

**Montgomery County**

**Drainage Board**

**January 12, 2022**

The Montgomery County Drainage Board met on Wednesday, January 12, 2022, at 9:30 a.m. at the Montgomery County Courthouse, Crawfordsville, Indiana.

Chairman Dave Rhoads followed by the Pledge of Allegiance, called the meeting to order. There was no prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, members Doug Mills and Lance Sennett. Present were Tom Cummins, Surveyor and Attorney Dan Taylor.

Also, present was Brenda Foster, Roger Azar, Tom Klein and Jim Peck.

**Reorganization & Swearing in New Member(s)**

There were no new members.

**Election of Officers**

Dave Rhoads reported -- It was time to elect officers for the 2022 year.

**John Frey nominated Dave Rhoads, seconded by Matt Mitchell, as Chairman of the Drainage Board.** Dave Rhoads -- inquired are there any more nominations. Hearing none. **Motion carried, 5-0.**

**Lance Sennett nominated John Frey, seconded by Dave Rhoads, as Vice Chairman of the Drainage Board.** Dave Rhoads -- inquired are there any more nominations. Hearing none, all nominations are closed. **Motion carried, 5-0.**

**Lance Sennett nominated Matt Mitchell, seconded by John Frey, as secretary of the Drainage Board.** **John Frey moved, seconded by Dave Rhoads, to close nominations.** Hearing no more nominations. **Motion carried, 5-0.**

**Attorney Contract**

Dave Rhoads -- reported receiving the letter of engagement from Attorney Dan Taylor for the 2022 year. All the Board has read the details of letter. The fee is \$6,000.00 for the year.

Dan Taylor -- reported it is hourly at \$210.00 an hour with a cap of \$6,000.00. It could be less but not more than \$6,000.00.

**John Frey moved, seconded by Matt Mitchell, to approve the contract with Taylor, Chadd, Minnette, Schneider & Clutter, P.C. for the 2022 year.** **Motion carried, 5-0.**

**Approval of Minutes**

**John Frey moved, seconded by Lance Sennett, to approve the December 8, 2021 Drainage Board minutes.** **Motion carried, 5-0.**

**Bid/Quote Letting**

**Joel Tobin #576 Reconstruction**

Tom Cummins reported – bids were let for the **Joel Tobin #576** with no bids received in November of 2021. The Board instructed Mr. Cummins to let the bid again at the first of the year for the **Joel Tobin #576** reconstruction.

Tom Cummins reported – receiving one bid. It was from Arthur's Excavation for \$95,730.16. Mr. Cummins recommends approving the bid as it meets all the specifications.

**John Frey moved, seconded by Lance Sennett, to award the Joel Tobin #576 reconstruction to Arthur's Excavation in the amount of \$95,730.16.**

Dave Rhoads inquired – what is the completion date.

Tom Cummins – reported the open ditch work is to be completed by May 1, 2022 and the tile portion by September 1, 2022.

John Frey – inquired if the amount is in the range of the Surveyor's estimate.

Tom Cummins – reported it is actually below his estimate.

Brenda Foster – inquired what the actual estimate was.

Tom Cummins – reported Mr. Cummins would have to get back with her.

Brenda Foster – reported it was not necessary.

**Motion carried, 5-0.**

#### **Petitions**

#### **Joe Hall #581**

Tom Cummins – reported receiving a petition for a variance to the regulated drain easement from Phil Goode for the **Joe Hall #581**. Mr. Goode is purchasing property to build a house on the **Joe Hall #581 drain** at 150 East. Mr. Cummins used the overhead projector to display the area. Mr. Goode is petitioning for a variance to the easement as his entry drive will be within seventy-five feet of the drain. He has revised his plans to build driveway thirty feet from drain, which still allows equipment to come in and repair if required. Based on this revised plan the Surveyor recommends approving the petition.

Doug Mills – inquired if it will be the total length from road to center.

Tom Cummins – reported it does not go all the way back. Showed where house would set approximately.

Doug Mills – inquired about the use of driveway if needed.

Tom Cummins – reported Mr. Goode understands the easement of driveway and is okay with it.

Dave Rhoads – inquired what road it was again.

Tom Cummins – reported it is 150 East.

Jim Peck – reported he instructed Mr. Goode to create a ditch in the front of his property as the water is flowing on the road. In addition, there is a blowout of a private tile and before the driveway is completed, the tile must be repaired.

Tom Cummins – reported Mr. Goode understands his requirements for building the driveway.

John Frey moved, seconded by Doug Mills, to approve the petition for variance to right of way from Phil Goode on the Joe Hall #581 as submitted. Motion carried, 5-0.

#### **Benjamin Crabbs #511 Petition**

Tom Cummins -- reported receiving a petition for the Benjamin Crabbs #511 for a variance to the regulated drain easement from CSX Transportation Inc. Mr. Cummins used the overhead projector to display the area. We have dealt with this area before. INDOT came before us about ten years ago, as the culvert at the railroad needs to be replaced. Coordination between the two groups has been lacking. Now CSX has petitioned the Board to replace a sixty-inch culvert pipe with an eight-five inch culvert pipe, to address the drainage issues.

Doug Mills -- inquired will they need to close the railroad.

Tom Cummins -- reported most likely to close.

Dave Rhoads -- reported thought they would bore.

John Frey -- inquired of the Surveyor if he recommended approving.

Tom Cummins -- reported yes.

John Frey moved, seconded by Dave Rhoads, to approve the petition for variance to the easement from CSX Transportation Inc. on the Benjamin Crabbs #511 as submitted.

Roger Azar and Tom Cummins -- reported they are unaware of a machine big enough to bore an eighty-five inch pipe.

Motion carried, 5-0.

Roger Azar- inquired which way the water flows in or out of pit.

Tom Cummins -- reported water flows west.

#### **William Epperson #622 Petition**

Tom Cummins -- reported receiving a petition to attach to the William Epperson #622 from Dubose Strapping Inc. and one for a petition for a variance to the regulated drain easement from Debose Strapping Inc. Mr. Cummins used the overhead projector to display the area. Debose Strapping Inc. has a detention pond with a swale. They want to improve the area. Roger Azar is working with them. They are seeking a variance to the easement with under drain outlets along with a petition to attach.

John Frey -- inquired that the petitions are listed separately, should there be two different motions.

Tom Cummins -- reported yes.

John Frey moved, seconded by Dave Rhoads, to approve the petition to attach to the William Epperson #622 and the petition for variance to the easement on the William Epperson #622 from Debose Strapping Inc. as submitted.

Dave Rhoads -- inquired if a tile would be installed and if so how big.

Roger Azar -- reported it would be a six-inch underdrain because the area is so flat.

Motion carried, 5-0.

## Old Business

### John Galey #518 Reconstruction

Tom Cummins – reported the Surveyor has received the final bill from Maxwell Farm Drainage Inc., for the **John Galey #518** reconstruction in the amount of \$122,530.00 and recommends approving the payment.

**Dave Rhoads moved, seconded by Doug Mills, to approve payment to Maxwell Farm Drainage Inc. for the reconstruction of the John Galey #518 in the amount of \$122,530.00. Motion carried, 5-0.**

### Other Business

Tom Cummins – reported the Surveyor would like to schedule an assessment hearing for the **Phillip Dewey #584** drain near New Richmond. Mr. Cummins recommends setting the hearing for March 9, 2022 at our regular scheduled meeting to increase the assessment.

**John Frey moved, seconded by Doug Mills, to hold an assessment hearing for the Phillip Dewey #584 on March 9, 2022 at 9:30 a.m. at the Montgomery County Courthouse. Motion carried, 5-0.**

Tom Cummins – reported the Surveyor would like to schedule an assessment hearing for the **Alfred Stingley #N/A** drain. There currently is no assessment on this drain as it was taken off assessment in the 1960's. Quite a bit of background work has been completed on this drain. There has been confusion over this drain and the **Anthony Stingley #556**, which was vacated. This has been a confusing area with work being charged to the **Anthony Stingley #556** before it was vacated. All monies left from the **Anthony Stingley #556** was transferred into **Fund without Drains #400**. Mr. Cummins recommends setting the hearing for March 9, 2022 at our regular scheduled meeting to increase the assessment. Mr. Cummins used the overhead projector to display the area.

Dave Rhoads – inquired if Mr. Cummins knows of any landowners in area who may know more about the drain.

Tom Cummins – reported when Greg Woods worked for the office, he put together a report on this drain with information from landowners in area.

John Frey – inquired if this drain has anything to do with the Tri- County Drain.

Tom Cummins – reported no.

Dave Rhoads – inquired will this cause any issues.

Tom Cummins – reported this will create a drain fund for any work that it requires. Another unassessed drain from the 1960's will be completed.

Doug Mills – reported if we stay with our mission statement we should move forward.

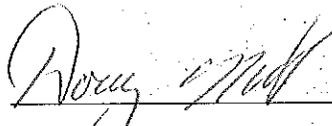
Tom Cummins – reported on the history of the drain it should not be vacated. Recommends setting an assessment hearing for the **Alfred Stingley #N/A** for the March 9, 2022 meeting.

Matt Mitchell – inquired about the red on the map.

Tom Cummins – reported that is area from a recent reconstruction and not on the map yet.



Lance Sennett, Member



Doug Mills, Member

Doug Mills moved, seconded by Dave Rhoads, to hold an assessment hearing for the Alfred Stingley #N/A drain on March 9, 2022 at 9:30 a.m. at the Montgomery County Courthouse. Motion carried, 5-0.

Tom Cummins – reported on the Eagles Nest #699 vacate hearing. It was brought to the Board earlier as a sub-division. The property was sold and the current landowner does not want to build a sub-division and would like to vacate the drain. Mr. Cummins recommends holding a vacate hearing on March 9, 2022 at 9:30 at our regular meeting.

Doug Mills moved, seconded by Dave Rhoads, to hold a vacate hearing for the Eagles Nest #699 at the March 9, 2022 at 9:30 a.m. at the Montgomery County Courthouse. Motion carried, 5-0.

**Other Business**

Tom Cummins – reminded the Board the Claude Moody #583 reconstruction hearing will be January 26, 2022; and the meeting will be held at the Crawfordsville District Public Library.

Doug Mills – reported he would not be able to attend.

**Public Comment**

Dave Rhoads – inquired about a call from Mike Pickett.

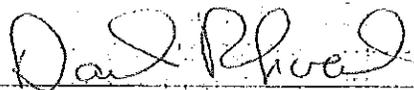
Tom Cummins – reported the issue is on a private open ditch. Open ditch work requires the landowner contact IDEM, DNR and Army Corps of Engineers to determine whether a permit is necessary.

Next meeting is January 26, 2022.

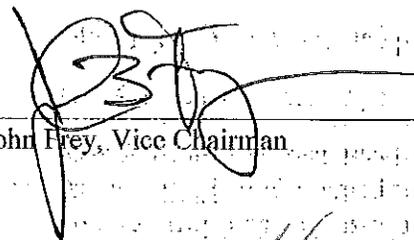
Meeting adjourned.

Vicki Emmert,

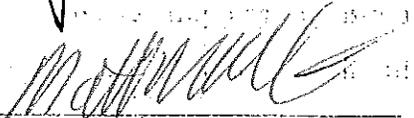
Recording Secretary



David Rhoads, Chairman



John Frey, Vice Chairman



Matt Mitchell, Secretary

Montgomery County  
Drainage Board Special Meeting

January 26, 2022

The Montgomery County Drainage Board met on Wednesday, January 26, 2022, at 9:00 a.m. at the Crawfordsville District Public Library, Crawfordsville, Indiana.

Chairman Dave Rhoads called the meeting to order. There was no prayer.

Board members in attendance were Chairman Dave Rhoads and Lance Sennett member. Vice Chairman John Frey came in mid-meeting. Secretary Matt Mitchell and member Doug Mills were not in attendance. Present were Tom Cummins, Surveyor, and Attorney Dan Taylor.

Also, present were Steve Risner, Jon Baker, Bev High, Sue and Jerry Rasmussen, Greg Linn, Wesley Cram, Neil and Wanda Ulsh, Brad and Jackie McBride, Jerry and Connie Perkins, Larry and Wanda Serrano, Diana McCormick (Moore), Paul Michael, David and Deb Wineman.

**Claude Moody #583 Reconstruction Hearing**

Dave Rhoads – reported there were only two Board members present and that no decisions would be made today. Mr. Rhoads reported Tom Cummins will present the report and afterward will answer questions from the audience.

Tom Cummins – reported today, we are holding the hearing for the reconstruction of the **Claude Moody #583** drain located in the town of Mace. History of the drain, was constructed in 1922, no evidence that it was ever reconstructed. It is in Walnut Township T18N, R3W, Sections 17 and 18. There is 67.53 acres in the watershed with 2,919 feet of tile consisting of 8", 10" and 12" tiles. There is 650 feet of open ditch and seventy- five parcels. Currently the maintenance assessment is \$8.26 an acre with a \$10.00 minimum. Total yearly collection is \$808.35

Per IC 36-9-27-34 (b), A regulated drain is in need of reconstruction when:

- (1) It will not perform the function for which it was designed and constructed;
  - (2) It no longer conforms to the maps, profiles, and plans prepared at the time when the legal drain was established; or
  - (3) Topographical or other changes have made the drain inadequate to properly drain the lands affected without extensive repairs or changes
- (1) The existing Claude Moody drain does not perform the function for which it was designed because it fails to adequately drain all affected land under this current condition. This failure is evidenced by the lack of adequate drainage in portions of the watershed.
  - (2) Land use change in the watershed have made the Claude Moody drain inadequate to properly drain the lands affected without extensive repairs or changes.

Based on this evidence, the surveyor recommends approving the reconstruction of the **Claude Moody #583** regulated drain.

The Surveyor used the overhead projector to display the area and explain the proposal for the reconstruction. Total estimate is \$1,091,200.00. INDOT is responsible for paying for 100 % of construction in their right of way with an estimate of \$751,300.00. INDOT will need an agreement from the Board that establishes responsibility for maintenance of drain. The remaining balance will come from a grant from the SWIF program. The Commissioners have committed to use American Rescue Plan funds to cover any costs over and above the grant amount. The cost to landowners will be zero dollars.

Landowners, Board and Surveyor discussed the septic systems, assessment rates and maintenance of the open ditch, laterals, along with outlet maintenance.

