

## **DRAINAGE BOARD MEETING**

**May 6, 2019 – 12:00 P.M.**

**Newton County Courthouse, Kentland, IN**

The Newton County Drainage Board met on May 6, 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; Auditor – Tami Jackson; Temporary Attorney – Pat Ryan; Landowners - Gus Ellicott (Kankakee Ventures Inc.), Thom & Debra Cutts, Mike Osowski; VS Engineering - Randy Strasser & Amy Moore; Contractor – Josh & Chae Yoder.** The meeting was opened by Mickey.

**Minutes – April 1<sup>st</sup> & April 15<sup>th</sup> – Scott made a motion to approve the minutes from April 1<sup>st</sup> & April 15<sup>th</sup> with a second from Tim. Motion carried and minutes were signed.**

**Assessments – Hidden Pines –** Deb explained that there had been an error in the assessment for Hidden Pines. The board had ruled to charge \$25/lot on subdivisions which Deb had done. However Hidden Pines is the only one of about 60 subdivisions that had only been charged \$5.00/lot historically. Therefore according to statute the most the assessment can be raised without a hearing is 25% or \$6.25/lot. The board needs to rule if they are going to credit the landowners the full amount assessed, charge them the historical assessment of \$5/lot or raise the assessment by 25% to \$6.25/lot. They have already been assessed and will need refunded with fall taxes. Tami is here because she is the one that knows what is involved to issue refunds or checks and to explain any difficulties she might face because of this error. Scott asked Deb if they were currently being assessed. Deb replied, “Not currently. The monies were moved from the subdivisions to the parent watersheds so that the subdivisions could again be assessed.” **Tim made a motion to raise the assessment by 25% to \$6.25/lot on Hidden Pines Subdivision. Scott seconded the motion and the motion carried. Tim made a motion to refund the difference of \$18.75/lot. Scott seconded the motion and the motion carried.** Scott asked Tami what the best way was to handle the credit. Tami said the credit can be done without major difficulty on the fall tax bill. She will issue a CE (Correction of Error) and give it to the treasurer. If someone paid the full amount on their taxes which included the assessment then they will be issued a check once they complete the proper form requesting a refund. Scott asked if we need to notify the landowners with a letter since they will be paying a different amount. Tami said the landowners will receive a new tax statement in the fall which will include the correction. Tami said if they have already paid for the year then the landowners will receive a refund check – if not then they will receive a new fall statement. **Abner Whaley (IL) & James Whaley (IL) –** Deb explained that these are two watersheds for which we assess and collect from Illinois landowners who benefit from these drains. With the changing of the guards in the auditor’s office Tami was not informed that she had to manually enter these assessments so therefore the landowners were not assessed in the spring. Tami had even talked to Sharon and she didn’t know why it didn’t roll over from last year.

Tami will send them a letter letting them know the full assessment will be handled in the fall and give them the opportunity to pay in advance if they wish since a couple of the assessments are larger.

**Lake Village Drain – Randy Strasser & Amy Moore, VS Engineering** – Randy said he has been keeping an eye on this project and has driven through there several times in the last few weeks. This is an opportunity for the board to meet Amy who will be project manager and handling this project. Amy reported they had sent approximately 98 questionnaires to residents and had received 29 back. She submitted a map indicating the most severe results to the questionnaire. The survey team is scheduled to begin next week to pick-up the inverts of the existing culverts and get topography along the railroad. She plans to have the draft report submitted by the end of June. Mickey said she was told the water on the west (east?) side of the railroad track at golf course actually flows north and wondered if that is correct. Amy said they will know more when they get information back from the survey crew. Mickey would like for them to check this out. Amy said she will send the draft report to Deb and Chris who can then forward it to the board for their review. Then Amy and Jared will come afterward to discuss the findings with the board.

**Strole Ditch** – Chris reported that Mike Osowski is here. The project is planned for this summer. Chris asked him to attend the meeting so that Mike and the board could come to an understanding on the expenses. Deb mentioned that Mike had been willing to pay for 50% or \$6,000 of the project as previously estimated but with changes to the project Chris was to talk to Mike to see what he was now interested in paying. Chris' estimate came to \$23,221.80 which includes the culvert cost of \$8,800.00, labor and materials. Chris said there was a huge labor bill for silt fencing however with rip rapping it we would eliminate the cost of the silt fence and the labor to install it. Scott asked Mike to refresh his memory in that he thought that without this crossover it landlocked Mike from farm ground or buildings. Deb asked Chris about the silt fence as the letter in the folder which she showed him stated it was required. Chris said there is another letter approving rip rap. Mike asked if there will be gravel on top to which Chris said no. Mike said it would be necessary to have gravel on top otherwise it will be a muddy mess. Tim asked Mike how much he is willing to contribute to which Mike said previously it was 50% or \$6,000. He is still willing to pay \$6,000 plus the stone on top and removal of the bridge. Chris said the new culvert should fit between the headwalls. Because it is crooked one headwall would need removed. Scott thinks if the landowner is willing to pay \$6,000 it is more than generous. Scott said because it land-locks him he could make the argument of why should he have to pay anything but historically that is what we have done. Deb said Mike will actually be paying more than the \$6,000 as he is a landowner in the watershed and will also be assessed for the expenses. **Scott made the motion that the watershed will pay the balance of the crossing after the \$6,000 paid by the landowner. Tim seconded the motion and the motion carried.** Mike stated that since he has worked with Josh DeYoung in the past he would like to work with him again if the bids allow. Chris said, "What has been done in the past is if he doesn't have the low bid then traditionally the landowner

has paid the difference between his bid and the low bid". "The Kennedy-Lawrence tile is one where Roy Kindig as landowner requested his contractor and paid the difference". If bids are to be opened in June then the project will be started in August or September. Mike asked if the \$6,000 would be on tax bill or how would it be handled. Deb said as once before with Strole Farms, the drainage board will send Mike a bill for the \$6,000 and he will pay from that.

**Frank Best Tile Report** – Scott said it has his name but it confuses him and asked if he was to do something. Chris said Scott was to talk to Doug DeYoung. It was a question of the regulated drain as the drain was not installed correctly to drain the area that now has a wetland on it. The upland landowners (The Williamson's) just let the tile go and the trees grow in it and they think it is the greatest because they use that land for hunting. But the wetland is encroaching on the land that Doug farms. Scott said he did talk to Doug but doesn't remember much about the conversation so he will get with Doug again before the next meeting and either get more information or take notes. Scott apologized.

**Sign Contract – Clark-Deardurff Tile Reconstruction #522 – Performance Bond Received? –**

Josh Yoder approached stating "performance bond in hand". Deb informed the board that the performance bond matched the contract in the amount of \$98,563.12. Josh said he had not been able to get out there to do anything. Mickey asked when the deadline is and if Josh thinks he can get it. Josh said if we have a week of dry weather then he can get out there. Right now it is to the max with water. Scott asked about extending it now. Chris said to protect Josh we should wait until Josh thinks he can be out there because if we get a week of bad weather then there goes that week. With email, Chris said he can email him to let him know when he is going out there and the clock can begin ticking at that point. Chris can meet with him when he plans to start. The contract was passed to the board members to sign. Deb asked Josh if he would like to sign the contract to which he responded affirmatively. Tim asked if he should sign it as he is signing to the completion date. Deb stated in the past, the board has made a motion to extend the completion date and then Mickey and Josh both initial the contract with the revised completion date. Deb asked Pat if that works to which he replied, "it works". Josh signed the contract. Josh said he has one project he needs to finish before he starts this one. Deb stated he couldn't have started the project until the board had legally signed the contract and so the commencement date is today.

**Financial Reports – Beaver Creek, Kurfess-Kleinkort, GDIF** – Deb stated the financial reports were included in the meeting packets. Bids will be opened today on the Beaver Creek & Kurfess-Kleinkort.

**Bids – Beaver Creek** – Chris' estimate \$12,908.50. KB & E II \$5,966.00; Anderson Tree \$3,500.00. **Tim made a motion to accept the bid from Anderson Tree in the amount of \$3,500.00 as long as it meets Chris' specs and if not to go with the next lowest bidder.** Chris will make sure John Anderson knows to pull the beaver dams. **Scott seconded the motion and the motion carried.** **Kurfess-Kleinkort** – Chris' estimate \$10,193.70. Elwyn Mattocks & Sons \$3,500.00; JD Excavating \$13,000.00; KB & E II \$3,800.00. **Scott made a motion to accept the bid from Mattocks & Sons as long as it meets Chris' specs.**

Tim seconded the motion and the motion carried. **Financial Reports - GDIF** – Deb explained that the report is to bring the board up to date on the expected expenses to be paid from GDIF for active projects. **Active Project Update** – Deb explained that the report covered all active projects with engineers as well as local contractors and also included the completion dates. Beaver Lake Outlet Ph I project and Mosquito Creek were briefly discussed.

