

## **DRAINAGE BOARD MEETING**

**September 4, 2018 – 12:00 P.M.**

**Newton County Courthouse, Kentland, IN**

The Newton County Drainage Board met on September 4, 2018 at 12:00 P.M. in the Newton County Courthouse with the following persons present: **Board Members - Tim Drenth & Scott Carlson; Surveyor - Chris Knochel; Secretary - Debra Chapman; Drainage Board Attorney – Dan Blaney; Contractors – Jeff DeYoung (DeYoung Dirtworks); Randy Strasser – VS Engineering; Richard Radcliff – Beam, Longest & Neff** The meeting was opened by Scott.

**Minutes – August 20th** –Tim made a motion to approve the August 20<sup>th</sup> minutes with a second from Scott. Motion carried and minutes were signed.

**Project Updates – Richard Radcliff, Beam, Longest & Neff - Moran Tile** – Permit application has been submitted to railroad with no response yet. Once received then BLN will get with Chris to schedule a camera inspection & cleaning machine. **Bridgeman Tile** – We have prepared bid specs for a formalized bid and they are under review by Surveyor Knochel. The plan is for a contractor to come out and excavate 10' holes in 5 different locations to install handholds from US 24 north towards subdivision. Hope to have bids for next drainage board meeting.

**Darroch** – Richard has been working on updating the fees due to an expanded scope. Scott asked Chris to refresh his memory on this project. Chris replied that it is located between Kentland & Goodland. The surface water cut out of the grass waterway & started cutting a large gully across the field. We are going to have to redesign the waterway and possibly move tile.

**Bridgeman, cont.** – Scott asked about the hearing on the Bridgeman. Chris said we need some cost estimates. Scott said at some point this needs addressed with the Town of Kentland.

**Randy Strasser, VS Engineering – Lake Village Drainage** – Randy reported that he is staying in touch with Jerry White of OCRA & Edwin Buswell of KIRPC. They are still waiting for the funds to be released for the planning grants however expect them within 2-3 weeks. Tim asked if the weather will mess them up winter wise to which Randy responded that there is much surveying to be done along with combining the info gathered with that provided by the Newton Co Surveyor.

**Beaver Lake Ditch Ph III – ETR (Endangered, Threatened or Rare) Species** – Chris reported that info had been received from DNR advising of ETR species of Northern Leopard Frog in LaSalle Fish & Wildlife area within 0.5 mile of the Ph 3 project area. This only affects Phase III which is from the river back 3000'. Phase I will be bid today and there are no issues with Ph II. LaSalle asked that we do one phase at a time and wait until after deer season to proceed with Beaver Lake Ph II. Notice will go out in October for bid opening in November on Ph II. Tim asked if this is for dipping and tree removal to which Chris responded that it is only for tree removal. Tim asked what the elevation difference is between St Rd 10 to the frog area to which Chris responded about 20'. Chris thinks the drainage could be much improved just by removing the trees. Chris' plan is to dip all three phases together. DNR is not saying we can't do Phase III - they will just be specific as to when we can do the work. Chris introduced Mike

Stinely, owner & operator of Lake Aero Airport, as he had questions concerning Beaver Lake Ditch. Mike was not in attendance as a representative of Lake Aero Estates. Mike stated there appear to be two areas of meandering – a small one on the south where the ditch is being tapped for irrigation just west of Beaver Lake Ditch and an area north where the ditch broke out on the northeast end of Lake Aero Subdivision”. He stated, “It is quite obvious that the hairpin or meandering of the ditch was a major contributing factor to the ditch cresting”. Chris had informed Mike there is an environmental protocol that must be observed – we can’t just go in there and straighten it out. “With the severe turns the ditch takes especially to the north it is going to compromise efficiency”, said Mike. Tim asked if the tree removal will help. Chris said, “Yes. The best scenario is to cut across and connect the channel so it is a straight shot to the river. That will be done in Phase IV after it is excavated”. Mike asked about the water management by DNR and the manipulation of runoff on Beaver Lake Ditch and if it had an effect on flooding. It is moving water from one area to another - like “switching in a train yard”. There was some discussion on the Kankakee River involving 8 counties and the states of Indiana and Illinois. Mike’s next concern was when work begins at the airport. There are three entrances to the airport – East, West and further west by the State Road 10 bridge. The entrance by bridge is not as accessible and is now INDOT ROW. Mike discourages anyone from using entrances 1 or 2 into the airport due to airport movement, residents going in and out and the condition of the pavement. Tim asked Chris what side of bank he will be working on to which Chris replied “the east side”. Chris explained that we do have an access point in our 75’ easement so that is what will be used and the contractors know where the entrance is. Mike stated, “I just wanted to raise awareness with the board that traffic control with the equipment going in and out of there will have to be regulated”. Jeff DeYoung stated, “Lake Shore Drive comes around and it is within the 75’ easement”. Mike thinks the greatest potential of damage to pavement would be ingress and egress of heavy equipment. Mike asked if the plan is to take all the trees down or if there will be an effort to leave some of the trees to which Chris replied, “That is the intent”.

**Lawler Ph II-B** – Chris reminded the board that the proposal on the Lawler Ph II-B came in \$5,000 over Chris’ estimate. He therefore contacted Josh DeYoung who had the lowest bid and Josh said the landowner wanted the area cleared wider than the 45’ Chris had specified and Josh had included the additional area in his bid. Chris told Josh he could work from both sides to pull trees from the channel even though they are working on the west side. Chris will ask Josh if he can do it for \$5,000 less by pulling trees from both sides of the bank. **Scott made a motion to go back to lowest bidder to see if he can do it for \$5,000 less. Tim seconded the motion and the motion carried.** The landowner can pay Josh DeYoung to do the additional work.