Landowners thanked the Board for all their hard work.

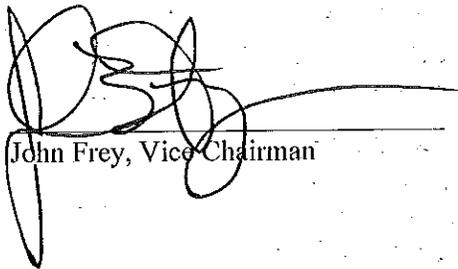
**John Frey moved, seconded by Lance Sennett, to approve the Claude Moody #583 reconstruction and schedule of assessments as submitted. Motion carried, 3-0.**

Meeting adjourned at 9:51 a.m.

Vicki Emmert,  
Recording Secretary



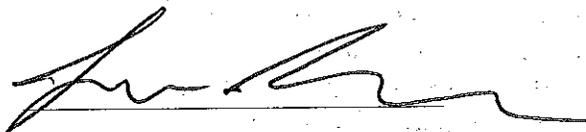
David Rhoads, Chairman



John Frey, Vice Chairman

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Matt Mitchell, Secretary



Lance Sennett, Member

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Doug Mills, Member

Montgomery County  
Drainage Board Meeting  
February 9, 2022

The Montgomery County Drainage Board met on Wednesday, February 9, 2022, at 9:30 a.m. at the Montgomery County Courthouse, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. Vicki Emmert gave the prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, members Doug Mills and Lance Sennett. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also, present were Brenda Foster, Roger Azar, Jim Peck and Tom Klein.

There were no minutes to approve.

**Old Business**

Tom Cummins – reported the Surveyor has revisions for the Long Range Plan that was approved in 2021. Mr. Cummins used the overhead projector to display the long-range plan from 2021. This is just a housekeeping record to keep the long-range plan up to date. Reasons the reconstructions will need to be revised are they require the involvement of INDOT and they need more time to budget, so will move those drains to 2023 instead of 2022. They are the Richard Virts #560 and Charles McFarland # 545 drains. Both drains go under highways. The Clarence Widener #582 was completed last year. Proposed reconstructions for 2022 are the Levi Hawkins #523, Allie Peterson #549, Charles Schoen 1 #552, and Joel Tobin #576 as no one bid on it in 2021, Claude Moody #583 and the William Shelley #706. Plans for 2023 are the Charles McFarland #545, Richard Virts #560, James Wilson #588, Edward Berry #593 and Joseph Conway #700. Schedule for 2024 James Grimes #521, Fred Maxwell #585 and Henry Lee 2 #658.

Doug Mills – inquired if the proposed reconstructions are on the County website.

Tom Cummins – reported no, but it will be uploaded.

**Lance Sennett moved, seconded by Doug Mills, to approve the revised 2021 Long Plan reconstruction schedule. Motion carried, 5-0.**

**Other Business**

Tom Cummins- presented the Board with the 2022 Drain Fund Request transfers:

Maintenance to improvement for a total of \$56,222.62

Maintenance to reconstruction for a total of \$1,302.77

Reconstruction to Improvement to cover engineering and newspaper notices for a total of \$41,692.57

Reconstruction to Maintenance to cover invoices that were due before the reconstructions were completed, for a total of \$2,939.45.

**Dave Rhoads moved, seconded by John Frey, to approve the transfers. Motion carried, 5-0.**

Tom Cummins – presented the Board with the 2022 maintenance assessment OFF list. The handout stated the drains have an unencumbered balance equal to or greater than four (4) times the estimated annual cost of periodically maintaining the drain and per IC 36-9-27-43, the assessment should be omitted for 2022.

Doug Mills – inquired how long to the drains stay on the OFF list.

Tom Cummins – reported until the drain fund balance falls below the four-year balance, meaning funds spent for maintenance

John Frey – inquired how many are on the OFF list.

Tom Cummins – reported ninety-four. This is the first year with more OFF assessment than ON assessment.

Dave Rhoads – reported it was good to see drains like the **Foster Fletcher #573** and the **Albert Hysong #618** on the OFF list.

Tom Cummins – reported there would probably be a new revised off list for the Joint County drains in March. Currently waiting to hear from the other Counties.

Doug Mills – inquired how many total drains are there.

Tom Cummins – reported on the ditch listing report there are eighty-nine on the ON list and ninety-four on the OFF list. We do have some regulated drains that are not active currently which rounds out to about 200 drains.

**John Frey moved, seconded by Doug Mills to approve the 2022 OFF list. Motion carried, 5-0.**

Tom Cummins- presented the Board with the proposed assessment rate reductions for 2022. The **Henry Lee 2 #658** current rate is \$36.90/acre: w/\$5.00 minimum. Proposed new rate to lower to \$3.97/acre: w/\$5.00 minimum. The **John & Sarah Niven #723** current rate is \$9.82/acre: w/\$5.00 minimum. Proposed new rate to lower to \$4.17/acre: w/\$5.00 minimum. Last year we raised these rates to take care of deficits in the two drains. This was agreed to last year at the hearings to lowering the rate for both drains in 2022.

Doug Mills – inquired where are they located.

Tom Cummins – reported the **John & Sarah Niven #723** is located at 900 S and State Road 234 and the **Henry Lee 2 #658** is located in middle of Coal Creek Township. Mr. Cummins used the overhead projector to display the **Henry Lee 2 #658** and the **John and Sarah Niven #723** drains.

**John Frey moved, seconded by Lance Sennett, to approve the assessment rate reductions for the Henry Lee 2 #658 and the John and Sarah Niven #723. Motion carried, 5-0.**

Tom Cummins – presented the Board with a current Ditch Listing Report. The maintenance fund balance is \$1,341,838.64 and the reconstruction fund balance is \$452,400.90.

Dave Rhoads – reported remembering when the report was in the red.

Tom Cummins – reported that Mr. Rhoads is correct.

Tom Cummins – reported recently reconciling with the Auditor's office to straighten out their fund balances, to make sure everything is balanced. The interest payments that belong in the **Funds without drains #400** account still need to be entered.

Doug Mills – reported it would take a big calculator to figure the amount of money that has been spent over the last ten years.

Tom Cummins – reported Vicki Emmert keeps a running accounting sheet of the drains and it would not be that hard to pull the numbers.

Doug Mills- reported the public would be interested.

Tom Cummins – reported in maintenance we average \$350,000 to \$500,000 a year in expenditures.

Dave Rhoads – reported most landowners do not know the cost of work that has been completed to keep the Surveyor's office functioning properly.

Doug Mills – reported this information along with the long-range plan should be available for the public as to how much money was spent in the last ten years and what is spent yearly on maintenance to keep the drains running.

Tom Cummins – reported he did put that information together and Tom Klein was able to put it in his annual report that was presented to the County Council yesterday. After the Board looks it over please feel free to call me with any questions.

John Frey – reported to make sure the changes are publicized.

Tom Cummins – reported he would put it on the website.

**Doug Mills moved, seconded by John Frey, to approve the Ditch Listing Report.**

Tom Cummins – reported the Ditch Listing Report reflects the transfers that were presented to the Board today. After fall settlements are collected, the Surveyor will present another transfer and report.

**Motion carried, 5-0.**

Tom Cummins – reported he is working with the engineers on the **William Shelley #706**. Mr. Cummins used the overhead projector to display the area. There has been much discussion on the best direction to go and the cost. One of the options was to reconstruct when the bridgework was being completed by INDOT. They are now delaying or possibly vacating the proposed bridge project, at State Road 47 and State Road 32. Now we are back to our original pathway along State Road 47 with the conflict of the gas line. The engineer has contacted CenterPoint Energy concerning the gas line but has no feedback from them yet. Mr. Cummins is to meet with INDOT.

Tom Cummins – inquired if Board should send letter to CenterPoint Energy.

Doug Mills – reported yes a letter from Board should be sent.

Dave Rhoads – reported take the best avenue to get the work completed.

Doug Mills – reported he has no objection of going through the Board.

Matt Mitchell - inquired what if they do not respond.

Tom Cummins – reported then our lawyer will become involved.

Dan Taylor – reported we can give them notice and what work is to be done.

Tom Cummins – reported they were originally okay with the project as it is on our easement. The owners have changed from Vectren to CenterPoint. They will have to pay for the cost of moving the gas line.

Dan Taylor –inquired when to plan to complete this project.

Tom Cummins – reported the plan is to complete it this year.

Dong Mills – reported the First Baptist Church has inquired where the reconstruction will be.

We need to do whatever it requires to move this project forward and use a letter from Board if necessary.

Tom Cummins – used the overhead projector to display the area and explained where the drain will be located. Through the parking lots not under buildings.

Dan Taylor –reported once you give them notice to comply with code they have 180 days to move.

Tom Cummins – reported the code allows for regulated drain easement to be moved, as long as it is within the same parcel.

Dan Taylor – reported to site the statues of the code.

John Frey – reported the drain should be an urban drain.

Tom Cummins – reported the City agreed, previously, to be responsible for the detention areas. Mr. Cummins is to meet with the City for the reconstruction once the final design is complete. The City would take care of any land acquisitions for detention areas.

John Frey – reported definitely one project.

Tom Cummins – reported the next phase of reconstruction is to replace the Shelley drain to Traction Road. Landowners have contacted him inquiring when completion of the project will be.

John Frey – reported to make sure there is a written agreement with the City.

Tom Cummins – reported there was an inner-agency agreement with the **Foster Fletcher # 573** and will have an agreement with this project too.

**Doug Mills moved, seconded by Matt Mitchell, and directed the attorney Dan Taylor to create a letter to CenterPoint Energy to what their requirements are in moving the gas line. Motion carried, 5-0.**

Tom Cummins – reported the three members that were present at the **Claude Moody #583** hearing should sign the findings and conclusion report.

Tom Klein – reported the annual report would be on the website. From the American Rescue Plan Act, we received \$170,000.00 for the Mace Stormwater project. We also received a State Grant of \$466,000.00 for the project. Can put ten-year data on website. All plans on same section on website. May do a monthly Community County Zoom Forum at night. Jim Peck and Jake Lough to speak about road and bridge projects. Could possibly conduct a Surveyor's night. A thank you for the Comfort Drive, John Galey legal drain, for getting it done quickly. Construction is currently underway of the new water tower. The new County logo will appear on the water tower. On December 21, 1822, Montgomery County was established. It will be a yearlong celebration of events. The Liberty Bell in the Courthouse was rang to start the celebration on December 21, 2021.

The goal is to open the new government center by the end of March 2022. Tom Cummins can give a tour to Board. There is an art donation program to give to the government center. Pre-approved art will be on display organized by Athens Art Gallery on February 24, 2022, from six to eight pm on the third floor of the Fusion building. The art will be for sale to public to donate to center. Forty-three pieces total.

The Mace project is proceeding with INDOT.

February 24, 2022 is the art sale.

Roger Azar – inquired about conflict with INDOT and legal drains.

Dan Taylor – reported we have an easement, as it is a strong property right in favor of legal drain.

Roger Azar – inquired about the field south of Mace. Open parcel what is the right of owner.

Tom Cummins – reported as long as the easement is already established can be relocated on the same parcel. If not have to purchase easement, I assume.

Dan Taylor – Purchase of easement at “fair market value”

John Frey – reported can put a parking lot on easement just not a structure.

Dan Taylor – reported Tom did a great job of the annual report as it was fifty-five minutes long.

Dave Rhoads – reported a woman inquired about sewage line in the Mace area. What happens if you do hit a septic line? Is there a plan for that?

Tom Cummins – reported septic and lines are two different heights. Will not tie septic lines into new tile. If septic lines were connected to tile, will do what the law requires.

Tom Klein – inquired what about septic that ties into drain.

Tom Cummins – reported we would do what the code requires.

Dan Taylor – reported if you find an illegal connection it will not be reconnected to tile. Septic tiles cannot tie in to regulated drain.

Tom Cummins – reported this issue happened at Linnsburg as some parcels are too small for septic. We cannot be responsible for someone building a house and putting septic into tile. Septics cannot be done that way now.

Roger Azar – inquired about perimeter drain.

Tom Cummins – reported yes, it is clean water, septic tiles no. Other methods for septic.

Dave Rhoads – reported our next meeting is March 9, 2022 at 9:30 am at the Montgomery County Courthouse.

Tom Cummins – reported before the meeting he will send the Board information concerning the two assessment hearings and the vacate hearing.

Doug Mills – reported he would not be attendance of the March meeting.

**John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:24 a.m. Motion carried, 5-0.**

Vicki Emmert,

Recording Secretary



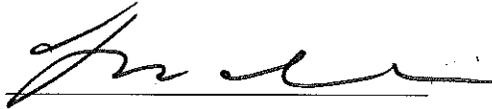
David Rhoads, Chairman

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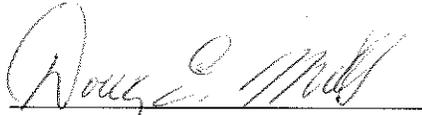
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

Montgomery County  
Drainage Board Meeting

March 9, 2022

The Montgomery County Drainage Board met on Wednesday, March 9, 2022, at 9:30 a.m. at the Montgomery County Courthouse, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. Vicki Emmert gave the prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, and member Lance Sennett. Member Doug Mills was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also, present were Brenda Foster, Darrell Birge, Roger Kunkel, Judy Adams, Sherry Coon, Dick and Judy Hunsicker, Brenda Foster, Grant McBee, Roger Azar and Mr. Odle.

There were no minutes to approve.

### Hearings

#### Phillip Dewey #584 Assessment Hearing

Tom Cummins reported the **Phillip Dewey #584** drain is located in Coal Creek Township near New Richmond. A lot of work has been completed, but more is needed. The current maintenance assessment is \$5.21 an acre with a \$5.00 minimum, which collects a total annual assessment of \$4,235.85. The current maintenance fund balance is zero and the improvement fund balance is in the red (\$27,631.69). The current projected payoff is 6.5 years, with expected additional expenditures of (\$5,000.00); making the total projected debt of (\$32,631.69) with a projected payoff of 7.7 years. The proposed assessment is \$15.63 an acre with a \$5.00 minimum. Total collected per year would be \$12,228.69 with a projected payoff of 2.67 years. The calculated maintenance assessment is \$5.39 with a calculated total annual assessment of 44,372.47.