Tim asked if **Beaver Lake/Lawler Ph III** gets us to the river and if we are doing anything on it. Chris said, “Not yet. I didn’t want the same circumstances on this as on the other due to standing water. If we do it now we would need to give them a year to get it done”. Scott thought surely in a calendar year they could get it done even though the conditions need to be right for them to get in. Chris said we would need to put a culvert in to access St Rd 10 for phase III to stay on the east side or otherwise they would have to come through DNR. The culvert would be on a lateral and would need to be 2’ x 24”/25”. The lateral was done after the subdivision was done so it is not a lateral to the subdivision – it is just a lateral. The culvert would be a maintenance crossover. Tim suggested we move into Phase III and give them a year to get it done. Chris said he was waiting for the first 2 phases to get finished first.

**Meridian Co-Mingle** – Chris said they have come up with a design. There is a roadside culvert that was not aligned correctly and is undersized. The culvert under St. Rd. 114 is bigger than the field entrance for the roadside ditch so we have redesigned and reconfigured everything. We will move the water from the field and have it enter the easement part of the Zoborosky. The plans were sent to county highway on Thursday and Chris has not heard back from them. Chris said someone will have to decide who is funding this if the highway doesn’t pay. Deb asked if this is regulated to which Chris said the Zoborosky is and since all the erosion is going into the Zoborosky they could help fund it. This is on Meridian at St. Rd. 114. We need a grade stabilizing structure downstream for all the water that is coming off the field. The roadside can carry the water if the culvert is properly sized. **Tim made a motion for the Zoborosky Maintenance Fund to pay for the grade stabilizing structure and the NCHD to pay for dipping the roadside ditch and placing the proper size culvert. Scott seconded the motion and the motion carried.**

**Kankakee River Pilot Project Expense Summary for KRBC** – Chris introduced the summary created by Deb showing all the expenses on the Kankakee River. Chris said at the last meeting they got some funding and a couple of the members asked for a final report and since they only have one or two meetings left with KRBC Chris thought we should get to work on this. Tim questioned, “So the KRBC is basically going to get dissolved, correct”? Chris responded, “Correct, yes”. “And you have two meetings left”, questioned Tim. “I have one meeting that I know of but because of the way the language is written in the bill to create the new board we may not have a new board until September 1<sup>st</sup> depending upon how quick..and the governor hasn’t signed the bill yet so technically it’s not really...” Mickey interceded, “Oh, I thought he signed it”. “I haven’t received that information yet”. “I think Gutwein told me he signed it Friday”. “Oh, Friday”? “Ok”. “Yes”. “You might have him send me that”. “O.K.” “I’d have thought as chairman of the KRBC I would have received that”. Tim questioned, “So these are bills more

or less"? "It's the expense summary of the \$250,000.00 that we received through the state appropriation", replied Chris, "on the pilot project. Plus the drainage board put in another \$150,000.00". "That was the 25% match for the state appropriations", stated Deb. "So out of a total of \$400,000.00 there is only \$11,663 remaining". Tim said, "So there is not a balance" to which Deb responded "No". "Basically", said Chris, "but we haven't moved the first dirt yet". Deb said, "I shouldn't say there is no balance since part of it was paid from general drain improvement fund and I don't know. Did we ever find out what happened to that"? Scott replied, "No, no". "O.K., O.K." "It's like it didn't exist", stated Scott. "O.K., there is like \$26,000 debt owed to GDIF". Mickey asked, "You don't know where it came from or you don't know where it went"? "Kind of both", Scott replied. "Work in progress, Mickey". Deb said, "Any way I do know how the money was spent and how much went to permitting and how much went to surveying because it's all broken down on here". Tim said, "I don't understand. So there's \$11,000 balance". Chris said, "It includes the Estimate of Probable Cost. That's figured into this as well, right, Deb?" "No, it's not. This is just the expenses that were paid, Chris, out of all those monies". "In their packets there is an Estimate of Probable Cost that you presented last fall from Randy Peterson. It says just to do the first 1600' of the Kankakee River for which we just received permits, it is going to cost \$378,200. So you could say another amount equal to what we have already spent". Tim asked, "But everything we got permitted for was washed away, right"? "No, what we got permitted for was the armoring of the bank at the railroad". "Was that \$74,000 in there", Chris asked. Deb replied, "Yes, that is covered - the erosion control and the balance owed to Abonmarche for \$5,500". "And we still have \$11,000 left", said Chris. Mickey questioned, "So the \$378,000"? "Is what is estimated to do the first 1600' of the bank stabilization Phase I", Deb replied, "1600 feet". "Well that is going to have to go to the new state designed board", Tim said. "Or the KRBC can, like I said, that board may not be in place until September 1<sup>st</sup> even with the governor's signature", Chris stated. "The counties have that much time to appoint the people that are going to sit on there. At the next meeting of the KRBC they may authorize some of that 2.3 million be spent on this pilot project". "So the KRBC actually has these monies, correct", Tim questioned. "It is in the legislation", responded Chris. "So we don't have this money". "We don't have this money and we have to go ask for it", answered Chris. "So the board is going to get dissolved. No offense, but why are we even working with this board (KRBC)", questioned Tim. "Well, it's not dissolved yet". "Well, it's in the law it's going to be dissolved the 1<sup>st</sup> of July, isn't it", stated Mickey. "Then how can we guarantee what KRBC approves that the new state board will accept", asked Tim. "I'm just bringing this up. If this is something you want to pursue then I will pursue it. If not, then you know you have \$11,000 left and we haven't moved the first bit of dirt to address the 8000 feet between I-65 and the railroad", Chris replied. "That sounds good to me", said Mickey. "The purpose of the pilot project, I think we've accomplished what we wanted from the pilot project. We needed to have some kind of understanding if we were going to access the river from the embankment, this is what it is going to cost to restore the embankment so we can get equipment on it to work on the river without doing anything necessarily in the river like

pulling trees. This just gives access. Because right now we have a game trail on the top of that. That is all the wider it is", said Chris. "I have no issue with getting the project done but if we give authority to a board that doesn't exist how do we know that the new board is going to accept all the projects", stated Tim. "I understand your question. What we will present is the cost estimate. This is how much it cost to do that pilot project. Keep in mind there are a lot of counties upstream that want to do what we are doing and this is how much it is going to cost for us to do this. Then they can start doing their calculations on this is how much money we are going to need if we want to do this project in our county. It's kind of like the Yellow River. We needed to have a pilot project so now we can calculate how much it is going to cost us to do the whole river". "So all eight counties are basically scrambling to put in all their expenses to hand it in to the new board", said Tim. "They have already done that. That's how we came up with twenty some million", replied Chris. "I think we should just let the sleeping dogs lie until we get the new board in", suggested Mickey. "Now, do you want – you already voted on the erosion control", began Deb. "Do you still want to go ahead with that \$74,000"? Tim said, "If we have the money. That's what I'm getting at. We've requested it from the state but they are not going to hand it to us". Deb said, "Randy has probably already sent this out for bids and has someone starting on it". "No, he was waiting for word from this board", replied Chris. "Well, we have no money to pay him", said Tim. Deb stated, "I think it was already approved at a prior meeting". "According to Randy, he is waiting for approval to proceed", replied Chris. "Notice to Proceed", questioned Deb. "Yes". "If we don't have money to pay him he wouldn't just go for it", said Tim. "Yes, he knows the money is about gone in the contract so in order to move into the next phase, the construction phase, he needs to have approval to do that". Scott said, "He understands what you (Tim) are saying in how can we go proceed without any funding and we don't know for sure where the money is ever going to come from with the new board – whatever their name is going to be, they may not want to do these projects". "And the other understanding is, if we O.K. it, Randy is going to go ahead with it", said Mickey. "And is he working for us or is he working for KRBC", asked Scott. "He is working for you", replied Chris. "We don't have that money", said Tim. Deb stated, "And KRBC doesn't have any money to reimburse us either. Where they were reimbursing us as shown on that sheet, they don't have any money now and haven't had. That is why so much of this has been paid out of GDIF. GDIF has paid almost \$25,000 out of their pocket – out of our pocket. And so this other \$74,000 would be paid out of our pocket with no hopes of being reimbursed because Kankakee River is not currently assessed". "But it will be", replied Tim. "But how long", asked Deb. "Two years", replied Tim. "But even at that point, the powers that be might not come back and pick up old debt", said Scott. "We have no guarantees on that", said Tim. "And I'm not so sure I want to put \$100,000 into it", said Scott. "And carry it for who knows how long", added Chris. "Maybe forever", said Scott. "I don't want to have to go back to the council and ask for more money because those guys aren't good to work with", mentioned Scott. *Laughter.* "Another chance we are taking is perhaps this new board might want to do something totally different than what we are doing", added Mickey. "That is a possibility. This



was just a pilot project”, replied Chris. “Well, I think we should just table it or forget it”, said Mickey. “And just let the new board decide how they want to proceed”, questioned Chris. “Yes”. “Do we have enough money to do the armoring of the railroad embankment? That \$74,000”, asked Chris. “No”, replied Deb, “because we don’t know where that money is. It shows on here we have \$11,000 remaining after that but we are paying it out of GDIF. We aren’t sure where that contractual services money is – the money that was supposed to be there for this– the match. We don’t know where the match money is.” “Our match money”, added Scott. “Therefore it is coming out of GDIF with no hopes of getting any of that match money”, continued Deb. Scott said, “It appears we, the drainage board, spoke to the council about this at one point but I don’t think it ever got appropriated. I don’t think the council ever took action. I’ll have to go back and look at that. I don’t think the money ever changed hands although I believe it was approved”, Scott added. “If that was the case I would think the council would honor that but I don’t want to speak for the council. What was that amount, Deb - \$150,000”? “Yes. Originally we thought it was going to KRBC and Dan was going to take care of it. As it turns out it (the money) never ever left Newton Co. They didn’t actually have to have the money on hand - they just needed to know that we HAD the money”, Deb answered. Scott said, “I think we made that pledge, I would have to get with Tami and go back and check, but I don’t think we ever did anything with it”. Deb said she needs a motion that we not proceed with the railroad bank erosion control at this time as we don’t have funds to allow it or any other. Tami asked, “You think we already did that? Because I don’t remember that”. Scott said it would have been a year or two ago. **“Based on that I make a motion to deny proceeding with erosion control or any other expenses on the Kankakee River until funding is secured”, motioned Tim. “I second that”, said Scott. Motion carried.**

**Sanderson Re-Route (Lateral to Beaver Creek @ 275 S** – Chris mentioned that Mike Schoof had appeared at the meeting stating he thought the culvert under 275 S was a 1’ or 1 ½’ too high. Chris didn’t know if anyone had talked to the highway department about this. Scott said if Chris hadn’t talked to them then he didn’t think anyone had spoken to them. Tim said he will talk to the highway department about this.