**James Whaley Ditch Invoice from Brian Herre** – An invoice in the amount of \$10,957.78 was included in the meeting packets. Chris explained that we had dipped the ditch and found all the tile outlet breakdowns. The entire length of the ditch was excavated by KB & E II. **Tim made a motion to pay the invoice in the amount of \$10,957.78. Scott seconded the motion and the motion carried.** Deb asked Chris where the crossover culvert and maintenance

crossover are located that were included on the invoice and if someone owes for part of the costs. **The invoice is not to be paid until Chris checks the project.**

**SEA 368 Review - Best Ditch** – The notice was sent to contractors for proposals and the commencement date was to be set at the discretion of the drainage board. Since it was sent to the regulatory agencies they are now saying they want to review the project prior to any work being done. When we got out there we saw a beaver dam that needs to be removed first. The Best Ditch is located one mile east of State Line north of St Rd 10. Chris thinks it is IDEM that has called for SEA 368 Review. Chris therefore suggests taking the bids under advisement.

**Stormwater Management** – Chris stated he did not get any clear indication of how we are going to proceed with stormwater management. Scott said he didn't either. Scott asked what we need to do to move forward with this to which Tim responded, "just follow the state – follow the state rules". Scott directed Dan regarding Chris' responsibility and that of the drainage board. He wanted to know if the responsibilities are the same or different. Dan said, "Theoretically they should be the same. A lot of times the surveyor just does it". Chris said, "As I understand I am the technical authority so I keep - I am the depository of all that. Maybe somebody needs to say this is your responsibility and this is the drainage board responsibility". Tim said, "The ordinance does not exist". "What ordinance", asked Chris? "The stormwater management ordinance does not exist", replied Tim. "The ordinance does not and that is what is in question so until you can tie...everything that is not regulated is water of the state and you have no jurisdiction, nobody has jurisdiction...the state does. The question becomes do you want an ordinance that is better than what the state requires", asked Chris. "I'm happy with the state ordinance...because then it's all on them", replied Tim. "I need a motion to that effect", stated Chris. Tim asked, "Why do we need a motion". Deb stated she thought the motion had been made before as discussed at last meeting. **Tim made a motion to support the previous decision to follow State Stormwater Statutes. Scott seconded the motion and the motion carried.** Deb reminded Dan Blaney that he had advised the board that they didn't need their own Stormwater Management Ordinance because every time there is an update or change they would be responsible to revise their ordinance. Dan replied, "Stay with the state".

**Financial Reports – General Drain Improvement Fund w/ Project Flow Sheet** – The financial report was provided in the meeting packet. Deb mentioned that Economic Development had paid to date \$58,862.50. With the Lawler, Beaver Lake Ditch/Lake Aero projects that are currently active that would leave \$55,195.75 of the original \$150,000 that is uncommitted right now. Tim asked if Lake Aero was part of the Beaver Lake/Economic Development. Deb responded that she had understood from a previous meeting that if it was Beaver Lake then it was to go against the Economic Development funding. Nothing is to be applied to the Economic Development funds except the Lawler according to Tim. Deb explained the two columns of balances as listed on the financial report. Financial information was also discussed for the General Drain Improvement Fund, O'Brien Ditch, Best Ditch & Beaver Lake.

**Bid Opening – Best Ditch** – Chris' estimate \$124,960.00 for tree removal from easement and addressing the wetlands; Anderson Tree \$49,200.00. **Tim made a motion to accept the bid**

and take it under advisement pending regulatory agency review. **Scott seconded the motion and the motion carried.** **O'Brien Ditch** – Chris' estimate \$74, 525. This involves much repair work similar to James Whaley; JD Excavating \$73,750.00. **Tim made a motion to go with JD Excavating in the amount of \$73,750.00 as long as it meets Chris' specs with a second from Scott. Motion carried.** **Beaver Lake Ph I** – Chris' estimate \$72,561.50; DeYoungs Dirtworks \$61,078.50; JD Excavating \$30,250.00. **Tim made a motion to accept the bid from JD Excavating in the amount of \$30, 250.00 as long as it meets Chris' specifications. If it does not meet specs then go with second lowest bidder DeYoungs Dirtworks. Scott seconded the motion and the motion carried.** A bid bond was provided by DeYoungs Dirtworks. After discussion it was determined that Jeff DeYoung of DeYoungs Dirtworks would no longer need to submit a bid bond after the completion of his first project.

**Contract Signing** – The drainage board and contractor, Jeff DeYoung of DeYoung Dirtworks signed the **Denham Subdivision** contract.

**Maple Brook Terrace Subdivision – IN State Chemist & Seed Correspondence** – A copy of the correspondence was included in the meeting packet. The letter stated their investigation into Case #2018/0431 regarding chemical maintenance in a subdivision has been finalized. The trees will be removed by hand and not sprayed.

**Kankakee River Estimates for 2019 – Construction of Pilot Project** – Chris stated that they need to come up with the expense for the construction pilot project to submit to KRBC. He is working with Randy Peterson who knows they are meeting on Sept. 20<sup>th</sup> so he should have some idea of what all of that is going to cost. The project will be a distance of 1200'. It was reduced to less than 1 acre of mitigated wetland in order to satisfy IDEM.

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

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Mickey Read, Chrm.

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Tim Drenth

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Scott Carlson