The Surveyor recommends raising the current maintenance assessment of \$5.21 an acre with a \$5.00 minimum, to the proposed assessment of \$15.63 an acre with a \$5.00 minimum, for 2022, 2023 and 2024; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund, and collect the funds necessary for needed maintenance. The maintenance assessment would then be decreased, to the calculated assessment of \$5.39 an acre with a \$5.00 minimum in 2025, going forward.

Presented the Board with the ledgers of the Maintenance and Improvement funds for the drain to see how money has been spent.

The Maintenance Fund is the primary transaction fund for the **Phillip Dewey #584** drain. All collections are deposited in the maintenance fund, and this fund is used to pay invoices for work, hearing notices, etc. If an invoice total exceeds the balance in the maintenance fund, the remainder is paid out of the improvement fund, under the **Phillip Dewey #584** line item. This debt, carried by the improvement fund, must be paid back as assessments are collected. In some cases, assessment must be raised to ensure the improvement fund is reimbursed in a timely fashion. This was followed by the schedule of assessments.

Darrell Birge – inquired of the Surveyor if he aimed to pay back for work on the open ditch.

Tom Cummins – reported the work is not complete.

Darrell Birge – reported the Surveyor cleared out a wet land and burnt brush on the muck near the open ditch.

Tom Cummins – reported we are only responsible for the work that the Surveyor orders, not what the landowner contracted to have completed. We are currently in the process of dipping out the open ditch, from where the two tiles outlet up to CR 1100 N.

Darrell Birge – reported it is a sad looking mess out there.

**John Frey moved, seconded by Matt Mitchell to raise the Phillip Dewey #584 assessment rate to \$15.63 an acre with a \$5.00 minimum for the following years 2022, 2023 and 2024 with an annual total assessment of \$12,228.69. Then reduce the assessment rate in 2025, to \$5.39 an acre with a \$5.00 minimum with a total annual assessment of \$4,372.47. Motion carried, 4-0.**

#### **Alfred Stingley #N/A Assessment Hearing**

Tom Cummins – reported the Alfred Stingley #N/A was constructed in 1902 and then reconstructed in 1928 and in 1958 the drain was completely reconstructed by landowners. It is located in T20N, R4W, Sections 10,11,12,13, & 14 in Madison Township. The watershed consist of 1,070.37 acres. The tile length is 24,327 feet consisting of 8”, 10, 12”, 14”, 16”, 20”, 24” and 27” tiles. There is no open ditch. Total of twenty-five parcels in watershed. The drain is composed entirely of sub-surface tile, constructed in 1958, and established as a regulated drain in 1959. It outlets into the Lye Creek #535 drain. The overhead projector was used to display the area. The drain was taken off assessment in the 1960’s. The current maintenance assessment is zero. The proposed maintenance assessment is \$6.29 an acre with a \$5.00 minimum. Total annual assessment would be \$6,737.12. The Montgomery County Surveyor classifies this drain as a drain in need of maintenance for 2022 and recommends an increase to the maintenance assessment. This increase would allow for periodic maintenance of the tile.

Dave Rhoads – inquired about the reconstruction in 1958.

Tom Cummins- reported that it became a regulated drain in 1959, but never established a maintenance assessment.

Dave Rhoads – inquired of Mr. Odle if he remembered the reconstruction.

Mr. Odle – reported no.

Tom Cummins – reported Rick Ward did some work on drain when Greg Woods worked for the office, but we did not know it was a regulated drain at that time.

**John Frey moved, seconded by Lance Sennett to put the Alfred Stingley #N/A back on assessment at a rate of \$6.29 an acre with a \$5.00 minimum with an annual collection of \$6,737.12.**

Dave Rhoads – inquired when will the landowner see this on their taxes.

Tom Cummins – reported this year, 2022.

#### **Eagles Nest #699 – Vacate Hearing**

Tom Cummins – reported the Eagles Nest #699 sub-division was brought to the Board in 2021. Landowners sold and the new owners no longer plan to build a sub-division.

Dave Rhoads – inquired if there were any comments. The overhead projector was used to display the area.

There was none.

**John Frey moved, seconded by Dave Rhoads, to vacate the Eagles Nest #699 drain. Motion carried, 4-0.**

Tom Cummins – reported Dan Taylor to create an order to vacate for the Board to sign.

#### **Old Business**

Tom Cummins – presented a revised 2022 drain off list to the Board. The **Oscar Stevens #568** will be on the ON list instead of the off list. The **Rebecca Grimes #570** will be OFF for 2022.

**Dave Rhoads moved, seconded by Matt Mitchell, to approved the revised off list for 2022. Motion carried, 4-0.**

#### **Other Business**

Tom Cummins – reported the engineers are working on the **Allie Peterson #549** project design. The overhead projector was used to display the area. The area may have been a Joint drain with Clinton County at one time as there are fifty acres that drain into the **Allie Peterson #549** from Clinton County.

Tom Cummins - inquired if we should create a Joint board and inquired if we should have a landowner informational meeting. The Code states that Clinton County does not have to be involved. Most Counties want to be involved.

Tom Cummins – inquired if we could hold an informational meeting in April.

Matt Mitchell – inquired if Surveyor has the owner list from Clinton County.

Tom Cummins – reported no. There is a private tile in Clinton County too. The tile may need to be bigger to account for the approximately 50 additional acres coming from Clinton County.

Dave Rhoads – inquired if we have other Joint drains with Clinton County.

Tom Cummins – reported the John McLaughlin #097 is the Tri-County drain along with Tippecanoe and Clinton County.

Dave Rhoads – reported Clinton County might want to hook on to **Allie Peterson #549** drain.

Tom Cummins – reported he feels the landowners should be involved.

Dave Rhoads – inquired of Board their insight.

The Board directed Tom Cummins to send out a letter to landowners for an information meeting at our April 13, 2022 meeting.

#### **New Business**

None.

#### **Public Comment**

Roger Kunkel –reported at the Linden Cemetery a grave was opened up and it filled with two feet of water. Believes something is wrong with the tile that was installed between Linden and the cemetery in a few years ago.

Tom Cummins – reported sub-surface drainage has been a lot in the last couple of weeks. Did not reconstruct the tile through the woods and there is a possibly an issue there. Will look into opening up a tile in area. Appreciate Mr. Kunkel in notifying him.

Roger Kunkel – reported they will be opening up another grave tomorrow on the east side of cemetery and will check for water there.

Grant McBee – inquired about three farms that his mother, brother and he owns. The big main went in a few years ago, but did not go to the east.

Tom Cummins – Inquired if he was inquiring about the **Alfred Stingley # N/A** or the **George Barnett #663**.

Grant McBee – reported it was the **George Barnett #663**.

Tom Cummins - Used the overhead projector to display the **Alfred Stingley #N/A** and **George Barnett # 663** to show where their water drains. Mr. Cummins turned on the parcels.

Grant McBee – inquired how many total acres to **George Barnett #663**.

Tom Cummins – reported only affected acres; only six in **Alfred Stingley #N/A**.

Tom Cummins – reported 8.13 affected acres in **George Barnett #663**

Darrell Birge – followed up on Roger’s inquiry and the cemetery wanted more work done in the swamp area in beginning but Board chose not to. Problems will continue.

Dave Rhoads – reported also that we have had a lot of water recently.

Roger Kunkel – inquired about a tile.

Tom Cummins – reported will verify by opening up the tile to see if it is flowing properly.

Tom Cummins – inquired where the April Drainage Board will be held.

Tom Klein – recommends meeting at the courthouse for April meeting.

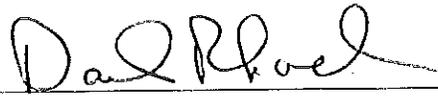
Tom Klein – reported offices to be open in new building in near future but not the conference room. Bi-Centennial events are being planned for County for the year.

Tom Cummins – reported Board usually cancels the May meeting.

**John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:04 a.m. Motion carried, 4-0.**

Vicki Emmert,

Recording Secretary



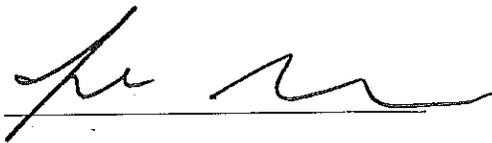
David Rhoads, Chairman

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John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member

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Doug Mills, Member

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Montgomery County  
Drainage Board Meeting

April 13, 2022

The Montgomery County Drainage Board met on Wednesday, April 13, 2022, at 9:30 a.m. at the Montgomery County Courthouse, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. Vicki Emmert gave the prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, members Lance Sennett and Doug Mills were present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Tyler Nichols.

Also, present were Brenda Foster, Joe Virgin representing Jim Colley, Richard Gable, Edmund Gable, Jon Emmert, Brent Bible, Brenda Moselsa, Jim Swin, Zach Cain, Peggy Whitacre, and Tom Klein.

**Approval of Minutes**

**Lance Sennett moved, seconded by Matt Mitchell, to approve the February 9, 2022 Drainage Board minutes. Motion Carried, 4-0. (John Frey was not present yet.)**

**Lance Sennett moved, seconded by Matt Mitchell, to approve the March 9, 2022 Drainage Board minutes. Motion Carried, 3-0. Doug Mills abstained, as he was not present at March meeting. (John Frey was not present yet.)**

**Allie Peterson #549 Landowner Informational Meeting.**

Landowners present for the information meeting were Joe Virgin representing Jim Colley, Richard Gable, Edmund Gable, Jon Emmert, Brent Bible, Brenda Moselsa, Jim Swin, Zach Cain, and Peggy Whitacre.

Tom Cummins – reported this is the second phase of reconstruction for the **Allie Peterson #549** and is currently working with the engineers to design a plan.

Mr. Cummins used the overhead projector to display the area.

Tom Cummins – reported there are fifty acres east of the County line in Clinton County, within the watershed. No information shows it ever was a joint drain. There are 1,335 acres in Montgomery County and fifty acres in Clinton County that drain into the **Allie Peterson #549**. (John Frey arrived at 9:35 am) One of the reasons for holding an informational meeting with landowners was to discuss a joint Board. The process of setting up a joint drainage board would extend the reconstruction into 2023.

Terry Cain – reported he was not in favor of waiting until 2023. Inquired about tenant and landowners total out of pocket cost.

Dave Rhoads – inquired of landowners if there were any other comments.

Joe Virgin – reported representing a landowner. Does not make sense to slow the process down. They maintain the tile the Surveyor mentioned, every year. Not receiving total benefit of the drain.

Tom Cummins – reported he is working with engineer, Kenny Cain, Joe Virgin and Brent Bible on this project. The original design was to 1050 E, is checking with engineering to extend the drain through the Cooley Farm. The design is not complete, so does not have a cost estimate yet. In 2008 and 2009, the

first reconstruction was completed. Mr. Cummins explained, since the past reconstruction that some of the 24" tiles, now needs to be resized with 30" tile throughout the watershed for best drainage.

Doug Mills – inquired about the Clinton County fifty acres about where it is draining.

Tom Cummins – reported the fifty acres drains into the regulated drain

Dave Rhoads – inquired who owns the fifty acres and if the area stays wet.

Joe Virgin – reported he knows the farmer who farms it and area is wet with tile blowouts

Dave Rhoads – inquired can we run the tile clear up to property line and Clinton County landowner would be responsible for their share.

Brent Bible – reported tiled some of the north eighty, did some exploration and found a sub-surface tile in that area that should be draining the Clinton County portion.

Dave Rhoads – inquired if we can take control of the fifty acres in Clinton County.

Tom Cummins – reported code does allow in certain instances, but the adjoining County must wave their right to have no representation.

Dave Rhoads – inquired if Mr. Cummins has a good relationship with Clinton County Surveyor.

Tom Cummins – reported he worked with him on the John McLaughlin, Tri-County drain.

Doug Mills – inquired if we are under sizing the drain.

Tom Cummins – reported it is being designed to include the fifty acres in Clinton County.

Terry Cain – reported no, everyone in area of 1000 North have received zero benefit; needs to extend through the Colley Farm. Clinton County landowners should pay part of the first reconstruction, to work with them later.

Dave Rhoads – inquired if we run tile to boundary line, then landowners in Clinton County inquire if they can hook to drain what are your thoughts.

Terry Cain – reported Clinton County landowners should pay their fair share of reconstruction costs.

Brent Bible – inquired is there a legal process if that were the case.

Tom Cummins – reported I do not think you can legally stop them from tying into the drain as they are in the watershed.

Joe Virgin – reported water will still come across the area from Clinton County. They should just pay their bill.

Terry Cain – reported only fair to pay back.

Tom Cummins – reported a joint board is required to assess Clinton County, will work with our legal counsel on this.

Joe Virgin – inquired who the landowners are.

Tom Cummins – reported he does not have access to Clinton County parcel data.

Dave Rhoads -- inquired if we go forward with the reconstruction, can a joint board be formed later if the Clinton County landowners would like to hook on.

Tom Cummins -- reported we are allowed to form a joint Board at any time.

Dave Rhoads -- inquired can we form a joint board any time. Not in favor of forming board now.

Tom Cummins -- reported because of timeline and only fifty acres involved, agrees we should move forward.

Dave Rhoads -- reported no sense delaying it and Clinton County could come later to file for joint board.

Tom Cummins -- reported currently designing the drainage to include the fifty acres but not assessing them.

Brent Bible -- reported the ability to assess the fifty acres; is approximately 3.5 percent of watershed. If it were a \$400.00 per acre project, it would impact the landowners \$12.00 to \$15.00 an acre on each landowner currently in watershed.

Tom Cummins -- reported the fifty acres is included in the design. The Surveyor's recommendation today is to not create a joint board at this time.

Doug Mills -- inquired the general opinion of the landowners in attendance today. Inquired if landowners are in favor of a joint board.

Dave Rhoads -- inquired what is the Surveyors projected time frame for the reconstruction.

Tom Cummins -- reported July and August 2022.

Brent Bible -- inquired about the design.

Mr. Cummins used the overhead projector to show area of proposed reconstruction. Does not have the final design specs yet.

Terry Cain -- reported he is in favor of constructing to Clinton County and they can join later.

Joe Virgin -- reported he is in agreement with constructing to Clinton County.

Dave Rhoads -- reported this reconstruction is two phases concerning the same landowners.

Landowners present agreed to move forward.