**Approval to Pay – Geri & Steves Carpentry – Harry Sell Tile Invoice \$415.24** – Chris said this has happened before a number of years ago. The tile broke down between the north and southbound lanes of U.S. 41 north of the river. The last time the board wrote off the repairs. If they don’t write it off then the board would ask for a report from the surveyor and then hold an assessment hearing. Deb had included the minutes from the previous repairs and mentioned that with both the previous repair and this repair the total cost was still less than \$1,000 over the last 100 years. Scott asked why state highway doesn’t fix it since it is in their easement. Even though it is a regulated drain since it doesn’t appear on the highway designs INDOT will not repair it. If it was on their highway designs then INDOT would repair it. **Tim made a motion to pay the invoice in the amount of \$415.24 from GDIF and then write off the balance from the drain. Scott seconded the motion and the motion carried.**

**Extend Completion Date on Beaver Creek (Contractor: Watkins & Assoc)** – Chris reported that Beau Watkins did not get a culvert installed that is at the end of the Beaver Creek project. Chris feels if we are going to be in there for the project for which we just accepted bids to clear trees and pull beaver dams then Beau could be in there at the same time to install the culvert. Scott said we are already going to be in there tearing up crops so Beau might as well go ahead. **Tim made a motion to extend the completion date on the Beaver Creek maintenance crossover project until August 5<sup>th</sup>. Scott seconded the motion and the motion carried.**

**Other Matters - Tami Jackson** – Tami stated, “I was just asked to come down about an incident that happened this past Monday and so and Chris did apologize. It is a matter that I think that needed to be handled in a little different direction instead of... I thought I was attacked in the procedure. I know it brought in some other people in conversation. I don’t know how much detail you want me to go into”. “Whatever you’re comfortable with”, Scott said. Tami continued, “I was approached that someone was going to be removed from my office because of other issues in Chris’ office which actually falls under your guys’ employee. So I was just asked to come and talk about it. We did go to lunch. He did apologize. I just think we need to work on a level – a people level - if there is an issue or something and we did - some of it had to do with a drainage issue - what we talked about earlier – the Hidden Pines and then the James Whaley and Abner Whaley. But I just didn’t like how it was all approached. He waited outside my office and then instantly said, “I’m taking your employee”. I know he was trying to keep it all under cover whatever you want to describe it but I just didn’t appreciate how it was handled. I was asked to talk about it. I did contact Pat on an employee’s side. And he did apologize so I just think if there are issues we need to handle them differently – equally – because we’re all equal at this point”. “Perhaps face to face”, Deb interjected to which Tami replied, “Yeh”. Tami continued, “And it was caught off guard by my employee. I have no problems that she was asked to lunch but it was also something working and that I think I should have been involved in more. How it was all just - it just wasn’t handled well”. “Was she aware of it”, questioned Mickey. Tami replied, “No”. “So, Chris, were you trying to fill your part-time position”, asked Tim. Chris replied, “I have two part-time positions. Deb is a part-time”. “But Deb doesn’t work for you”, stated Tim. “But I combine what she does in my office with what she does for you in the office”, stated Chris. “Right”, said Tim. “That’s two part-time positions”, said Chris. “So who does she work for”, Chris asked. “Drainage Board”, interjected Mickey. “If nothing else we can- we can”, continued Chris. “Drainage Board”, echoed Tim and then Mickey again. “So she doesn’t work for me”, questioned Chris. “Right”, said Tim. “Since when do I not do work for you – let me put it that way”, asked Deb. “I’m not saying that you don’t do work for me. I’ve got two part-time positions that I need to fill. I’ve got the part-time position that Deb has filled in the past, unless you claim that she is your employee. I have that part-time position that I need to fill and I have another part-time position that I’m getting funded through part-time”, stated Chris. “And I’ve had.” “So in your budget”.... interceded Tim. “Excuse me, excuse me, if I have the floor let me explain myself”, stated Chris. “Ok, go ahead”, replied Tim. Chris again continued, “If I’m having trouble filling



the other part-time position I'm going to combine the two part-time positions – Deb's part-time position and this other part-time position – create a full-time with benefits and I can at least get them through the revolving door. Right now I can't even get them in. The last three times with the level that I am paying I can't even get them through the door. They'll interview and the next thing I know, twice it's happened to me". "So let me get this straight. So you have two part-time positions available", questioned Tim. "I have two part-time positions", replied Chris. "I have Deb's part-time position and this other part-time position. If I can fill those – make one full time position with benefits – I will have a better chance of getting somebody in to – get them in the door", explained Chris. "Does Deb get paid for your part-time position", asked Mickey. "I wanted to know if she got paid extra for doing his part time position because she is our full time". "She is a full time employee paid through the drainage board with the understanding", started Scott, "with a verbal understanding she would do work as the surveyor requested when she had time – when she had extra time not doing drainage board work". "I have always done that, yes", stated Deb. "I'm not questioning", interceded Chris. "And that KRBC report", began Deb. Scott continued, "And as far as from a budget standpoint Chris having, he has part-time money in his budget that the council has never, very seldom ever, said how many people that was. They put money in and there is a pay scale, a dollar amount, and there is a full-time that is in the surveyor's budget", stated Scott. "And that would be Steve, right", asked Mickey. "Yes, that would be Steve", confirmed Chris. "As far as the number of part-time people I don't know if that is ever really established. I know with the highway dept. that is something we are a little more aware of now since the first of the year because Tami has brought it to our attention that there are some extra expenses to the county when you have more than one part time help. Which honestly, I don't think the council was ever aware of. We put dollars in and it didn't really matter if you wanted to hire five people for a month or one person for five months. The council really didn't care when setting that up", mentioned Scott. "But then Tami has pointed out there are some hidden costs". Tami said, "With Workmen's Comp you report the numbers of employees". "As far as positions in the budget for part-time there really isn't anything established. We put dollars in and of course it's technically the council's job I think, and Pat, you can correct me if I'm wrong on this I think. But it is kind of up to the council to determine the number of positions in general", continued Scott. "Without question", agreed Pat. "But the council has been very, I don't know what the right word is, I want to say lenient, but I don't think that's really the right word, maybe unconcerned about the number of part-times. We just put dollars in and let that department head or elected official determine how many they needed to utilize the part-time dollars. Does that make sense", questioned Scott. "That does make sense", stated Pat. "The only thing I would say and I'm at a huge disadvantage here. I was aware of the situation some – I had talked to Tami and I talked to Chris the other day but not about this. On that role of the council - I presume that is the case –and I believe it is - I've never looked at it specifically for the surveyor's office or the drainage board. The only thing that would change my answer would be, so by statute if the surveyor has a statutory basis for an employee – which I'm not

