here before. He mentioned that he lives in Thayer and that they are the only community along the Kankakee River that has no means to keep water from entering their community. Eric said, "Over 400 days ago I came here for the very first time to meet you folks and to ask for your help in regard to getting something done. And you sent the letters to Representative Gutwein and Senator Niemeyer and I never heard what had occurred as a response to the board." He asked if there had been any response in regard to the letters. Eric stated he had attended the Kankakee River Basin Commission meeting and was told it will be years before Illinois addresses dredging to get a flow. Chris said they have asked for money to address the flooding. Tim said everything that is flooding Illinois is "our sand". Eric said he asked for their help last year and thought the board was going to get with the highway department. It has been over 400 days. Chris said he did meet with the state engineer and that it would require stormwater modeling and everything would be prioritized over 20 years. Therefore Eric needs to continue to speak to Representative Gutwein & Senator Niemeyer so that he can request Thayer to be moved up on the priority order. Tim asked, "What would happen at Thayer if we cleaned the outlet and got 4' below flood stage"? Eric responded, "There probably wouldn't be any problem". Mickey said she had spoken to Senator Niemeyer and they are going to place retention along the river. Eric thanked the board stating he is just trying to get it done. **Lawler Survey** – Thom Cutts asked if the survey has been completed on the Lawler. Chris said it has not. Originally the survey was to be done from 400 W to 400 N but a request has been received to extend it to 300N. It is not done yet as there may be revisions to the contract. Chris said the further we go upstream the more we may have to go downstream. The survey could be done this spring. **Kindig Ditch Bridge** – Deb reported that paperwork had been received stating they would be using coffer dams for the bridge replacement to be done in the Town of Kentland over the Kindig Ditch.

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

Mickey Read, Chrm.

Tim Drenth

Scott Carlson