Tom Cummins -- reported the engineer would extend the regulated drain into the Cooley Farm.

### **Petitions**

Tom Cummins -- reported he would like to table the **John Walkup #604** as he is waiting on information from landowner and information from contractor.

Dave Rhoads -- inquired of the location.

Tom Cummins -- reported the drain is located in Walnut Township, along I-74.

**John Frey moved, seconded by Land Sennett, to table the John Walkup #604 petition to our next meeting. Motion carried, 5-0.**

### Old Business

Tom Cummins – recommending scheduling a hearing to vacate a portion of the **John Galey #518** at the June meeting. This is due to the reconstruction and re-alignment of the drain for the Temper Sealy plant.

Dave Rhoads – inquired about all the water standing in that area in the ditch.

Tom Cummins – reported the drainage is not complete yet.

John Frey – reported they are pumping water out to ditch as they are building the retention ponds.

John Frey – reported they are very large retention ponds.

Tom Cummins – recommends setting a vacate hearing for June.

**John Frey moved, seconded by Lance Sennett, to set the vacate hearing for a portion of the John Galey #518 for the June 8, 2022 at 9:30 a.m. at the New Government Center at 1580 Constitution Row Crawfordsville Indiana in the Commissioner's meeting room. Motion carried, 5-0.**

### Other Business

Tom Cummins – inquired if the Board would like to hold a May meeting or cancel for planting season.

Dave Rhoads – inquired if there was anything on the agenda.

Tom Cummins – reported should have information to set the reconstruction hearings at the May meeting.

Dave Rhoads – reported does not want to cancel yet.

Board agreed to keep the May meeting on the schedule.

### New Business

Dave Rhoads – inquired for what purpose the County hired Banning Engineering.

Tom Cummins – reported to perform storm water reviews as County Engineer Jim Peck is leaving and this is temporary.

Tom Klein – reported the County is looking for new Civil Engineer so if anyone knows of a good one please contact him.

The next meeting will be May 11, 2022 at 9:30 am at the new Government Center.

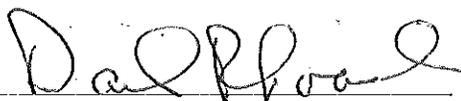
Board inquired if this needs to be in a motion for new location.

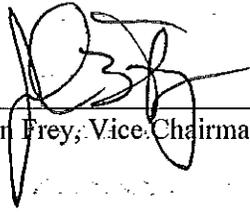
Tyler Nichols – reported no as it is the same date.

**John Frey moved, seconded by Doug Mills, to adjourn at 10:02 a.m. Motion carried, 5-0.**

Vicki Emmert,

Recording Secretary

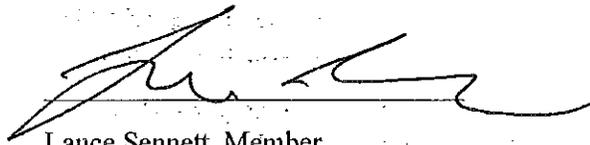
  
David Rhoads, Chairman



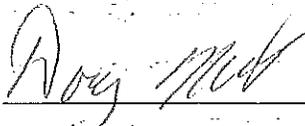
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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Montgomery County

Drainage Board Meeting

May 11, 2022

The Montgomery County Drainage Board met on Wednesday, May 11, 2022, at 9:30 a.m. at the Montgomery County Courthouse, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. There was no prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, members Lance Sennett and Doug Mills were present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor

Also, present was Brenda Foster.

**Approval of Minutes**

Doug Mills moved, seconded by Lance Sennett, to approve the January 12, 2022 and April 13, 2022 minutes. Motion carried, 5-0.

**Petitions**

**John Walkup #604**

Tom Cummins -- reported he is waiting on the signed petition and would like to table it to the next meeting.

John Frey moved, seconded by Dave Rhoads, to table the John Walkup #604 petition to the June 8, 2022 meeting. Motion carried, 5-0.

**Reconstructions**

Tom Cummins -- reported he would like to move the June 8, 2022 to June 22, 2022 that we can hold reconstruction hearings for the Levi Hawkins #523, Allie Peterson #549 and the Charles Schoen I #552 to allow for timing as the code directs.

Board discussed options.

Doug Mills moved, seconded by John Frey, to move the Drainage Board meeting to Tuesday, June 21, 2022 at 9:30 a.m. and to hold hearings for the Levi Hawkins #523, the Allie Peterson #549, and the Charles Schoen I #552 at the Government Center in the Commissioners meeting room. Motion carried, 5-0.

Tom Cummins -- reported the hearing for the John Galey # 518 to vacate a portion of the drain should also be moved to the new date of June 21, 2022.

Matt Mitchell moved, seconded by John Frey, to move the John Galey #518 hearing to vacate a portion of the drain from June 8, 2022 to Tuesday, June 21, 2022 at 9:30 a.m. at the Government Center in the Commissioners meeting room. Motion carried, 5-0.

Tom Cummins -- reported the John Walkup #604 date will need a motion to change the date also.

Lance Sennett moved, seconded by John Frey, to change the date from June 8, 2022 to June 21, 2022 at the Government Center in the Commissioners meeting room for the tabled John Walkup #604 petition. Motion carried, 5-0.

#### Old Business

Tom Cummins – reported using the overhead projector to display the area, the proposed **Otis Thompson #708 Tributary 3** the tile should to be replaced in the field. Mr. Cummins has marked tile holes and confirmed the water is not moving through the tiles. Other tiles are full of sediment. Waterway has a French drain. The eight-inch tile is stretched, crushed and mangled. Would like to re-classify as in need of reconstruction. There is a current loan out now for the **Otis Thompson #708**. A camera crew came out and water was not moving out of tile enough to use camera.

Doug Mills – inquired if we should meet with the landowners.

Tom Cummins – reported it needs to be re-classified and that Tributary 3 needs to work. The tentative time line is 2026.

Doug Mills – reported that the landowners should be given the option to repair now or wait until 2026.

Dave Rhoads – inquired what is the time-frame with the highway.

Tom Cummins – reported the highway is not the issue but working with the railroad is the issue.

Dave Rhoads – reported we should get the permit from railroad and then start. Reported ninety percent of the landowners want it and two property owners will complain.

Dave Rhoads – inquired how much area does this cover.

Doug Mills – reported it is the goal of Board to make sure everything works for the landowners.

Dave Rhoads – reported landowners said that the short tile did not work.

Tom Cummins – reported approximately fifty acres affected by Tributary 3.

Doug Mills – inquired you have to have a reconstruction project to contact the railroad.

Tom Cummins – reported yes, we cannot put forth money for fees and permits without a reconstruction in the process.

Doug Mills – reported we should invite landowners in and hear what they have to say about the project.

Tom Cummins – reported his recommendation would be to hold an **Otis Thompson # 708** informational meeting at the July 13, 2022 Drainage Board meeting to discuss options.

Dave Rhoads – inquired of Matt Mitchell and Lance Sennett what their thoughts were on the matter.

Matt Mitchell and Lance Sennett – reported we should give a choice to landowners.

**Doug Mills moved, seconded by Matt Mitchell, to hold an informational meeting for the Otis Thompson #708 Tributary 3 proposal on Wednesday July 13, 2022 at 9:30 a.m. at the Government Center in Crawfordsville, Indiana.**

Tom Cummins – inquired to invite all landowners.

Doug Mills – reported yes everyone who pays on the drain.

Dave Rhoads -- inquired about the overhead projector photo.

Tom Cummins -- reported what is on display is the section that should be reconstructed.

**Motion carried, 5-0.**

**Other Business**

Doug Mills -- inquired what is the status of the **William Shelley # 706** drain.

Tom Cummins -- reported waiting on permit from INDOT and Center Point Energy plans to move gas line.

Doug Mills -- inquired if we have an agreement with the **City of Crawfordsville**.

Tom Cummins -- reported no agreement.

Tom Cummins -- reported we are further into the project than before. INDOT is okay. Still working with Center Point with the gas line. Joe Miller received an e-mail from Center Point inquiring about the projected works time frame is.

Dan Taylor -- reported we just have to prove that the **William Shelley #708** was there before the gas line we do not have to compensate the Center Point for the relocation of the gas line. We have done title work to try to be ready for any event. We are confident that the drain was there before the gas line.

John Frey -- inquired about issues with State Road 231 having issues under railroad, on the Benjamin Crabbs drain.

Tom Cummins -- reported installing an eighty-six-inch pipe is not a simple task.

Dave Rhoads -- inquired of Dan Taylor concerning the Birge case.

Dan Taylor -- Mr. Taylor explained the lawsuit with Mr. Birge. Trial to go back, due to a partial taking. Happy for outcome.

Dave Rhoads -- reported 2012 or 2013 when this all happened.

Dan Taylor -- reported that Mr. Birge reported his house and farm are both inhabitable. He still lives in his house and still farms the ground.

Dan Taylor -- reported the court agreed with us.

**New Business**

None

**Comment**

None

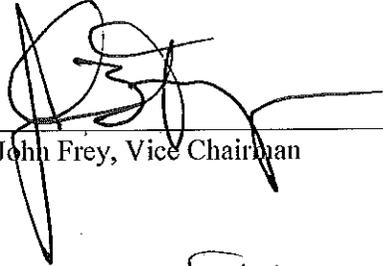
**John Frey moved, seconded by Lance Sennett to adjourn the meeting at 9:58 a.m. Motion carried, 5-0.**

Vicki Emmert,

Recording Secretary

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David Rhoads, Chairman



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John Frey, Vice Chairman



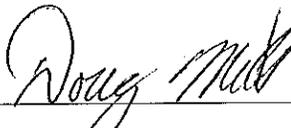
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Matt Mitchell, Secretary



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Lance Sennett, Member



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Doug Mills, Member

Montgomery County  
Drainage Board Meeting

June 21, 2022

The Montgomery County Drainage Board met on Tuesday, June 21, 2022, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

Vice Chairman John Frey, followed by the Pledge of Allegiance, called the meeting to order. There was no prayer.

Board members in attendance were, Vice Chairman John Frey, Secretary Matt Mitchell, members Lance Sennett and Doug Mills were present. Chairman Dave Rhoads was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor

Also, present were Brenda Foster, Gayle Lough, Brian Powers, Kent Priebe, Dewans Maxwell Bernard Jones, Matt Dildine, Richard Gable, Donald C Whitehead, Jesse Rivenbark, Jim Cooley and Tom Klein.

#### Approval of Minutes

Doug Mills moved, seconded by Lance Sennett, to approve the May 11, 2022 minutes with the correction the Drainage Board met at the Government Center at 1580 Constitution Row, Crawfordsville not the Courthouse. Motion carried, 4-0. Motion carried, 4-0.

#### Bid Opening

Tom Cummins reported receiving one bid for the Claude Moody #583 reconstruction at Mace. The reconstruction project will be paid for by a SWIF Grant and INDOT reimbursement.

White Construction from Clinton Indiana           \$1,495,000.00

Mr. Cummins recommends taking this bid under advisement and holding a special meeting on Monday, June 27, 2022 at 9:30 a.m. at the Government Center.

Doug Mills moved, seconded by Matt Mitchell, to take the bid under advisement for the Claude Moody #583 reconstruction and hold a special meeting on Monday, June 27, 2022 at 9:30 a.m. at the Government Center. Motion carried, 4-0.

#### Hearings

Matt Mitchell left the room for the Levi Hawkins #523 reconstruction hearing.

#### Levi Hawkins #523 Reconstruction Hearing.

Tom Cummins – reported the Levi Hawkins #523 was constructed in 1905 and believe it has never been reconstructed. It is located in T17N, R6W, and Sections 11, 13, 14 & 23 in Brown Township and consists of 894.81 acres. The tile length is 5,180 feet consisting of 12”, 15”, 16” and 18”. The open ditch is 854 feet in length. There are twenty parcels. The current assessment is \$2.33 an acre, with a \$5.00 minimum collecting annually \$2,099.04.

Per IC36-9-27-34 (b), A regulated drain is in need of reconstruction when:

- (1) It will not perform the function for which is was designed and constructed;
- (2) It no longer conforms to the maps, profiles and plans prepared at the time when the legal drain was established; or

(3) Topographical or other changes have made the drain inadequate to properly drain the lands affected without extensive repairs or changes

- (1) The existing Levi Hawkins drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. This failure is evidenced by the lack of adequate drainage in portions of the watershed. The existing tile is failing and is undersized to adequately drain the watershed after commonly occurring rain events.

Based on this evidence, the Surveyor recommends approving the reconstruction of the **Levi Hawkins #523** regulated drain.

The open ditch will be vacated, as a regulated drain and extend the tile under County Road 900 West.

Description	Quantity	Unit	Unit Price	Amount
Installation of 36" smooth-corr HDPE pipe	875	LFT	\$40.00	\$35,000.00
Installation of 30" smooth-corr HDPE pipe	762	LFT	\$34.00	\$25,908.00
Installation of 24" smooth-corr HDPE pipe	2,441	LFT	\$28.00	\$68,348.00
Installation of 15" smooth-corr HDPE pipe	1,924	LFT	\$18.00	\$34,632.00
Destruction of existing tile	5,180	LFT	\$1.00	\$ 5,180.00
Installation of 36" outlet w/animal guard	1	EA	\$500.00	\$ 500.00
Installation of 6" Hickenbottom breathers	4	EA	\$500.00	\$ 2,000.00
Additional excavation	130	CYD	\$ 2.00	\$ 260.00
Paved Road crossing	1	EA	\$5,000.00	\$ 5,000.00
Engineering	1	EA	\$12,850.00	\$12,850.00
10% Contingency	1	EA	\$18,967.80	<u>\$18,967.80</u>
			<b>Total</b>	<b>\$208,645.80</b>

Estimated cost per acre is \$233.17

The Surveyor used the overhead projector to display the area.

Doug Mills— stated that everyone should have access to a legal drain and inquired about landowners to the north.

Tom Cummins – reported landowners can contact the Surveyor if needed.

John Frey – inquired of public comment. There was none.

**Doug Mills moved, seconded by Lance Sennett, to approve the reconstruction of the Levi Hawkins #523 for \$208,645.80. Motion carried, 3-0.**

Matt Mitchell returned to meeting at 9:44 a.m.