aware if he does or he doesn't – that is the only thing that would change anything". "I don't think it does", said Scott, "but I'm not 100%. But he does have a full-time employee that is in his budget under his authority." "I think I understand where you're...you want to pull – you roughly give Deb part-time work", stated Tim. "Correct", replied Chris. "You want to take that from Deb and use your part-time to create full-time work", stated Tim. "Create full-time. That's what I did when..." started Chris. "And leave Deb part-time", interrupted Deb. "Now I understand where you are going", said Tim. "And still use Deb part-time", mentioned Mickey. "Once again it would have to be the council to determine that", said Scott. "Technically I had two part-timers because I took my part-time position and put it with drainage board's part-time position for the very same reason 20 years ago. I couldn't keep part-timers in. I'd train them and then they would be gone", said Chris. "But you're not paying Deb out of your part-time", said Tim. "Correct", replied Chris. "But I need to make that distinction now because I cannot get part-timers, not at \$11.45/hour or whatever it is. I have to have a carrot a little bit bigger than what I'm offering. Nobody's responding to the carrot and I have no stick", said Chris. "Can I ask for clarification because I need to keep up with this", said Pat. "So Deb's position – and I was actually at the meeting a few years ago when this was discussed – Deb is the drainage board secretary, correct"? "So her position is created under the authority and direction of the drainage board just as you described". "Is that position a full-time position in and of itself", asked Pat. "Yes". "So the only contribution coming from Chris is financial in that he is taking – did I hear that right – you're taking a part-time position in your office and using that fund to supplement her income", asked Pat. "No, he doesn't even pay towards mine. But I do work for him", replied Deb, "but he doesn't pay me". "So the drainage board pays you entirely", questioned Pat. "Yes, yes", confirmed Deb. "Under the direction of the drainage board the drainage board secretary was given the permission to do work for the surveyor in access or when she has time over the drainage board." "And it's worked so far", stated Mickey. "So it was just a gentlemen's/gentle ladies agreement", said Pat, "that you would assist them outside and beyond the scope of your full-time position and be paid from the drainage board. That's unilaterally independent of anything going on in the surveyor's office. Is that correct", asked Pat. "Yes, that's correct", replied Chris. "Thank you. Sorry to interrupt I just wanted to know what's going on". "No, I think it's good that we all get reminded of that occasionally just how it is", said Scott. "And if I combine the two, I would have enough for a full-time to offer and that is the only stick that I would have, is the fact that they would be getting benefits", stated Chris. "Where I'm lost now is that where does Deb factor into any decision or contemplation of combining the two part-time on your side – because she's not getting any of that money anyway", questioned Pat. "Correct, but she is doing some work for me", replied Chris. "So if I take -define whatever that work is and combine it with a part-time position which I can define – then I would have a full-time position". "So – and I'm just trying to understand – we're trying to work this out", started Pat. "I can appreciate that", interrupted Chris. "So it is your position, Chris, when you say – and I think the discussion the other day kind of contemplated the terminology which maybe wasn't accurate about firing or

terminating Deb – what you’re saying is taking any responsibilities or things you ask her to do for your office and no longer involving her in that and then using those to roll into another full-time position”, said Pat. “Roll – add it to what I need in my other part-time position”, replied Chris, “and make a full-time because I just cannot attract anybody at \$11.45”. Pat said, “So in summary what I’m hearing is that the extra work and assistance that Deb provides your office that is at either, however you want to look at it, at no charge or else paid by the drainage board, you’re basically saying if I don’t ask her to help me, I will take the things I ask her to help me to do and have somebody else in addition to other duties, have a full time job”. “Correct”, replied Chris. Pat continued, “But we are nowhere in the area and I think I misunderstood from some of the things I heard, that you had some kind of thought that you would fire her or terminate her in some way or limit her employment”. “Well, I didn’t know how that would work. That’s why I was working with the council”, replied Chris. “He can’t fire her”, stated Mickey, “he can’t fire her”. “Well, you had only talked to a couple and then you came in and launched an attack and said I’m taking your employee”, stated Tami. “I don’t, no, I didn’t”, said Chris. “Yes, you did and I have three employees that can confirm that and that is what I didn’t appreciate. And you got very loud and I did too right back”, said Tami. “But how it was all handled, Chris, was not proper”. “I do not disagree”, said Chris. “I was trying to work something out with the council to see if I could do that”. Tami, continued, “But I still think it should have gone through us first before you...I really do...I think it was all handled wrong. And your whole approach, you stood and waited right outside my office for me. I realize I was not at my desk and it is a very busy time. And the week before when you approached LeAnn for lunch, I had no problem. But I think as us being equal elected officials we should have worked it out and had a meeting before you came in, and you were upset about the whole matter, but I don’t appreciate and I’m not going to have how that all came about. That is not how I run my office and you’re not going to put my employees in the middle of that again. It was something you couldn’t control yet”. Chris replied, “I agree. And that’s why I was trying to be as discreet as possible. If I couldn’t work it out with the council, if they couldn’t see that I have...” “Did you not take it before the council”, questioned Mickey. “No”, replied Tami. “Pardon”, said Chris. “Did you take it before the council”, asked Mickey again. “I took it to a council member”, replied Chris. “Oh, well, you know, I just, I agree with Tami. I think that was so disrespectful for our county and a lot of disrespect for Deb. Because Deb...” started Mickey. “Thank you, Mickey”, interrupted Deb. “She does so much damn work for you like all this one report here”. “That is not what’s in dispute here...that’s not what’s in dispute here”, remarked Chris. “What is in dispute here, Chris”, questioned Deb. Chris stated, “I’m trying to take what Deb does for me and combine it with another employee, part-time employee, and make a full-time position. I appreciate the work that Deb does for me but that’s not the question. I’ve got to create a position so I can attract employees so that I can do the work that needs to be done in my office”. “Well, I guess that means as secretary for drainage board, the contracts and the flow sheets will all come to the government center with me”, stated Deb, “because once the contracts are signed, those are the drainage boards responsibility”. “And you do the assessing,

right”, Mickey asked Deb. “Yes”, replied Deb “She does those through the Draincalc, through the program”, stated Chris. “The two, the drainage board and the surveyor’s office, there is so much interaction”, started Scott. “Right”, said Mickey. “Exactly”, stated Deb. “I would think, from what I know about it, virtually impossible to completely segregate one from the other”, said Scott. “Not if you’re looking at the best interest of the county”, replied Pat. “No, and Chris I guess I don’t understand”, started Deb. “You’re - that’s a good – you’re exactly right. And so I guess that’s where I get frustrated when we are all on the same team and yet we don’t always seem to be thinking about that”, stated Scott. “So my initial, when he said “to the council”, I went straight to my president and he was kind of blindsided”, stated Tami. “And I was very upset”, said Tami. “But once again, the whole thing with the position, Chris, that’s got to come to the council as a whole. And you have, in the past, for the last several budget hearings proposed and it has never gone through, along with several other offices. And you aren’t the only one that has been denied employment”, stated Scott. “Deb, what were you going to say”, Mickey asked. Tim said, “I don’t think it was an attack on Deb. I think it was frustration by Chris not being able to get an employee. Chris, you struggle with communication at times with people getting true understanding of what you are saying. After we went through this I kind of understand pulling the workload from Deb to create a full-time position. I understand. Now I hope that wasn’t an attack. I didn’t see it as an attack”. Deb said, “No, I’m sorry – I think it is”. Tim replied, “Well, I don’t”. Deb again said, “Well, I do”. “We can discuss this after the meeting about how you feel on its effect”, said Tim. “What happened to you – that is unacceptable”, said Tim to Tami. “Well, to be honest – and Tami don’t go – when I went in to talk to LeAnn you were not at your office and I just asked LeAnn if she would like to do lunch with me. There was no other conversation”, stated Chris. “But it was the day of the lunch that was the conversation”, said Tami, “and you stood right outside my door”...”That was the second time I approached her about having lunch”, interrupted Chris. “You missed it the first time – you were not in your office”. “But you stood right outside my office and said ‘I am taking LeAnn to do assessments’”, stated Tami. “I am taking LeAnn to lunch”, said Chris. Tami continued, “No, that is not what you said. And then when I said ‘No, you’re not. We’re in a busy time’. Then you proceeded to say, ‘Well you don’t understand my situation’. Well your situation has nothing to do with my office”. “But that is not what I said. I said ‘I’m taking LeAnn to lunch’. “I have three other employees that will say different – but that’s alright”. “They were not standing outside the door”, stated Chris. Tami replied, “Well, they could hear you but that’s alright”. “They were not standing outside the door when we had the conversation”, stated Chris. “You have to understand the situation I’m in. It’s like anybody else with a growing business. My business, if you want to look at it that way, has grown three or four times what it was when I walked in”. “All of them have. It’s no different - all of them have”, stated Tami. “Not for the same reasons that mine have”, replied Chris. Deb said, “Chris, I have a question. I guess I do have a question. This very much involves me so I feel I have the right to ask a question”. “Absolutely”, replied Mickey. “When have I ever, EVER, refused to do something for you in your office? And have I not actually taken the initiative to do it before you say you have