**Allie Peterson #549 Reconstruction Hearing**

Tom Cummins – reported the **Allie Peterson #549** was constructed in 1903 and a portion reconstructed in 2010 on lower end. It is located in T20N, R3W, and Sections 1, 2, 9, 10, 11 & 12 in Sugar Creek Township and consists of 1,332.23 acres. The tile length is 18,913 feet consisting of 8”, 10”, 15”, 16”, 18”, 20”, 22”, 24” and 30” tiles. There is no open ditch. There are 47 parcels. The current maintenance assessment is \$5.41 an acre with a \$5.00 minimum and collects annually \$7,215.68.

Mr. Cummins did not re-read the code requirements. However, reported the findings for the **Allie Peterson #549**.

- (1) The existing **Allie Peterson #549** drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. This failure is evidenced by the lack of adequate drainage in portions of the watershed. The regulated main should be extended upstream, to serve the upstream portions of the watershed. The existing tile is failing and is undersized to adequately drain the watershed after commonly occurring rain events.

Based on this evidence, the Surveyor recommends approving the reconstruction of the **Allie Peterson #549** regulated drain.

Description	Quantity	Unit	Unit Price	Amount
Installation of 30” smooth-corr HDPE pipe	8,165	LFT	\$34.00	\$277,610.00
Installation of 24” smooth-corr HDPE pipe	5,141	LFT	\$28.00	\$143,948.00
Installation of 18” smooth-corr HDPE pipe	1,159	LFT	\$21.00	\$ 24,339.00
Installation of 12” smooth-corr HDPE pipe	3,252	LFT	\$15.00	\$ 48,780.00
Installation of 10” smooth-corr HDPE pipe	1,601	LFT	\$12.00	\$ 19,212.00
Destruction of existing tile	13,695	LFT	\$1.00	\$ 13,695.00
Connection to existing 30” tile	1	EA	\$500.00	\$ 500.00
Installation of 6” Hickenbottom breathers	10	EA	\$500.00	\$ 5,000.00
Additional excavation	9,219	CYD	\$2.00	\$ 18,437.04
Paved road crossings	3	EA	\$5,000.00	\$ 5,000.00
Gravel road crossings	3	EA	\$2,500.00	\$ 7,500.00
Engineering	1	EA	\$20,850.00	\$ 20,850.00
10% Contingency	1	EA	\$59,487.10	\$ 59,487.10
		Estimated	Total	\$654,358.14

Estimated cost per acre is \$491.18.

John Frey inquired of public comment. There was none.

**Lance Sennett** moved, seconded by **Matt Mitchell**, to approve the reconstruction of the **Allie Peterson #549** for \$654,358.14.

The Surveyor used the overhead projector to display the area.

Tom Cummins- reported and inquired of the Board back in 2010 when the first reconstruction was completed the 24" pipe used then needs to be replaced with 30" now. The question is should it be left in place, vacate or dig it up.

John Frey- reported the tile should be left in place.

Doug Mills – inquired as to why it was not size correctly the first time.

Tom Cummins – reported not all reconstructions were engineered back then and did not do a line survey for grade.

Doug – inquired when was reconstruction.

Tom Cummins – reported 2010. Most landowners were okay with just up sizing the tile because of the cost. Regulated drain reconstructions are all designed by engineers now.

**Motion carried, 4-0.**

#### **Charles Schoen 1 #552 Reconstruction Hearing**

The Surveyor used the overhead projector to display the area.

Tom Cummins – reported the **Charles Schoen 1 #552** was constructed in 1919. There are no records of a reconstruction. It is located in T20N, R3W, and Sections 27, 28, 33 & 34 in Sugar Creek Township and consists of 170.12 acres. There is 4,480 feet of tile consisting of 8", 12", 14" and 15" with no open ditch. There are eight parcels in the watershed. The current assessment is \$3.91 an acre with a \$5.00 minimum and collects annually \$675.59.

Mr. Cummins did not re-read the code requirements. However, reported the findings for the **Charles Schoen 1 #552** drain.

- (1) The existing **Charles Schoen 1 #552** drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. This failure is evidenced by the lack of adequate drainage in portions of the watershed. The existing tile is failing and is undersized to adequately drain the watershed after commonly occurring rain events.

Description	Quantity	Unit	Unit Price	Amount
Installation of 15" smooth-corr HDPE pipe	2,942	LFT	\$18.00	\$52,956.00
Installation of 12" smooth-corr HDPE pipe	528	LFT	\$15.00	\$7,920.00
Installation of 10" smooth-corr HDPE pipe	982	LFT	\$12.00	\$11,784.00
Destruction of existing tile	4,480	LFT	\$ 1.00	\$ 4,480.00
Installation of 15" outlet w/animal guard	1	EA	\$500.00	\$ 500.00
Installation of 6" Hickenbottom breathers	3	EA	\$500.00	\$ 1,500.00
Additional excavation	1804	CYD	\$ 2.00	\$ 3,608.33
Tree Clearing	1	ACRE	\$5,000.00	\$ 5,000.00

Gravel road crossing	1	EA	\$2,500.00	\$ 2,500.00
Engineering	1	EA	\$12,850.00	\$12,850.00
10% Contingency	1	EA	\$ 5,014.23	\$ 5,014.23
		Estimated	Total	\$108,112.57

Estimated cost per acre is \$635.51.

Based on this evidence, the surveyor recommends approving the reconstruction of the Charles Schoen 1 # 552 regulated drain.

John Frey opened the hearing to public at 9:56 a.m.

Gayle Lough – reported understands Tom Cummins ideas and appreciate his efforts. There are no major drainage issues; only when we have a massive flood and accept that as part of farming the area. Have 99.9% percent of the landowners that have signed a petition to oppose the reconstruction because of cost involved. Believes it should be postponed for many years. We know the outlet needs some attentions. Believe landowners can take care of some of the issues ourselves.

Tom Cummins – reported receiving objection letters from almost 100% of affected acres.

John Frey – inquired of Dan Taylor how to handle this.

Dan Taylor – reported the Board has the findings before you and your task is to weigh the balances and cost benefit. You should take into account what the landowners have said. It is a little higher per acre than most. However, it is your job to weigh balances and benefit now versus waiting, etc.

John Frey – inquired how was the drain selected for reconstruction.

Tom Cummins – reported the Charles Schoen 1 #552 is a well-designed drain. Trees were allowed to grow at the outlet and it has filled in with tree roots over the years. This has caused backups and tiles to break over the last six to eight years. Joints are pulling apart every year. Laterals are flowing into it. The seams are pulling apart and sucking in dirt. Lots of pressure. The current assessment is \$3.91 an acre and is a small watershed of 170.12 acres, collecting \$675.59 a year. Cannot not fix very many tile holes with \$675.59 a year. If we are not going forward with a reconstruction there is not enough money in fund to keep repairing without raising the assessment.

John Frey – inquired why the trees have not been cleared.

Tom Cummins – reported the damage has already been done to the tiles and clearing the trees will not help without a reconstruction. It is not that big of a reconstruction but it is a small watershed. Another option is to vacate the drain and let the landowners repair it as needed.

John Frey – inquired if we have 100% of landowners who want to take over the legal drain.

Tom Cummins – reported that step has not been taken yet.

John Frey – inquired of landowners if they want to vacate.

Gayle Lough – reported they would like some time to discuss the options.

Tom Cummins – reported a hearing would have to be set to vacate it.

Doug Mills – reported about being a small water shed and neighbors need to not be cut off.

John Frey – reported it has to be 100% unanimous to vacate.

John Frey – inquired about tabling the matter.

Dan Taylor – reported you could continue the discussion until the landowners have a chance to discuss it.

**John moved, seconded by Doug Mills, to table the reconstruction hearing for the Charles Schoen 1 #552 to the July 13, 2022 meeting. Motion carried 4-0.**

### **John Galey #518 Vacate Hearing**

Tom Cummins – reported the relocation of a portion of the tile last year was due to the new Tempur Sealy plant that is currently being built. The **John Galey #518** was constructed in 1903 and reconstructed in 1972-1973. It is located in Union Township T18N, R4W, and Sections 3,4,9,11,14 & 15. There are 1m667.23 acres in the watershed. The tile length is 34,919 feet and consist of 6”, 8”, 10”, 15”, 16”, 18”, 20”, 24” and 30” inch tiles. There is no open ditch. There are two hundred and three parcels. The current assessment is \$3.95/ an acre with a \$5.00 minimum per acre and collects annually \$6,174.68.

Per IC 36-9-27-34 (d), A regulated drain should be vacated when:

- (1) The drain does not perform the function for which it was designed and constructed, or it has become inadequate to properly drain all affected land under current conditions;
  - (2) The expense of reconstruction outweighs the benefits of reconstruction; and
  - (3) The vacation will not be detrimental to the public welfare.
- (1) The described portion of the **John Galey** drain does not perform the function for which it was designed, after being replaccd as part of reconstruction.
  - (2) Description of portion to be vacated:
    - a. Approximately 1,770 linear feet of tile main; beginning at Sta.+/- 10435 and ending at Sta.+/- 12205
    - b. Approximately 1,400 linear feet of tributary I; beginning at Sta.=/0 and ending at Sta.+/- 1400

Based on this evidence, the Surveyor recommends approving the vacation of the described portion of the **John Galey #518** regulated drain.

The Surveyor used the overhead projector to display the area of new drain location and the old area and would like to leave as a sub main.

There was no public comment.

**Lance Sennett moved, seconded by Matt Mitchell, to approve vacating a portion of the John Galey #518 as described in above description. Motion carried, 4-0.**

### **Petitions**

#### **John Galey #518**

Tom Cummins – reported receiving a petition requesting a variance from CenterPoint Energy for the **John Galey #518** easement; petitioner is not a landowner, but a utility company, requesting to install a 6”main gas line and a 4” service line to serve the Tempur-Sealy site. The Surveyor used the overhead projector to display the area.

There was no public comment.

Doug Mills moved, seconded by Lance Sennett, to approve the petition for variance from Center Point Energy as submitted for the John Galey #518. Motion carried, 4-0.

#### Charles Ludlow 1 #714

Tom Cummins – reported he recommends tabling the Charles Ludlow 1 #714 and the John Walkup #604 items to the July 13, 2022 meeting.

Doug Mills moved; seconded by Lance Sennett, to table the Charles Ludlow 1 #714 and the John Walkup #604 to the July 13, 2022 meeting. Motion carried, 4-0.

#### Old Business

Tom Cummins – recommended to the Board that he would like to invite the City of Crawfordsville and the Stormwater Department to the July 13, 2022 meeting to discuss the William Shelley #706 future reconstruction.

John Frey – reported he would like Tom Cummins to speak to them before meeting and get an idea from them.

Tom Cummins – inquired what would you like me to inquire of them.

John Frey – reported what their thoughts are in general.

Tom Cummins – reported the last time he met with the City of Crawfordsville that because it is a legal drain we would take the lead on the reconstruction. The City of Crawfordsville would take the lead and handle financial responsibility of the retention ponds. Thought the Stormwater Department should be involved possibly for financing it.

John Frey – inquired about changing the William Shelley #706 to an urban drain.

Tom Cummins – reported the Drainage Board could make the decision to change it to an urban drain.

John Frey – inquired will that change the attitude of the City.

Tom Cummins – reported an urban drain just gives additional options for reconstruction assessments mostly.

Doug Mills – reported the Board should move forward and have the City come to the next meeting.

Tom Cummins – reported will have a design now and can put real numbers to the reconstruction. The City has been waiting on us. Can send invitations to Mayor Barton and Stormwater Department.

Dan Taylor – Reported this would just give the City an opportunity to know what the reconstruction entails.

Tom Cummins – reported this is not a decision meeting, but an informative meeting about the reconstruction, what their inputs were before for reconstruction. Possible estimate.

#### Other Business

Tom Cummins – reported he would like to set a special meeting on July 6, 2022 to accept sealed bids for the Levi Hawkins #523 and Allie Peterson #549 reconstructions at 9:30 a.m., here at the government center.

Doug Mills moved, seconded by Lance Sennett, to hold a special meeting on July 6, 2022 at the Government Center at 1580 Constitution Row, Crawfordsville, Indiana to receive sealed bids for the reconstructions of the Levi Hawkins #523 and the Allie Peterson #549 drains at 9:30 a.m. Motion carried, 4-0.

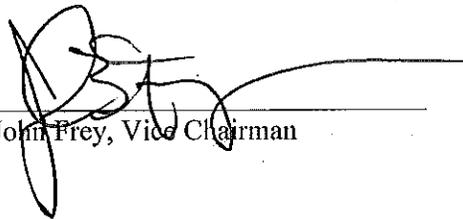
Dan Taylor – reported receiving another favorable ruling with the Birge case, which will go back to trial on new order.

Doug Mills moved, seconded by Lance Sennett, to adjourn the meeting at 10:22 a.m. Motion carried, 4-0.

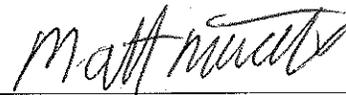
Vicki Emmert,  
Recording Secretary



David Rhoads, Chairman



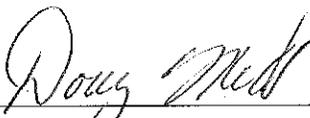
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

Montgomery County  
Drainage Board Meeting

June 27, 2022

The Montgomery County Drainage Board met on Monday, June 27, 2022, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. There was no prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, member Doug Mills were present. Lance Sennett, member was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor

Also, present was Brian Powers

**Bid Award**

Tom Cummins – reported the engineering firm of Clark Dietz analyzed and reviewed the bid from White Construction LLC and recommends awarding the bid of \$1,495,000.00 to them.

Dave Rhoads – inquired what the time line would be for project.

Tom Cummins – reported INDOT would like to start by September 30, 2022 and finish by last week of November no later than December.

Tom Cummins – reported the County was awarded a grant for \$466,200.00. Cost of INDOT work in right of way is \$692,800.00, which leaves a difference of \$336,000.00 for Montgomery County to cover.

John Frey – reported at this time we are using Covid funds to cover the balance.

**John Frey moved, seconded by Matt Mitchell, to award the bid of \$1,495,000.00 to White Construction LLC for the reconstruction of the Claude Moody #583. Motion carried, 4-0.**

Tom Cummins – reported each Board member received a breakdown of the cost. The contract agreement will be ready to sign at our July 13, 2022 meeting.