to have it done now – such as your KRBC report. You told me you needed one a month ago. Did I or did I not do it when it was KRBC – really had nothing to do with drainage board. I have answered your phone. I've done your payroll. I've done your claims. I've helped you with contracts and contacted contractors. I want you to tell me when I have ever NOT done what you asked me to do - or does this not all boil down to one thing and one thing only. And that is that drainage board has control over me and not you". "Well, to address the last, if I was upset about that, I would have addressed that when the drainage board took control of you over me which was a number of years ago. This has nothing to do with your performance. I commend you for the work that you've done. I just need to identify the work that you do that's related to my office and combine it with a part-time position to create a full-time position because that is the only carrot that I have. I cannot even get them– and you know – you know how often people come in for interviews and the next thing I know they're not coming in. The revolving door stops. When I hired you, Deb, I had a revolving door. I had people coming in and out and I was spending all my time in training", stated Chris. "So she's doing all the work now. Why not give her a raise and keep her", questioned Mickey. *Laughter.* "That will have to come in front of the council too and we're missing 6 people". Tami said, "I guess my real concern out of all of this is there just has to be open communication. And the only reason is I have already been stuck in this position personally, myself, between the auditor and the assessor. So I just feel that working with both of that if you'd like an employee I think you should work with the other elected officials to kind of see and not blindside and how all that went. We all have to work together. Your office has to work inside mine just as well. I think we could have had a very good working relationship out of that whole thing. I mean we both have apologized but I think it needed addressed. I was asked to address it. That's my only thing. And I get your frustration – trust me. But I think when this was all boiling down it was a whole different thing when you were upset. And I get that. We can fix it and we're going to fix it. It was something on that end so now it is more on my own end. That's fine. But, really, if you were going to and would like an employee, I think work together with the elected officials and not kind of behind their back and blindside because I think you'll get a lot further. And more people will get a lot further if you work with people better". "I agree, I agree. I'm sorry it worked out the way it did. When I first talked to LeAnn a week or so before you weren't there. And I waited", said Chris. Tami said, "She questioned me. She said 'I don't know what it's about'. She really thought it was politics or the church is really what she thought it was". "Well, I've had those, along those conversations but those are more referring", stated Chris. "She was very blindsided on this", replied Tami. "Well, when the second part-timer that was supposed to start the morning that I got the email, that's when I decided I've got to change this. And that didn't work and I've got under other matters, something, another direction I have to go", stated Chris. "So, and again, just the way all of that fell into place was not at all pretty. And I apologize again, Tami", said Chris. "And I apologize for how I act too. But I really thought - I have no problem – if we work all together it will work", said Tami. "Hey, Chris, everyone is frustrated. Every department is frustrated – with employment, needing more help – it's not

just you”, said Tim. “I understand that”, replied Chris. “And the attacks – or I shouldn’t use that work – the denials of employment are not just yours – there’s the highway department”. “The problem I have and it’s coming under other matters, is statutes give me a lot of latitude when it comes to getting work done and that’s the direction I’m going to go. And that’s part of my presentation under other matters”, stated Chris. “Well, I guess one other thing I have to say is, by Chris pulling the things I do for his office he’s taking my full-time position and making it a part-time position”, mentioned Deb. “Just so you know”, she said. “In what he is proposing”, said Scott. “In what he is proposing, yes. It’s then maybe giving him a full-time position but it’s taking my full-time and making it part-time”, responded Deb. “In the duties”, said Pat. “Yes”, replied Deb. “The drainage board would have a hard time justifying a full-time position if there wasn’t an understanding that work was to be done for the surveyor”, stated Scott. “Yes”, replied Deb. “And again, that is just my one opinion”, said Scott. “That’s a pretty big wrinkle”, said Pat. “When I hired Deb she was in my budget and then the drainage board decided to move her over under mine (theirs). And like I said, I didn’t have a problem it’s just that I have more and more to do and I can identify taking two part-time positions and making them into one. But the other route that I’m going to present is the better as I’m finding out – but I found out before now”, stated Chris. “So would you like to go into that now”, asked Tim. “Sure. What I’m doing”. “Just a minute”, said Mickey. Tami asked if she was finished and was thanked for attending the meeting. “What I’m doing is identifying the major projects. Steve and I, we just cannot get some of these done. Steve can go out and collect elevations and do a little design work but these are major projects that just require too much time. So what I’m doing, I’m working up a scope of work and then I will be submitting those to engineering firms and then they will respond back – this is how much it will cost to do the surveys – and then we can determine once we go into construction phase”, explained Chris. “So you’re subbing out all the drains more or less”, said Tim. “More or less”, Chris responded. “It going to cost more than having an employee but it’s my option”, replied Chris. “My question to that then, Chris, is – comes back to dollars. Where do those dollars come from? Because if it’s coming out of the line item from an assessment then the drainage board has to approve those”. “Correct. That’s why I’m bringing them to the drainage board”, replied Chris. “Unless it is coming out of a line item in your budget, and just because I know your budget, somewhat, there isn’t any money there for this”, said Scott. “No, not for the extent I’m going to need. Every rain, I find more projects”, stated Chris. “So I guess, just for clarification, before you can even go talk to an engineering firm you’re going to have to have...” started Scott. Chris interrupted, “No, that’s not how the statute reads. I need to get their proposal – and they will submit a proposal which I will present to the drainage board. And then the drainage board will decide”, explained Chris. “But will there be a fee charged for that proposal by that engineering firm”, asked Scott. “There hasn’t”, replied Chris. “O.K. I guess my concern is that without drainage board approval of spending any assessed dollars out of the legal drains assessment it has to be done by the drainage board beforehand, before the money’s spent”. “No, I send them the scope of work”, Chris said. “Pat, does that kind of make sense to your knowledge of how the system works”,



Scott asked. "Yes", replied Pat. "I just want to make sure we're all on the same page", stated Scott. "It would work the same way as contractors who do the drainage work. We send them notices and they send them back and there is no fee associated with that. It works on the same principle. And when we did the Lawler Ditch, we asked for summaries – what's called a task summary sheet – and that was presented to you and you signed it. And then that was the first work done on the Lawler", explained Chris. "And then they would proceed and do the survey", added Tim. "And then you would decide if there's enough money there and if the project's not going to get done based on the funding", said Chris. "So what you're saying – every ditch we do we're going to have to have an engineer on it", questioned Mickey. "No", said Tim. "No," echoed Chris, "no, the bid ones. If I don't have staff to do them then I will have to outsource them", stated Chris. "But aren't most of those big ones we're doing that anyway", questioned Scott. "No. For instance, this Meridian Tile – it wasn't that big – we can do it. But once you get past a couple weeks of work on it Steve's just too busy – I and Steve are too busy. It just can't be done. So I'm going to have to determine if this is going to be more than 10-15-10-12-15 days and so I'm going to have to outsource it and then I'll bring it to you and you can decide how to proceed". "I just don't have the time". "Chris, what's your objective in the new system", asked Pat. "Is it to basically document the projects that are too big in your office that aren't moving forward"? "So I mean you basically want a system to basically introduce to the drainage board so you have a record that they are either going to do them or they're not" questioned Pat. "Yes, we keep track of all of the tasks, and I didn't bring that today but I can get that to you. We kind of prioritize and based upon the season and the time of the year they get changed around and prioritized. This is a board so I need to do this and it's only going to take a few days and I've got 20 some of those – it's a continuous list". "So Chris, I'm sorry were you done", asked Pat. "Yes, did I answer your question", asked Chris. "Yes, I think so". "So I've always got 20-25 drains that need attention. So what I'm doing – well right now we've got 30 some – so I'm to the that point that there's no way – I know that me and Steve cannot address the needs of those drains right away so I'm going to identify the bigger ones that I can outsource". "So tying this back into the start of this conversation, are you saying that if you have the additional full-time that will be the help that you would be able to do more in that area? And now I'm hearing on the other side that you would have to do that anyway. I'm just trying to understand kind of the limits of what you're trying to do versus just the procedure of just bringing it here and putting it in this room", said Pat. "Right. With another employee – Steve's doing all of the– well not all of the data collection – but he's doing all the data collection then he comes in and designs based on his information – two or trips out you know – you can't get it all even with the GPS. So we spend a lot of time collecting data and then designing based upon that data. You kind of have an understanding how long all that's going to take. So what I'm going to do now since I don't have an employee to help with that, either the design or the collection or operate the GPS equipment, I will outsource that", explained Chris. "But you and Steve in house do all those things without anyone else being involved", said Pat. "On the smaller projects – the big ones like the Lawler where we had miles

and miles and miles – we had to outsource it”, responded Chris. “But Newton Counties capabilities in the survey office in that area is only you and Steve, right”, asked Pat. “Correct”, replied Chris. “So, going back, I’m trying to understand this, so you need another Steve”, Pat questioned. “Yes, I guess you could put it that way. Another Steve that can do both - design or GPS collection. And we’re climbing up and down ditches and that sort of thing so you can kind of understand why we have a revolving door – not everybody can do that”, said Chris. “I do, but what I’m trying to understand is in a perfect world this new job description for another full-time employee would do what Steve does almost exclusively. You just need to do more of it, right”, asked Pat. “We just need to do more of it, yes”, replied Chris. “And then there is some office stuff unrelated to all of that. Most of it is related to the collection and design”, explained Chris. “But then in the proposal you had started with where you were going to take the duties that Deb has been doing for you and put those into your new employee, if half of her time is spent working for you – your new employee will spend half their time doing the office work that Deb does now”, said Scott. “No. You forgot to ask what Chris was going to be doing”, said Chris. “What is Chris doing”, asked Mickey. “And that’s where I was going with this”, said Pat. “Right now I’m helping Steve. I go out and identify projects....’O.K., Steve, we need to collect some data on this information’. So it will free me up so that I can do some work that I’m currently not doing related to the office”, replied Chris. “O.K. I thought that was where you were going too”, Scott said to Pat. “I was trying to understand if you’re going to be doing twice as much with a new person or are you just going to be tying Steve down with work you’re already getting help with”, said Pat. “There would be some things that I would be freed up to do that I’m not doing now – that are important. I need to manage my budget a little closer – not that Deb’s doing that bad – but I would just feel a little more comfortable...” said Chris. “You do his budget too”, Mickey asked Deb. “Yea, and I didn’t know I was doing bad or that bad”, laughed Deb. Tim asked, “Question. If you don’t do the employee thing because you know how the council is, it is very difficult to get an employee. It’s true”, said Tim. “You guys don’t want any more employees – it’s pretty well obvious.” “I know. I’ve taken a very firm stand about that”, replied Scott. “It’s not a dig – it’s a fact”, said Tim. “Yea, pretty consistent”, confirmed Chris. “Anyway, so if you would hire out an engineering firm would they do the project start to finish? What would the engineering firm do? Would they get everything ready for bid? Would they then oversee the contractors to finish the whole project? How in depth would this be”, ask Tim. “That would depend on the project”, responded Chris. “The Lawler was so big that I didn’t want anything to do with it. If they are of the size that I can be the Project Manager, quote-unquote, then it wouldn’t be any different than what I am doing now with the projects”. “So you want to pick and choose the ones you want and the harder ones you hand off”, said Tim. “Like the Moran Tile – that involved the railroad and we had to have an engineer”, said Chris. “So I just – why bother with it”. “So hand it off to an engineer firm and let them start the thing”, said Tim. “Right”, Chris agreed. “The Lawler & the Moran are two good examples. The Iroquois River is another very good example – huge projects”, said Chris. “I wouldn’t be able to do them even if I had an extra person in the office – they’re just that