Dan Taylor – reported everyone has thirty days to sign the agreement.

John Frey – reported INDOT wants it done on their time line on US Highway 136 and already has the road closed and re-routed.

Tom Cummins reported the Commissioners and INDOT both understand the cost of project.

Tom Cummins – reported it is less than original agreement with INDOT. Clark Dietz helped lower the cost for INDOT.

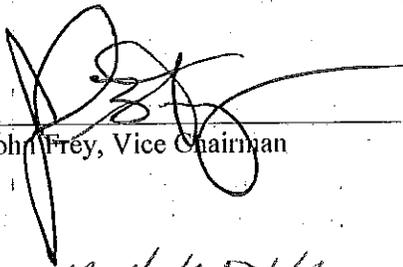
Next meeting will be July 6, 2022 at 9:30 am.

**John Frey moved, seconded by Doug Mills, to adjourn the meeting at 9:40 a.m. Motion carried, 4-0.**

Vicki Emmert,  
Recording Secretary



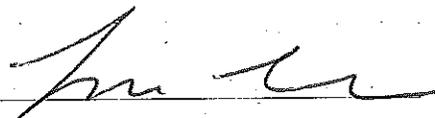
David Rhoads, Chairman



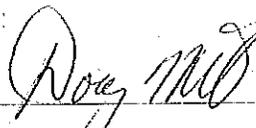
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

Montgomery County

Drainage Board

Special Meeting

July 6, 2022

The Montgomery County Drainage Board met on Wednesday, July 6, 2022, at 9:30 a.m. at the Montgomery County Courthouse, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. There was no prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, members Lance Sennett and Doug Mills were present. Present were Tom Cummins, Surveyor and Attorney Dan Taylor. Vicki Emmert Secretary, was not present

Also, present were Brenda Foster, Jacob Arthur, Bart Maxwell and Chloe Maxwell.

**Bid Openings**

**Levi Hawkins #523**

Tom Cummins – reported receiving one bid for the **Levi Hawkins #523** from Arthur Excavating in the amount of \$225,757.00.

**Allie Peterson #549**

Tom Cummins – reported receiving one bid for the **Allie Peterson #549** from Maxwell Farm Drainage in the amount of \$718,985.50.

Tom Cummins – inquired of Board to give him five minutes to review the bids.

Tom Cummins – reported both bids should be taken under advisement and table to July 13, 2022 to review the numbers, as they both are higher than the estimates. Mr. Cummins needs some time to review the bids to see if they meet the specs.

Dave Rhoads – inquired what was the estimate for both drains.

Tom Cummins – reported the **Levi Hawkins #523** estimate was \$208,645.80 and the **Allie Peterson #549** estimate was \$654,358.14. These figures include the engineering costs and the contingency figures. The construction cost estimate for the **Levi Hawkins #523** is \$176,828.00 and the **Allie Peterson #549** is \$574,021.04. Needs time to see if code allows for these bids or not. Recommends tabling to the July 13, 2022 meeting. This will allow time to review.

**Doug Mills moved, seconded by John Frey, to table bids for the Levi Hawkins #523 and the Allie Peterson #549 to the July 13, 2022 Drainage Board meeting at 9:30 at the Montgomery County Government Center.**

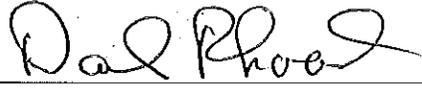
Dave Rhoads – inquired if Mr. Cummins uses projections of future prices of fuel to figure in cost of estimate.

Tom Cummins – reported yes and previous bids.

**Motion carried, 5-0.**

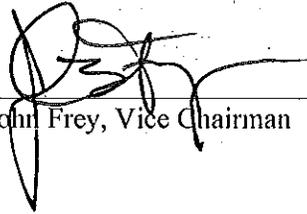
Dave Rhoads moved, seconded by John Frey, to adjourn the meeting. Motion carried, 5-0.

Vicki Emmert,  
Recording Secretary



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David Rhoads, Chairman



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John Frey, Vice Chairman

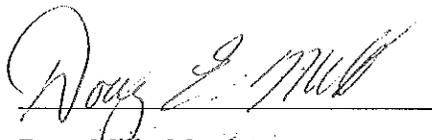
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Matt Mitchell, Secretary



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Lance Sennett, Member



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Doug Mills, Member

Montgomery County

Drainage Board

Meeting

July 13, 2022

The Montgomery County Drainage Board met on Wednesday, July 13, 2022, at 9:30 a.m. at the Montgomery County Government Center, at 1580 Constitution Row, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. Vicki Emmert gave the prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, members Lance Sennett and Doug Mills were present. Doug Mills arrived at 9:36 a.m. Matt Mitchell was not present. Present were Tom Cummins, Surveyor, Vicki Emmert, Secretary and Attorney Dan Taylor.

Also, present were Brenda Foster, Chloe Maxwell, Ron and Ginger Winger, John Heiger, Tom McMurry, Darrell Birge, Steve Akers, Gayle Lough, Mike Patton, Carl Binford, Heather Gayler, Bill Calder, Sharon Binford, Joe Miller of Banning Engineering, Kent Preibe and two additional unidentified persons (their names not legible on sign in sheet).

**Approval of Minutes**

**John Frey moved, seconded by Lance Sennett, to approve the January 26, 2022 minutes. Motion carried, 3-0.**

**Bid Awards**

Tom Cummins – recommended awarding the bid for the reconstruction of the **Levi Hawkins #523** to Arthur's Excavating for \$225,750.00.

**John Frey moved, seconded by Dave Rhoads, to award the bid for the reconstruction of the Levi Hawkins #523 for \$225,750.00 to Arthur's Excavating. Motion carried, 3-0.**

Tom Cummins – recommended awarding the bid for the reconstruction of the **Allie Peterson #549** to Maxwell Farm Drainage for \$718,985.50.

**John Frey moved, seconded by Lance Sennett, to award the bid for the reconstruction of the Allie Peterson #549 for \$718,985.50.**

Dave Rhoads- inquired what the completion date for the project is.

Tom Cummins – reported October 1, 2022.

**Motion carried, 3-0.**

**Hearings**

**Charles Schoen I #552**

Tom Cummins – reported the landowners requested at the June meeting to table the hearing for more information.

Gayle Lough – reported he spoke with landowners and because of cost per acre would like to break it up over a few years.

John Frey – Inquired about a consensus to vacate the drain.

Gayle Lough – reported no, understands it requires 100% consensus to vacate, we do not want to vacate. We do not feel the reconstruction is needed at this time. If this is our best option, the landowners would like to complete it in two phases. Thank you for your time.

Dave Rhoads – reported in past after the first phase of a reconstruction was completed and ready for second phase not all landowners are in favor of second phase as their part is working correctly now. Understand it is costly and not in favor of two phases.

Gayle Lough – reported he understands Mr. Rhoads opinion. Reported one of the landowners recently passed away and this would leave the heirs with a bill for \$30,000.00. Two phase would work better for heirs.

Dave Rhoads – reported he understands Mr. Lough’s opinion.

Doug Mills – inquired if the project could go through maintenance and raise assessment, and then do it in year three.

Tom Cummins – reported not sure how much you would have to raise the assessment. The current reconstruction is \$635.51 per acre. There is a five-year payment option.

Gayle Lough – reported ten percent interest is pretty salty.

Doug Mills – inquired about raising assessment to cover out of maintenance or do it now if we do not break it up.

Gayle Lough – reported did not plan to do it all at once as \$635.51 an acre is a big chunk of change. Understands but please look at it from their side. Not opposed to repairing the drain two years from now.

Doug Mills – reported the Board has been burnt before, will not split it up.

Gayle Lough – reported please reconsider it and perhaps table it again to speak with landowners.

Dave Rhoads – inquired is that an option, what the present timeframe for reconstruction is.

Tom Cummins – reported October 1, 2022.

Doug Mills – reported about maintenance cost.

Tom Cummins – reported we have already spent \$10,000.00 for engineering and will have to raise assessment to maintain it and pay the debt.

Gayle Lough – reported we did not ask for a reconstruction.

Tom Cummins – reported once that it became a regulated drain it became the Surveyor and Board’s responsibility to maintain it.

John Frey – reported we are not picking on anyone, but maintenance is not enough to maintain it. It is over a hundred years old. It will be good for the next one hundred years. Spread the cost over five years to pay for it.

Gayle Lough – reported even if we have 99.9 % not in favor.

Tom Cummins – reported the Board makes the final decision.

Gayle Lough – reported I thought if 51% of landowners not in favor and still discussing it.

Doug Mills – reported Tom Cummins puts out a list of future projects for the next three years and it is up to the people of the drain to be responsible for what is going on with drain. There is a maintenance fee and engineer to pay for it and third year reconstruction his opinion.

Gayle Lough – reported we are going to get this tile installed with 99.9 percent of landowners objecting.

**Dave Rhoads moved, seconded by John Frey, to approve the reconstruction of the Charles Schoen 1 #552 for \$108,112.57. Motion carried 4-0.**

Tom Cummins – reported he would like to set the bid opening for the **Charles Schoen 1 #552** reconstruction, for July 27, 2022 at 9:00 a.m.

**John Frey moved, seconded by Lance Sennett, to hold a special Drainage Board meeting for the Charles Schoen 1 #552 to open bids on Wednesday July 27, 2022 at 9:00 a.m. here at the Government Center at 1580 Constitution Row, Crawfordsville, Indiana. Motion carried. 4-0.**

### **Petitions**

Tom Cummins – reported the Surveyor received a petition to attach to the **Charles Ludlow 1 #714** from Matt Stinc for pattern tiling on his farm as it was in the watershed. The Surveyor granted approval to attach to the **Charles Ludlow 1 #714**.

Tom Cummins – reported receiving a petition from Phil Goode for the **Joe Hall #581** for a retention pond with an 18” tile pipe to the open ditch. The Surveyor granted approval to run an 18” pipe to the **Joe Hall #581**.

### **Old Business**

Tom Cummins – reported using the overhead projector to display the area. Based on 2021 information given at the reconstruction hearing, the **Otis Thompson #708 Tributary #3** was not working correctly to the south. Today is the landowner informational meeting. As instructed by the Board the Surveyor went out to assess the drain. There is no active tile under the railroad. The 8” tile probably was not installed properly. There is nothing out there in the regulated drain area that works. Looking at another reconstruction and will answer any questions from the Board and landowners.

Dave Rhoads – inquired if there was any comment from landowners.

Bill Calder – reported the red line area displayed with overhead projector is not working and have been paying assessment on it. When the Surveyor did investigation big tracks were left and now losing some farm ground out of it. Inquired about the tile.

Tom Cummins – reported there was an existing tile, which needs to be replaced.

Bill Calder – reported but there was a tile correct.

Tom Cummins – reported the tile is not useable.

Bill Calder – inquired about 8” tile when was it approved. Could not do anything on the **Ezra McClamroch # 652** could not do anything until it was approved.

Tom Cummins – reported the 8” tile is not regulated drain, but the 10” clay is a regulated drain and completely full of sediment.

Bill Calder – inquired that it is broke down then.

Tom Cummins – reported yes.

Bill Calder – reported it would be a major reconstruction then.

Tom Cummins – reported it is not a major reconstruction have done it five or six times over the years.

Bill Calder – reported broke down at highway and railroad.

Tom Cummins – can do under railroad and highway.

Bill Calder – reported it would not help him, as he is not the landowner.

Tom Cummins – reported thirty acres

Bill Calder – reported should have used driveway not a landowners thirty acres, has been draining somewhere

Tom Cummins – reported he disagreed.

Bill Calder – reported has gotten worse in last five years.

Tom Cummins – reported he agrees with that.

Doug Mills – reported we are only doing what the landowners requested, to investigate the area.

Bill Calder – reported he understands.

Dave Rhoads – inquired what size of tile needed.

Tom Cummins – reported engineering would have to be completed. The original was a ten inch.

Dave Rhoads – inquired it runs under highway and opens up to west side.

Tom Cummins – reported that is the regulated drain, and private tile runs to it, which gave access to the landowner.

Dave Rhoads – inquired of Board what direction they want to go.

**Doug Mills moved, since the Board was requested to investigate, and it is failing should move forward with a reconstruction of the Otis Thompson #708 Tributary 3#.**

John Frey – reported it is just another example of trying to do projects in phases.

Dan Taylor – reported next step would have the Surveyor to prepare a reconstruction report with engineering etc. completed.

Tom Cummins – reported it will take 1 ½ years for permits.

Bill Calder – reported there is a project on 231 now to expand the road around over pass to 700 more investigation in the works.

John Frey – reported work would have to be permitted through INDOT.

**Seconded Dave Rhoads. Motion carried 4-0.**

Tom Cummins – reported once the Surveyor has all the information will come back to Board to put it on the agenda.

## Other Business

Tom Cummins presented the Board with the 2022 Drain Classification Report, which classifies drains in need of periodic maintenance, in need of reconstruction in future and drains to vacate.

John Frey – reported some are currently in the works

**John Frey moved, seconded by Lance Sennett, to accept the 2022 Drain Classification Report. Motion carried, 4-0.**

Dave Rhoads – inquired who is in control of the **William Epperson #622** at Nucor.

Tom Cummins – used overhead projector to display area where drain stops.

Dave Rhoads – reported there is lots of tree growth in front of the open ditch on the **William Epperson #622**.

Tom Cummins – reported he would go out at look at area.

John Frey – reported the area is to wet for them to mow.

Bill Calder – inquired what the status of the **Ezra McClamroch #652**.

Tom Cummins – reported still in planning stage.

Bill Calder – reported the drain still has issues and inquired about the moving of tile.

Tom Cummins – reported taking jurisdiction of tile installed by landowners.

Bill Calder – reported not hooked up to main drain, cannot hook up to main drain. Inquired how long it will take, it has been four or five years.

Tom Cummins – reported landowners came in 2021.

Bill Calder – reported it was before Covid.

Tom Cummins – reported yes some of it was before Covid but not all of it. Landowners came last year to request jurisdiction over tile.

Bill Calder – inquired how long will it take.

Tom Cummins – reported until it gets done. Plan to do it this spring but has been crazy busy with tile holes and short a contractor.

Tom Cummins – reported not a high priority

Bill Calder – inquired about who pays for hookup as he was hooked up to old tile.