big”, explained Chris. “We do have projects that we’re doing that now. Not start to finish necessarily. You’ll oversee the work on most of these drains”, Tim questioned. “Right, right”, answered Chris. “Maybe you should just start doing that now with the projects we have – get an engineer – like the Hibler in Roselawn – keep Christopher Burke on that – let them oversee the contract and let them do the whole thing”, said Tim. “That’s my plan”, said Chris. “You just stay away from it and work on these others”, stated Tim. “Uhhuh, that’s my plan”, replied Chris. “But once again, when we get beyond that estimate, or whatever, I don’t remember the term you used, when you ask an engineer to look at something, and once it gets to the point where it’s going to get approved, then this board – the drainage board- would be the ones that have to approve that”, stated Scott, “I think that’s where we’re at, is that right”, asked Scott. “Yes, he would get an estimate on what it would cost to do the entire drain, and that’s free – Christopher is always free”, said Tim. “For the estimate”, said Scott. “For the estimate”, agreed Tim. “But then if you’re going to ask them to follow through with the whole project then they’re probably not going to do that for free”, said Scott. “No. It would be done in phases. They would do the survey, like they are on the Lawler. They are doing the survey then the next phase would be the construction phase. Then there’d be the monitoring and making sure the contractor did everything and got the seeding done which is basically what I do on the smaller projects. But it would be done in phases. You haven’t signed the contract for the construction phase on the Lawler but you have signed the contract for the survey to get to that point so that we know what to tell the contractors – know how to write a contract for the contractor to do the job that needs to be done”, stated Chris. “Right. It’s kind of a tradeoff. Like the Hibler, that’s a train wreck over there. If I was in your shoes I’d stay far away”, said Tim. “And I to the extent that at first we were just trying to understand what was going on, but you’re right, it ended up being a train wreck”, agreed Chris. “We haven’t even had the hearing yet”, said Tim. “Right. The other thing – I probably need to bring this up to the legislative body – that if that did get signed we probably need to be pro-active about retention and detention because each county can retain...” said Chris. “What legislative body”, asked Tim? “The Newton Co. legislative body”, answered Chris, “through the appointment on the new board – the Kankakee River board” “Oh, the new board - you’re speaking of the board”, said Tim. “Yes. There’s some language, and I saw to it that this got written in because of the problems that we’ve had with NGO’s and state owned properties, the counties can buy properties and land right along with the state and federal government agencies that can buy land through the legislation. The county can start negotiating terms for the purchase of land. The landowner would retain the land and continue to pay taxes on it but the county would basically fund the converting of that land for flood water storage”, said Chris. “So your concern is we will lose more land”, said Tim. “We will lose more land if we’re not proactive in that. I should have said that when the assessor was here. Well, I guess she was the auditor. I know Kristen is pretty adamant about the number of acres that we have that we aren’t even collecting taxes on. We can put it in flood storage, retention, wetlands, whatever name you want to give it. But it’s something we should probably address sooner than later”, continued Chris, “just to be aware

that the legislative body has that authority". Tim said, "Most of the storage is needed upstream". "And that covers the entire basin, not just in the floodplain. This is the upland areas – anybody that wants to store water in the upland area has this option.

**Haynes Tile** – Chris reported that the Haynes Tile has blown out up north of St. Rd. 114 and he is waiting on the weather.

**Kindig Ditch** – Chris advised that there is a serious problem on the Kindig Ditch by stating it is entrenching itself, the banks are sloughing off and pulling tile outlets into the ditch with material that has sloughed off the top of the bank. There are two separate issues one on each side of the railroad. He presented pictures that had been taken that morning of the Kindig Ditch. Scott stated he sees with the sloughing, some of the dipping of the bottoms which keeps the ditch at a lower level and also chemical maintenance for helping control trees, we are making the banks more susceptible to side bank issues as the larger trees are not taking root to prevent erosion. ADI put in both tiles. The dirt for the project on east side of tracks, NCHD said he could have some material. Then he is going to check at the fairgrounds to see if he can have some of that material. Mickey asked what else we have under other matters.

**Fairgrounds** – Tim said the washrooms are ready to go into the Iroquois River. Scott said the major issue is south of the handicap parking. Scott advised that Chris be mindful of the 3 different tile outlets from behind the restroom where it is sloughed off. There is a tile that drains the parking lot – 15-18", one that comes from the restroom and then one between the men's door of the washout there are two and then one on the curve on north end of bathrooms. Scott said they are all marked. Chris said he can get an after-the-fact permit. Army Corp. does not allow anything over 2' about water line. **House Bill 1019** - Governor signed House Bill 1019 that raises our ceiling from \$75,000 to \$150,000. Chris asked if they wanted the performance bond to rise with that. Tim said he thought they had already made a motion on that. Chris said, "You did. Keep in mind that makes Deb's job that much harder. I've got the number of days it takes for them to do the project. If they have six weeks and it only takes one week I got to give that information to Deb. If there is one week to go and they haven't started the contract, it's going to be more than me contacting the contractor. Some representative of the drainage board should be on them as well". Mickey said, "I'm confused. So whose job is it to see that they get started"? Chris responded, "I see to it that they get started but if they don't get started in time then it becomes a drainage board issue because you are the ones with the contract." "So maybe we need somebody part-time". "Just get me a truck, Mickey, and I will go check the projects", Deb said. "Well, how is she to possibly know – she's not out in the field – if they get started. How do we know if they get started? Isn't that your job"? "It's my job to see that they get started. But it's like everything else – they can ignore me", stated Chris. "They don't have a performance bond. They ignore Deb. Deb calls them. John Wilson is still out there and hasn't leveled spoils or anything and there are people that are going to want to be planting corn here as soon as it dries out, so even with Deb on it.", said Chris. "I think we need a part-time. Because we have some drains that weren't even started and they were supposed to be finished", said Mickey, "so we need a part-time and he

needs a part-time and a truck". Mickey continued, "When you get used to something being done and all of a sudden 'that's not my job' and it's somebody else's job. We're chasing our tails! Some of this damn stuff has been on here for 6 years! We're still chasing our tail about it". "I'm glad you weren't here when Gaff Ditch was started because that took 40 years", said Chris. "Well, Hibler and all those are just as bad", replied Mickey. "It's not a good excuse, but I think a performance bond, Mickey, would address that", stated Chris. "I don't have a problem with performance bonds. I have a problem with shit not getting done", responded Mickey. "How do you want to address it", asked Chris. "I want it done – plain English. We have people come before us, they bid on stuff. We know they have a start date. We did not know we were responsible to find out if they are on the job or if they are finished with the job on time. That is what is disturbing to us. It's been an issue for how long", Mickey asked Tim. "Well, we hear about it when all of a sudden there's a huge problem", replied Tim. "We had a meeting one day - March 4<sup>th</sup>, the guy never had moved in -his project was supposed to be finished". "He had 3 of them like that, didn't he", Tim asked. "Yes", continued Mickey. "That is so frustrating to the landowners. It's so frustrating to us. It's just beyond". "Well, I brought it up as a performance bond. Do you want to address it with a performance bond - If they don't get it done you hold the performance bond", suggested Chris. "They have to answer for that. It's however you want to handle it. It is allowed in statute to have a performance bond – to require a performance bond – however you want to address it". "And don't think we are the only ones to have this trouble. They've had this trouble for years or they wouldn't have a performance bond". "What did we do about performance bonds at the last meeting", Scott asked. "To match the states requirement", stated Tim. "Yes", said Deb. "And you did it so you wouldn't constantly be changing the amounts." "So you want us to do something different", Scott asked Chris. "Yes, because as Mickey said, these things aren't getting done". "He's saying you need a performance bond on every contract", Deb stated. "I'm not saying necessarily on every contract". "I thought that was what you said". "But instead of going to \$150,000 make the performance bond for a lesser amount", said Scott. "And there are situations that I thoroughly understand where we need to give them an extension – like today", said Mickey. "How many performance bonds have you ever revoked", asked Pat, "in the history of the drainage board". "None that I know of", replied Scott. "On paper it most certainly makes a lot of sense and it doesn't hurt to raise it. But you've got other issues here you need to deal with", said Pat. Mickey said, "Yes" and Scott said, "I agree". Tim said, "If we require a performance bond for even the little ones then that just brings our price up". "Right, that's why I'm saying just leave the little ones there because that will affect the majority of the little ones", started Chris. "But the majority of the problems we have are the little ones", stated Tim. "The 75 and under ones are always the problem ones", said Tim. "I think this is only the third one that I've had in the nine years that I've been here", said Deb. "The performance bond", asked Scott. "Yes". "So this is how I'm looking at this right now", started Mickey. "The drainage – we let out those bids. Those are solely the drainage board's problem". "They're our deal", said Tim. "They're our contracts", said Scott. "So we don't need Chris going out there, talking to the