Tom Cummins – reported you are responsible to pay for hookup.

Tom Cummins – reported to destroy old tile.

Bill Calder – inquired what could I do to move it forward.

Tom Cummins – reported it is his responsibility.

**William Shelley #706**

John Heiger – reported the acoustics are terrible in room and cannot hear well. Greatly appreciate if all the Board would use their microphones. Can only hear Dave. Can only hear half of what Tom says.

Dave Rhoads – inquired of Tom Cummins to give update on **William Shelley #706** drain.

Tom Cummins – used overhead projector to display the next phase of the **William Shelley #706** reconstruction and explained it to Board. The city of Crawfordsville should be included for sharing cost of this phase. Surveyor invited Chris Moore, Crawfordsville Stormwater Dept., Scott Hesler, Crawfordsville Street Dept., and Mayor Barton to this meeting. Scott Hesler had a meeting at 10:00.

John Frey – inquired about gas line along State Rd 32.

Tom Cummins – reported it is on State Rd 47.

John Frey – inquired it could be developed one day. Should keep it close to 32.

Joe Miller of Banning Engineering- reported that entry of right away and gas lines are complicated issues. Vectren changed over to Center Point Energy, which slowed down the process. Will need to avoid the utilities.

Dan Taylor – reported outside of right of way for State's large gas and city setbacks. Three hundred feet is standard.

Joe Miller – reported INDOT does have standards.

Dan Taylor - reported the state has standards three hundred feet from corner. INDOT changed its right of way; need to stay back due to easement. This area will be re-done by State eventually as trucks have taken out the guardrail several times.

John Frey – inquired about pavement over easement.

Dan Taylor – reported parking or pavement, no buildings.

Dave Rhoads – inquired about urban classification.

Tom Cummins – reported it is set up with reconstruction.

Dave Rhoads – inquired if there is a TIF area.

Tom Cummins – reported no.

Dan Taylor – reported with an urban classification it shifts cost to commercial development not homes.

Doug Mills – inquired if there was a representative of First Baptist Church here today that could give their input.

Tom McMurry- reported chair of the Trustee Board of the First Baptist Church. Inquired about red line on display with the overhead project that it will go through parking lot.

Tom Cummins – reported that is what the engineers plan currently.

Tom McMurray – inquired can line be moved over.

Tom Cummins – reported engineering will look into it.

Tom McMurray – inquired if there was a time line.

Tom Cummins – reported within the next year.

Tom McMurry – inquired of cost of their share. Just put a new roof on church.

Tom Cummins – reported when we have the reconstruction hearing it would state your share of cost. The Church will have a year after construction to plan for cost.

Tom McMurry – reported had planned for this year.

Joe Miller – reported INDOT approved drainage plan but not permits.

Tom Cummins – reported in summer of 2023.

Dave Rhoads – inquired about property line west of parking lot.

Tom McMurry – reported it is actually in the trees and working on walking path with the City and we are clearing trees for the path.

Tom Cummins – inquired where is the walking path is. The Board may need to reconsider where the tile is.

Doug Mills – inquired where is path and how far west to make water flow.

Tom Cummins – reported less than fifty feet.

Dan Taylor – reported have to repair parking lot

Tom Cummins – reported yes. Tear up and repair parking lot.

Tom McMurry – reported the path is gravel.

Tom Cummins – reported we would repair path and make functional but it may not be as pretty as you would like. Makes for an additional cost for us.

Tom Cummins – reported will put back parking lot.

John Frey – inquired what is the long-term plans of expansion of the church to west. Would want it far away from structure as possible.

Tom McMurry – reported currently no expansion, looking for a replacement minister as he resigned a couple of months ago.

Doug Mills – reported should allow for future and design to the best way for future.

John Heiger – reported believe it would be best to move to west, concern any future s/w near building maybe in contact. Not a paved walking path. Understands elevations etc.

Tom Cummins – reported Chris from City Stormwater is present.

Chris – reported from City Stormwater had no comment.

Dave Rhoads – inquired of distance from building.

Tom Cummins – reported at least seventy-five feet from building, could add to east, not west side, would be best.

Dave Rhoads – inquired if there were any other comments.

Tom Cummins – reported initial talks with Mayor and Scott Hessler and the City of Crawfordsville when we first started laying out the responsibility and who is responsible for what. It will be an expensive project. In initial discussions, the discussion was that the City would be responsible for construction of ponds and land acquisitions for reconstruction as necessary. That was the reason for meeting today, to determine if they were still agreeable. Landowners would like cost.

Dave Rhoads – inquired about Traction Road.

Tom Cummins – reported the reconstruction comes to Traction Road.

Dave Rhoads – reported years ago the Board toured the area and is wet. Inquired if the City owns any of the area.

Tom Cummins – reported Mark Smith owns area.

Dave Rhoads – inquired about a Randolph owing land.

Tom Cummins – reported originally owned by Randolph, but now by Mark Smith.

Dan Taylor – inquired to show watershed.

John Frey - inquired about Daugherty Lane property being wet.

Tom Cummins – used the overhead projector to display the area. Daugherty Lane drains to east.

Doug Mills – inquired if the two lines at Traction Road will it affect them in the future.

Tom Cummins – reported records have been lacking and did camera work and probing. South of Traction Road works fairly well. Should see improvement, tile does not have a good outlet. Definite maybe.

Dave Rhoads – inquired will it be two detention ponds or swales.

Joe Miller – reported it would be wet ponds eight or ten feet deep. Discussion at meetings with City is why ponds should be where they are.

Dave Rhoads – inquired about detention ponds and young kids; are there guidelines to protect.

Joe Miller – reported City has their own guidelines, some put up fences.

Doug Mills – inquired about wet basin versus dry basin.

Joe Miller – reported grade and elevation

Doug Mills- reported need eight to ten feet for not being a swale.

John Heiger – reported they had removed many trees for the walking path so that should save some money.

Dan Taylor – reported best to put up fence and standards.

Kent Preibe – inquired he lives in Montgomery Place II and how will it affect them cost wise.

Tom Cummins – reported he does not have cost yet. Used overhead to show new tile. Capturing water through ponds gives an outlet with major improvement to the drainage. Not sure, if old tiles will be destroyed.

Dave Rhoads – inquired what size is the old tile.

Tom Cummins – inquired where.

Dave Rhoads – inquired Montgomery Place II.

Tom Cummins – reported 15” or 16”, east will be 36” it is currently being utilized as storm-sewer and now converting from agricultural tile.

John Frey – reported capturing water keeps it from flooding with ponds.

Tom Cummins – reported there would be good outlets with ponds.

Dave Rhoads – reported more questions within future with cost.

Tom Cummins – inquired of Dan Taylor what the next step is with the **William Shelley #706** drain reconstruction plan.

Dan Taylor – reported find out what the contribution of the City will be. John Frey and I could meet with the City.

Tom Cummins – reported he would let the Board know when to put back on agenda.

Dan Taylor – reported may look similar to Mace project. Will come back with a report.

Dave Rhoads – inquired if there was any public comment.

There was none.

Next meeting will be the Special Board meeting on July 27, 2022 to open sealed bids.

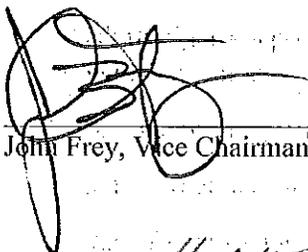
**Doug Mills moved, seconded by John Frey, to adjourn the meeting at 10:45 a.m. Motion carried, 4-0.**

Vicki Emmert,

Recording Secretary

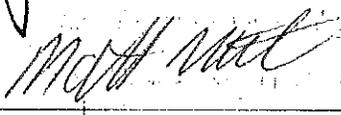
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David Rhoads, Chairman



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John Frey, Vice Chairman

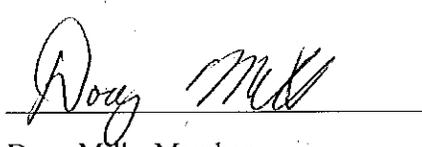


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Matt Mitchell, Secretary

A handwritten signature in cursive script, appearing to read "Lance Sennett", written over a horizontal line.

Lance Sennett, Member

A handwritten signature in cursive script, appearing to read "Doug Mills", written over a horizontal line.

Doug Mills, Member

Montgomery County

Drainage Board

Meeting

August 10, 2022

The Montgomery County Drainage Board met on Wednesday, August 10, 2022, at 9:30 a.m. at the Montgomery County Government Center, at 1580 Constitution Row, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Matt Mitchell Secretary, members Lance Sennett and Doug Mills were present. Present were Tom Cummins, Surveyor, Vicki Emmert, Secretary and Attorney Dan Taylor.

No one attended the meeting.

**Approval of Minutes**

**John Frey moved, seconded by Doug Mills, to approve the July 6, 2022 minutes. Motion carried, 5-0.**

**Old Business**

Tom Cummins – reported there were two change orders for the **Joel Tobin #576** reconstruction. The first change as follows: Reason for change order is additional erosion since it was originally planned.

Description	Quantity	Unit	Unit Price	Amount
Additional bottom dipping of open ditch	2,192	LFT	\$ 3.15	\$6,904.80
Additional bank stabilization	26	HR	\$200.00	\$5,200.00
Tree Clearing	19	HR	\$200.00	\$3,800.00
6" laterals	5	EA	\$250.00	\$1,250.00
8" laterals	2	EA	\$350.00	<u>\$ 700.00</u>
		<b>Total</b>		<b>\$17,854.80</b>

**John Frey moved, seconded by Lance Sennett, to approve the change order to the Joel Tobin #576 reconstruction for \$17,854.80. Motion carried, 5-0.**

Tom Cummins – reported the second change order was additional engineering and notice for IDEM mailing for \$1,908.63.

Description	Quantity	Unit	Unit Price	Amount
Engineer 1	4	HR	\$205.00	\$820.00
Engineer 4	5.25	HR	\$135.00	\$708.75
Admin Staff 2	0.75	HR	\$100.00	\$ 75.00
Miscellaneous Expenses	1	EA	\$220.32	\$220.32

Postage/Mailings	1	EA	\$75.00	\$ 75.00
Certified Letters	1	EA	\$ 9.56	\$ 9.56
<b>Total</b>				<b>\$1,908.63</b>

**Doug Mills moved, seconded by Lance Sennett, to approve the change order to the Joel Tobin #576 reconstruction for \$1,908.63. Motion carried, 5-0.**

Tom Cummins – reported approval of final payment to contractor; has been submitted to banks for loan rates.

**Doug Mills moved, seconded by John Frey, to approve final payment to contractor for the Joel Tobin #576 reconstruction. Motion carried, 5-0.**

**Other Business**

Tom Cummins – presented the Board a drain transfer request from Maintenance to Improvement for \$67,997.33 and three transfers from Maintenance to Reconstruction for \$47,377.41.

Doug Mills – inquired about maintenance and improvement funds.

Tom Cummins – reported how the funds work and said some may need a raise in assessment.

Dave Rhoads – inquired that transfers were higher at one time.

Tom Cummins – reported he now transfers two times a year after spring and fall settlement. Making sure there is always money in the accounts.

Dan Taylor – reported how the system used to work.

Dave Rhoads – inquired if the County should put money in the General improvement fund.

Dan Taylor – reported the maintenance is the savings account. They should not need to.

John Frey – reported unless it is a project like Mace to kick start the project. I am not going to tell them no.

Dan Taylor – reported money is to go in and out of it.

Dave Rhoads – inquired is not the County Council by statue supposed to give X amount of dollars every year to the general fund.

Tom Cummins – reported it does not specify an amount, it just says the County fiscal body will support the fund.

Dan Taylor – reported the County funds the Section Corner Perpetuation project.

Dan Taylor – reported payments are slow and gave examples of loans and pay back to the improvement funds.

Tom Cummins – reported there are less transfers, as Board has been pro-active. Gave example of Jesse Snoddy # 553 is now in black, after decades of deficit to the improvement fund

Dave Rhoads – reported the meeting room used to be full to understand the assessment hearing process.

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**John Frey moved, seconded by Dave Rhoads, to approve the transfer requests. Motion carried, 5-0.**

Tom Cummins – presented the Board with the 2022 long-range plan for drains in need of periodic maintenance and drains in need of reconstruction. There are no drains in need of vacating currently.

Doug Mills – inquired which of the drains are the biggest reconstructions and dollar size for 2023.

Tom Cummins – reported the **William Shelley #706**, **Charles McFarland #545**, which crosses State Roads 32 and 25, **Richard Virts #560** requires a bore and the **James Wilson #588** is not as big.

Dave Rhoads – inquired about the **Joseph Conway #700**.

Tom Cummins – reported yes; probably should have landowner's informational meetings for the **Joseph Conway #700** and the **Edward Berry #593**. The Surveyor used the overhead projector to display the area and explain it. Mr. Cummins plans to go out to the drains after harvest and mark the tile holes.

Doug Mills – reported he also agrees to hold landowners meeting when needed.

**John Frey moved, seconded by Doug Mills, to approve the Long Range Plan for drains in need of Maintenance and Reconstruction. Motion carried, 5-0.**

Doug Mills – reported follow up to landowners; information needs to be out there for them to see.

Dave Rhoads – inquired about the Mace project.

Tom Cummins – reported the Mace project is starting and working with contractor, as to where to stage the equipment. Second week of August time frame to start working. INDOT will close 136 for a period for work to be done.

Doug Mills – inquired about the **William Shelley #706** drain.

Tom Cummins – reported waiting to set up meeting. Last meeting only person to come was Chris from the Stormwater Dept. Mr. Cummins would like for the Mayor and Street Department to be at meeting.

Dave Rhoads – inquired how you get the Mayor involved.

Tom Cummins – reported with the **Foster Fletcher # 573** project it was made clear that the City should help fund it. They have stormwater funds.

Dan Taylor – reported the Surveyor is able to assess the benefits and determination on City properties, which imposes assessments on City properties.

Dave Rhoads – inquired if **William Shelley #706** will be classified as an urban reconstruction.

Tom Cummins – reported at the reconstruction hearing it could be determined.

Dan Taylor – reported the farmers will be happy about assessing condominiums etc. and they will contact the Mayor about who benefits.

Doug Mills – reported it is dragging on forever and the people need it done. Needs to move along or next big rainstorm people will want to know why nothing has been done.