contractors and changing things, right”, said Mickey. “There’s a provision where I can in statute – a work change order – after the contract is signed - there is a provision for additional”, said Chris. “By statute, the surveyor is the drainage boards ‘technical advisor’”, said Scott. “That is correct”, said Chris. “Authority”, said Pat. “Technical Authority”, said Deb. “I’m not exactly sure, but I think this lends itself to some interpretation. So that comes right back to I think that these two boards or these two authorities, are so intertwined that it is virtually impossible to distinguish who does what or when. They have to work together”, emphasized Scott. “Right”, said Mickey, “and we also have to know what is going on”. “Communication is usually the key to issues no matter what. And I agree with that”, said Scott. “So how do you want – if I’m out checking on these contractors and they haven’t started in the window of time they’ve been allowed and I know it takes so many days to do the project, how do you want to deal with it at that point”, asked Chris. “Well, I think we should be advised of it”, said Mickey. “And we should look at the surrounding conditions and maybe call the contractor and say ‘what’s going on’ because maybe he’s had a death in the family or something and they’re not out there”, continued Mickey. “I can call them if I know they’re not started”, said Deb. “But if I don’t know they’re not started I can’t call them - as drainage board secretary”. “Do you check all the contracts to see if the contractors have started”, asked Tim. “Mhm, yes, to see how they are progressing”, replied Chris. “Well, maybe pass that on to Deb”, said Tim. “I have on the Kurfess-Kleinkort it takes 21 days so all you have to do is figure out what the completion date is and remove 21 days and that’s when on the calendar they have to be started”, said Chris. “So what’s she suppose to do with that”, asked Mickey. “But how does she know if they have started then”, asked Scott. “She will know if I overlook it, she will know to contact me and contact the board at that point. You’ll know 21 days, in this case 21 days, if they haven’t started”, replied Chris. “I mean, I guess that’s just it, if you’re monitoring the start dates, drop us an email, Deb. In writing that way it’s documented, it’s memorialized- we know that it’s been started”, said Scott. “Does that make sense to anybody? There are lots of ways to communicate today”. “And Beaver Creek is 10 days. So whenever the completion date is, remove 10 days and that is when they need to start. That is 10 working days”, said Chris. “They can start before then”, said Scott. “Well, they should be. What if they had a storm event and now can’t work on it and they’ve let all those nice days go. They are going to be in a world of hurt if they wait until that day, what I call the drop dead date to move in”, said Chris. “Is there anything in our contract, I’ve been here several years and I haven’t read one real complete”. “Or you’ve read it and forgotten it like I did, Scott”, said Mickey. “No, I probably didn’t read it. I’ll be honest. Do they have to notify the drainage board or surveyor when they are getting ready to start a project”, asked Scott. “That’s what I was getting ready to ask”, mentioned Pat.

“Yes”, said Chris. “Then that’s pretty simple then if they are fulfilling their obligation to let you, Deb or us know, then we know when they’ve started”, said Scott. “But they don’t always call when they’re moving in. They are supposed to notify the landowners whose property that they’re going to be on, that they’re moving in on such and such a day, it may be tomorrow or a



week, whatever, when they determine when they are going to be moving in. So they have an obligation to contact the landowners”, reiterated Chris. “That’s news to me”, said Scott. “I’ve had a lot move in over the years, and I shouldn’t say never, but virtually never had (contacted me). Now I don’t have an issue with it - although there are some people would”, said Scott. “The landowners are supposed to get a letter when the contract is signed, and I’m sure they do – Deb takes care of that. It states that the drainage board has a contract with this contractor. You will hear from them as the time approaches when they begin the project. And the contractor is supposed to notify them. We give the landowners the phone number of the firm but we don’t give the landowners phone numbers, we couldn’t possibly have them all”, said Chris. “I need to clarify also when I said very seldom have I ever been notified, if ever – if it goes to the landowner and as a tenant, we don’t let tenants know. There is no right, wrong, black or white, but I do know that goes out occasionally because I’ve had absentee landowners contact me and say, ‘hey, I just got notified, is that alright with you. So it does happen and it does work”, said Scott. “But it does and I’ve had a few situations where fortunately the landowner was not absentee and I called them to the site and they did admit that yes, they did receive the letter, but they forgot to contact their tenant and their tenant was all upset. Which I can understand - we leave it to the responsibility of the landowner, and unless the landowner has it with the auditor’s office that this is the person you are to contact regarding my affects”, said Chris. “What are we trying to fix in this conversation”, asked Tim. “I have no idea”, responded Scott. “I’m trying to keep things rolling here”, Tim said. “It just kind of evolved, Tim, from starting date”, said Chris. “Well, did we miss something? That we didn’t get resolved at the beginning”, asked Tim. “It started with the bond and whether or not you wanted to raise it from \$75,000 to \$150,000”, said Pat. “I think we acted on that last time”, said Scott. “Yes, you did, you did”, agreed Pat. “I just wanted to make sure we didn’t miss anything”, said Tim. “No, the governor signed it, that legislation, since the last time we met so it was more of a reminder. And then given the conversation it was ‘are you sure you want to raise it to \$150,000’ ”, said Chris. “Yes, I think we do”, said Scott. “And I’m ok with that. It’s just given the information I have just given Deb – this is when they need to start if they don’t have it started”, explained Chris. “Right. O.K. The next thing is we need an attorney for this board because I don’t think Pat wants to be here next month”, said Tim. “I have some thoughts on that – take them for what they’re worth”, said Pat. “We probably should wait for Mickey on that”, said Tim. Chris said to Pat, “I see you printed off [House Bill 1270](#)”. Pat replied, “I did. My one day to shine for the drainage board and I wasn’t going to let you down”. Scott asked, “Is that the one that authorizes the new commission for the Kankakee”? “It is”. “So that’s the one that the commissioners will have an appointee”, said Scott. “So if I understand correctly, that appointee has to meet certain requirements, is that right”, asked Scott. “Since Pat has done some research here I want to capitalize on it”, said Scott. “Just enough to answer a few questions. It hasn’t passed. I’m sorry, it hasn’t been signed”, said Pat. “So I think it will be signed today”. “Mickey, didn’t you say it was signed”, asked Chris. “Yes, that’s what Gutwein said”, replied Mickey. “It was passed – they were waiting for the governor to sign it”. Pat

explained that once the bill is signed it will be big news and will be on all the ag news that this is exactly the statute. There is a summary of the basis of it. Pat said, "I don't know enough about the history and KRBC and all the things that have gone into that stuff, but I do know it seems to shift a lot of the burden and also the benefit of the individual counties into trying to regulate and assess that into one entity. And you're going to lose – I mean your citizens are going to get assessed. I think that is where it starts to get tricky is now they're paying into this small tight county with a state board - and you don't have anyone other than your representative, which I think is probably, they're not going to be able to move or influence anything", stated Pat. Scott said he understood Chris to say that even though all of the water in Newton county eventually drains into the Kankakee not everyone will be included in the assessment. Chris said only about 75% will be included as the Iroquois, Beaver Creek and Curtis Creek watersheds will not be included in this assessment. Approximately 75,000 acres will be affected in Newton Co out of a total of approximately 250,000 acres. Pat mentioned that the council will have some options on the assessment. Chris said Newton County's initial assessment will be around \$103,000 - \$105,000. Tim thinks we should have an assessment in place. **Petition –** Mickey asked Pat if he had gotten the petition done. He said Deb had sent what she had and he had been over every word of that law. Since the county executive is doing it there is a difference over the normal petition. He explained that when the co. executive does it in your petition you have to delineate specific road or highway that will be benefitted. The second way to do it is to declare it is public municipal land and then you have to clearly identify it. Once that question is answered Pat can complete the petition. Then the commissioners can review, approve and sign it and then it goes to Chris' office. Pat reviewed all other necessary parts of the petition. A map defining the area is to be included with the petition. He also stated that it does not state an attorney is required – only if there is an attorney then the attorney's name is to be listed. Pat said should there be an issue with the petition then the surveyor would know who to contact to correct the error if an attorney is listed. Pat mentioned the law also states that a bond is to be posted by all petitioners in order to protect the drainage board from nonsense filings. Whereas municipalities that file this are not fraudulent, Pat suggested that the board pass a motion stating a bond is or is not required for municipalities. **Scott made a motion to waive the bond requirements for municipalities presenting a petition to the drainage board. Tim seconded the motion and the motion carried.** Pat said that code 27-57 also states that petitioners have to describe an area of land that equals  $\frac{3}{4}$  or more of all the proposed affected land in the watershed. Chris said that is part of his review. Chris said we are only doing 30 thousand acres and there are other upland landowners that also benefit. Therefore he recommends convening a bi-county drainage board meeting as they also pay into the watershed. The law also states that the petitioner is to pay all legal costs should the petition be withdrawn or dismissed. Pat said the Board of Commissioners need to present and vote on it today giving authorization for their representative to sign the petition when completed. **Attorney –** Scott said, "When we left last meeting we all agreed unanimously that we were going to seek different representation

because we felt that Mr. Blaney, that there was somewhat of a conflict with the surveyor using the drainage board attorney, not somewhat – there was a conflict. But we didn't address anything as to how we were going to move forward that I remember – and I called Deb and she didn't have anything down either and we left it at that". So last week sometime or maybe it was ten days ago, I don't know, I had a conversation with Mickey, and I don't know what it started out at and it really doesn't matter – I suggested that I, that it had been recommended to me by a couple that we might talk to Mr. Manus out from Goodland. I don't know him very well – he has done a little work for a landlord of mine-anyway I passed that on to Mickey. So then the way I understand it she had contacted him and he was willing to take the position. In the meantime I guess, Pat, you had talked to Candace under the direction of Mickey". "Communications again", interjected Mickey. "So I guess it bothers me a little bit, it bothered me then, it still does a little – actually it still does, not a little", continued Scott. "But I think we need to do it as a board. I don't want to sound like I'm picking on you, Mickey,"..."Kinda", Mickey interjected. "But I probably didn't speak as I intended it to be, that this was a suggestion call to Mr. Manus. And, Pat, I appreciate all you've done and talking to Ms. Armstrong. And, Mickey, I think you guys had a conversation and so I don't want anybody to think I am unhappy with Candace Armstrong because I don't know – I think she'd probably be fine. I just don't know – no more than I know that Michael Manus could be good either to be real honest. I just thought we need – now we have the opportunity for a couple that are interested", stated Scott. "Would you like to interview", asked Tim. "Well, I think that's an option. I don't know where I want to go other than I – I think we talked a lot about communications here today. And I think this is a good example that we don't all communicate as well as we should. I think there have been other boards that have a tendency to do things without - not in public meetings – not in - kind of a consensus more than - and I think that is kind of a dangerous slope that we've gotten ourselves into throughout the county", said Scott. "How would you interview attorneys", Tim asked Pat. "I can help you as much as that or as little as you like", responded Pat. "I can jump into that and show you exactly how to do it. I do want to \_\_\_\_\_ though just so everyone understands the concept. What Scott said is absolutely true. But there are some other factors that everybody maybe isn't aware of. One of them is my understanding was a few years ago – and I got this not only – I talked to – I've never talked to Scott about it – but I've talked to at least two of you". "It was me. I think it was before Scott was even on the board", said Tim. "This was like two years ago", started Pat again. "I think I was on", said Scott. "Were you on because I remember having this conversation with Jim and Russ", said Tim. "Yeh, there's been history and consideration for a different attorney for a long time", said Scott. "And what happened was – Point #1: No attorney has been hired or promised anything", said Pat. "Everything remains on the table. I talked to Mickey the other day a number of times. When she called me, I was pretty riled up about it, because and this is just how our life works – I had literally hung up the phone from her – Mickey was trying to call me when I was talking– and this is only in Newton County – with Candace Armstrong about 'hey, would you please come and talk to the drainage board?

They'd really like to hire you'. And the only reason this is particularly kind of sticky is because over the last couple years I have talked to Candace as directed by members of the drainage board – and members of the drainage board as I understand it – not recently, but over the last couple years – have talked to Candace. And at the meeting you guys were talking 'hey, would you go out'", said Pat. "That was at the commissioner's meeting", said Mickey. "Yea, that's right – the commissioners meeting", said Pat. "I had to really think about it", Mickey said, "because I wondered 'why wasn't Scott there'". "That's right", Scott said. "The point of it being very quickly, the reason it got so sticky is she went and took – and Candace – and I've talked to Candace before about doing it and she wanted to do it – she went and took these courses to do it and then ultimately I think you guys decided – which is perfectly fine – you were going to stay with Dan. And that was perfectly good", said Pat. "The truth of it is we decided we're just not going to address it right now", said Scott. "But then what happened when I'm talking to Candace again and she said – at the meeting I said 'I think I can go talk to Candace and see if she can do it' and one of you said 'I talked to her – she isn't going to do it – but she doesn't want to do it anymore'. And I said 'I know she doesn't but if she really understood –I mean I think she's a great fit. I really think I can talk to her and get her to do it'. So I did that. And then on the phone she said, 'Hey, I've been down this road. They've talked to me before and I put a lot of time aside and I did that and they ended up staying with Dan'. And I said, 'Candace, I'm giving you my word this is different. They've already ended their relationship with him and they are really ready to talk to somebody else'. 'Well, I don't know – I just don't feel that '. And I said, 'I'm telling you – they've asked me to come and approach you'. Then literally Mickey says, 'We're going to hire Mike Manus'. So this – and I give Mickey a tremendous amount of credit – that was awkward for all of us – and she stepped up 'Hey, let's walk this back'. And so with all this being said that's how this all happened. And none of this negates what you said at the beginning of the meeting – I mean I think everybody was just casually handling it and it's a serious decision. Very quickly – I've worked with Mike Manus – I tried one of the most grueling trials in the history of this county last year with him. He's a wonderful person; he's a really nice guy. He has some really strong traits. He's great at mediation. He's great at getting everybody to kind of agree. I've also worked with Candace. Candace is a by-the-book person – no nonsense. And you guys have some big problems on this board and so", said Pat. "The virus", interjected Mickey. "Well, you know, you're going to need some personnel management. And I don't know how bad that will start to go but I know who's suited to do those types of things. You make your own decisions. I have no dog in the fight. Candace doesn't work for me. Mike doesn't work for me. I represented drainage boards through my firm. I had Jacob who represented Jasper Co DB for the better part of a year and a half. But we've always had the rule and I've always told all of you, we are not going to represent Newton County Drainage Board because I just couldn't - my health couldn't take it between this, the plan commission, BZA and the Commissioners. So if you want to interview attorneys – the only other thing I'm leaving out here is – when Mickey said you wanted to interview I told her to hold off because I'm concerned that if I call Candace and say 'They want to do interviews' then she's going to

say let Mr. Manus do it. That's O.K. but in your circumstance knowing both of these attorneys, I think one is really suited for this type of work and the other one whom I love dearly and is a great guy, may be suited for the conflicts that evolve from it. If other people need an attorney to represent their interests or help mitigate things, that's a suite that is – that Mike's really strong at. But if you're talking about reforming, reeducating the board, going back to let's learn our jobs and do this by the book and not get the end around of this statute says this then Candace is really good at that. So if you want to interview them, I would ask them about fee structures. I would ask them about budgets. I would ask them about flat fees and if you do how would you manage it. I would ask about conflicts. Experience – I would ask them about", said Pat. "Those are right down the list of what I was thinking we need to know", said Scott, "And even if – we just need to know. As far as do we want to interview I don't know". "And I did call and talk to Mr. Manus and he was very gracious and very super and any other way he could help us, he'd help us", said Mickey. "I'm sure he was gracious", said Scott. "We have to start divesting – it's not 'he said' – everyone has more responsibilities and we have plenty of more opportunities for Mike that he can help us with – or Candace if you go with Mike. You are going to see that. There's not going to be a dearth of people not having a chance to get involved if they want", said Pat. "Like I said when I started out, I had a couple of people in the legal profession here in Newton County that couldn't or wouldn't be interested in being the drainage board attorney and both of those names came up, it just so happens both of them suggested Mike on top of the two. But with the little bit of research I did, both of those names were the two that came up", said Scott. "So I don't have a real issue of the person I just had a little issue with the way it all happened". "With the process", said Mickey. "Yea, and I'm not finding fault with anybody we just need to communicate a little better", Scott said. "That's what happens when you push, push, push trying to get things done", said Tim. "Yea, it does and you're exactly right". **Tim made a motion to sign Candace Armstrong as drainage board attorney however the motion died for lack of a second.** The conversation continued for a few minutes with Scott saying he was interested in answers to some of the questions concerning legal representation and also in a possible retainer plus. And for at least the first several months or maybe the first year Scott would like to see the attorney present at the drainage board meetings. Mickey thought that would also be good for the attorney. Pat asked "in an ideal situation how would you like to see this attorney compensated"? A flat fee for a year in exchange for these types of services, hourly like we did for last attorney or do you want to think about it. Scott said, "For me, wearing two hats, if we could have a flat fee to represent the drainage board at regular meetings and the mundane routine work that we know is going to come ahead for "x" amount of dollars and then an hourly rate for those additional things. And I don't know how those things work, Pat, you would know that better than me", said Scott. "That's a hybrid and that is exactly what I was hoping you would say because I think we can structure it. That way as you learn and get to know how much you're going to use this lawyer and how long your meetings are going to last", said Pat. Scott explained how the board had been billed previously and why he felt it best that they be billed on a retainer.

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

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**Mickey Read, Chrm**

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**Scott Carlson**

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**Tim Drenth**