Tom Cummins – reported he has submitted for permits from INDOT.

Doug Mills – inquired if retention ponds are part of the project.

Tom Cummins – reported yes; we have a gentlemen’s agreement with the City that we would be responsible for the tiles and they are responsible for the retention ponds. The cost has not been calculated yet. The actual design is required to make the estimates and acquiring the land for ponds.

John Frey – reported the property was listed and sold.

Doug Mills – reported the William Shelley #706 is on the Long Range Plan for 2023 a notification should be sent to the City.

John Frey – reported they had an opportunity last month.

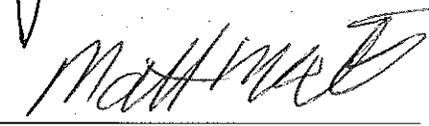
Next meeting will be September 14, 2022 at 9:30 a.m.

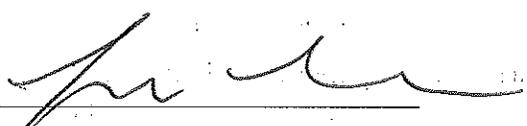
John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 1:10 a.m. Motion carried, 5-0.

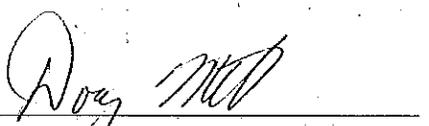
Vicki Emmert,  
Recording Secretary

  
David Rhoads, Chairman

  
John Frey, Vice Chairman

  
Matt Mitchell, Secretary

  
Lance Sennett, Member

  
Doug Mills, Member

Montgomery County  
Drainage Board Meeting  
September 14, 2022

The Montgomery County Drainage Board met on Wednesday, September 14, 2022, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. Vicki Emmert gave the prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, members Lance Sennett and Doug Mills were present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor

Also, present were Brenda Foster, Steve Akers and Tom Klein.

**Approval of Minutes**

**John Frey moved, seconded by Matt Mitchell, to approve the June 21, 2022 minutes. Motion carried 5-0.**

**Old Business**

Tom Cummins – reported and presented the Board the final schedule of reconstruction assessments for the Joel Tobin #576.

**John Frey moved, seconded by Lance Sennett, to approve the final schedule of reconstruction assessments for the Joel Tobin #576.**

Dave Rhoads – inquired if the reconstruction was completed.

Tom Cummins – reported yes.

**Motion carried, 5-0.**

**Allie Peterson #549 Reconstruction**

Tom Cummins – reported there was a change order for the Allie Peterson #549 as follows

Quantity	Unit	Description	Rate	Amount
120	LFT	30" smooth-corr HDPE pipe	\$46.00	\$5,520.00
4	LFT	24" smooth-corr HDPE pipe	\$33.00	\$ 132.00
15	LFT	18" smooth-corr HDPE pipe	\$24.00	\$ 360.00
(216)	LFT	12" smooth-corr HDPE pipe	\$16.00	(\$3,456.00)
(751)	LFT	10" smooth-corr HDPE pipe	\$14.00	(10,514.00)
3,405	LFT	Destruction of existing tile	\$1.50	\$ 5,107.50
52	EA	Lateral connection - 6"	\$500.00	\$26,000.00
7	EA	Lateral connection - 8"	\$750.00	\$ 5,250.00

5	EA	Lateral connection – 10”	\$1000.00	\$5,000.00
4	EA	Lateral connection – 12”	\$1,250.00	\$5,000.00
6	EA	Flowable fill under roadways	\$900.00	<u>\$5,400.00</u>
<b>Total</b>				<b>\$43,799.50</b>

Mr. Cummins explained the flowable fill under roadway. The \$43,799.50 is allowable by code as it is under 20% of the approved reconstruction and recommends approving the change order.

Brenda Foster – inquired where the Allie Peterson #549 is located.

Tom Cummins – reported it is NE of Darlington, Indiana.

**John Frey moved, seconded by Doug Mills, to approve the change order for \$43,799.50 for the Allie Peterson #549 reconstruction.**

Tom Cummins – reported he recommends approving the \$762,785.00 final payment to Maxwell Farm Drainage for the reconstruction of the Allie Peterson #549.

**John Frey moved, seconded by Matt Mitchell, to approve the final payment to Maxwell Farm Drainage for \$762,785.00 for the Allie Peterson #549 reconstruction.**

**Charles Schoen 1 #552 Reconstruction**

Tom Cummins – reported there was a change order for the Charles Schoen 1 #552 as follows

Quantity	Unit	Description	Rate	Amount
204	LFT	15” smooth-corr HDPE pipe	\$16.00	\$3,264.00
(80)	LFT	10” smooth-corr HDPE pipe	\$12.00	(\$960.00)
1,400	LFT	Destruction of existing tile	\$2.00	\$2,800.00
8	EA	Lateral connection – 6”	\$500.00	\$4,000.00
2	EA	Lateral connection – 8”	\$750.00	\$1,500.00
1	EA	Flowable fill under roadways	\$1,500.00	<u>\$1,500.00</u>
<b>Total</b>				<b>\$12,104.00</b>

Tom Cummins – recommends approving the change order.

**Lance Sennett moved, seconded by John Frey, to approve the change order for \$12,104. For the Charles Schoen 1 #552 reconstruction.**

Tom Cummins – reported he recommends approving the \$113,332.00 final payment to Maxwell Farm Drainage for the reconstruction of the Charles Schoen 1 #552.

**John Frey moved, seconded by Lance Sennett, to approve the final payment to Maxwell Farm Drainage for \$113,332.00 for the Charles Schoen 1 #552 reconstruction.**

Tom Cummins – reported he would submit to the banks for loan rates.

**William Shelley #706**

Tom Cummins – reported to keep the **William Shelley #706** on the agenda as he thought he would have estimates today but has not received anything from the engineer. Reported we usually cancel the October meeting due to harvest.

Dave Rhoads – reported if we are unable to discuss the **William Shelley #706** in October then we should go ahead and cancel the meeting.

Doug Mills – inquired if Mr. Cummins had heard anything from the city of Crawfordsville.

Tom Cummins – reported no, waiting for information for the estimate from Banning. Joe Miller was out of town. Mr. Miller is revising the estimate.

Doug Mills – inquired about the route.

Tom Cummins – reported the route is already planned, is waiting for cost estimate and who pays for what.

**2022 Reconstruction projects – Progress reports**

Tom Cummins – reported the **Joel Tobin #576**, **Charles Schoen 1 #552** and the **Allie Peterson #549** are completed. Still working on the **Levi Hawkins #523**. Reported the Mace project (**Claude Moody #583**) is going well so far. INDOT has set September 20, 2022 for completion of road closures. The overhead projector displayed the area. The contractor is using polypropylene pipe. Mr. Cummins explained which tiles are installed; the open ditches and new driveway pipes to be installed are located. The work will be done in three phases, west, east and tile to north. The contractor is keeping the area very clean. Clark Dietz has an inspector on site for questions.

John Frey – reported this is completely new to the commissioners.

Tom Cummins – reported the grant administrator helps with overseeing the project.

Dave Rhoads – inquired about green line at SR 136 and Greenley Street.

John Frey – inquired about old tile.

Tom Cummins – reported he believes it is under the road.

Doug Mills – inquired that the open ditch takes away surface water but there is no outlet for landowners to run tile.

Tom Cummins – reported they could run tile to open ditch as stormwater.

Dave Rhoads – inquired if yellow dots were stormwater sewer.

Tom Cummins – reported yellow dots are manholes and explained area. All the contractors' crew work all the time and not standing around. The weather has been good for project.

Doug Mills – inquired if there was a cost savings between ditch and tile.

Tom Cummins – reported saving INDOT money on project

**Other Business**

**Drain fund transfer request – Revision**

Tom Cummins – reported at the time he set up the transfers, approved by the Board in August, Vicki Emmert had processed a claim for \$386.25 so the transfer is really \$1,105.07 for the **Margaret Remley #615**.

**New Business**

None

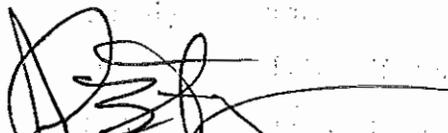
Dave Rhoads – reported the next meeting is set for October 12, 2022 at 9:30 a.m. at the Montgomery County Government Center.

**John Frey moved, seconded by Matt Mitchell, to adjourn at 10:06 a.m. Motion carried, 5-0.**

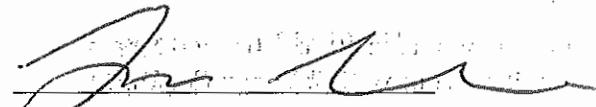
Vicki Emmert,

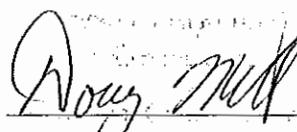
Recording Secretary

  
David Rhoads, Chairman

  
John Frey, Vice Chairman

  
Matt Mitchell, Secretary

  
Lance Sennett, Member

  
Doug Mills, Member

Montgomery County  
Drainage Board Meeting

October 12, 2022

The Montgomery County Drainage Board met on Wednesday, October 12, 2022, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. Vicki Emmert gave the prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, members Lance Sennett and Doug Mills were present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor

Also, present were Myrna Pouyatt, Cindy Overfelt, Karen West, Rita Stabler, Narma Addler,, Jerry Addler, Brenda Foster, Charlene Wade, Linda White, Chetra Whittinghill, Jo Ann Hermon, Steve Akers, Donna Strand, Joyce Delp, Scott Hessler, Kathy Smith, Julie Jarvis, Kent Priebe and one non legible name.

**Approval of Minutes**

John Frey moved, seconded by Matt Mitchell, to approve the June 27, 2022, July 13, 2022, August 10, 2022 and September 14, 2022 minutes. Motion carried 5-0.

**Old Business**

Tom Cummins presented to the Board the Allie Peterson #549 final schedule of reconstruction assessments. This information will be submitted to the Auditor for special assessment. Doug Mills moved, seconded by Lance Sennett, to approve the Allie Peterson #549 final schedule of reconstruction assessments. Motion carried, 5-0.

Tom Cummins presented to the Board the Charles Schoen 1 552 final schedule of reconstruction assessments. John Frey moved, seconded by Lance Sennett, to approve the Charles Schoen 1 #552 final schedule of reconstruction assessments. Motion carried, 5-0.

**Levi Hawkins #523 Change Order**

Tom Cummins – presented to the Board a change order for the Levi Hawkins #523. First on the list was a savings in parenthesis ( ).

Quantity	Unit	Description	Rate	Amount
(40)	LFT	30" smooth-corr HDPE pipe	\$53.00	(2,120.00)
1	EA	Demo and haul away headwall	\$4,500.00	\$4,500.00
13	EA	Lateral connection – 6"	\$500.00	\$6,500.00
4	EA	Lateral connection – 8"	\$800.00	\$3,200.00
2	EA	Lateral connection – 10"	\$1,000.00	\$2,000.00

1	EA	Lateral connection – 12”	\$1,200.00	\$1,200.00
				Total \$15,280.00

**John Frey moved, seconded by Dave Rhoads, to approve the contract change order for the Levi Hawkins #523 reconstruction for \$15,280.**

John Frey – inquired if they lateral connections were previously unidentified.

Tom Cummins – reported yes.

**Motion carried, 4-0. Matt Mitchell abstained.**

Tom Cummins – reported he recommends approving the \$241,037.00 final payment to Arthur Excavation & Farm Drainage for the **Levi Hawkins #523** reconstruction.

**John Frey moved, seconded by Doug Mills, to approve the final payment to Arthur Excavation & Farm Drainage for the Levi Hawkins #523 reconstruction for \$241,037.00. Motion carried, 4-0. Matt Mitchell abstained.**

Tom Cummins presented to the Board the final **Levi Hawkins #523** schedule of reconstruction assessments. **Doug Mills moved, seconded by Lance Sennett, to approve the Levi Hawkins #523 final schedule of reconstruction assessments. Motion carried, 4-0. Matt Mitchell abstained.**

**William Shelley #706.**

Tom Cummins – reported receiving the estimate for the reconstruction of the **William Shelley #706** last night and has not been able to review it thoroughly yet. The estimate is \$2,876,341.37. Mr. Cummins presented the Board with a copy of the estimate. The largest expense is the pond excavation followed by the jack and bores under the highway. The overhead projector displayed the area.

Doug Mills – inquired about the pond rate if it were built different would it cost less.

Tom Cummins – reported yes, but pipe will not work in this situation, as there is so much water in area. That is why there is two retention ponds, for staging of runoff water.

John Frey – reported the gas company is working on moving their pipe on State Rd 47.

Tom Cummins – reported that was one of our biggest obstacles

Dave Rhoads – inquired about project design on overhead.

Tom Cummins – displayed the old and new proposal with green as existing and red lines as the proposed on the overhead projector display.

Doug Mills – inquired about the open ditch behind the old Kroger and Zippy Lube stores.

Tom Cummins – reported the **William Shelley #706** does not function properly with the open ditch back there. It was just someone’s idea to drain the area and is a band-aid fix. They will have an outlet for that area if they so choose.

Dave Rhoads – inquired north side of State Road 32 is all-new.

Tom Cummins – reported the church parking lot is the only pavement that will be disturbed.

John Frey – inquired if farm ground is developed can they go through their parking lot if needed.

Tom Cummins – reported yes.

Matt Mitchell – inquired so it is not a problem with blacktop.

Tom Cummins – reported no, they tried to design for one hundred year stormwater.

Doug Mills – inquired about cut at ponds, would existing tiles be connected

Tom Cummins – reported we would tie into what we know is drain and other will be destroyed or filled in the best we can

Doug Mills – inquired in twenty years if it breaks down who is responsible.

Tom Cummins – reported it would be kept on the rolls as a regulated drain for a period of time.

Doug Mills – reported he agreed keep those portions on roll.

Tom Cummins – reported we would do our best to take care of it all now.

John Frey – inquired what will be done with Daugherty Lane and south Traction Road.

Tom Cummins – reported that Daugherty Lane is outside of this watershed, and all existing drains, south of Traction Rd. will be tied in to southern retention pond.

John Frey – inquired do you anticipate now that there is an outlet, will there be more requests to hook onto from Daugherty Lane area.

Tom Cummins – reported would not be surprised if there were request.

John Frey – inquired if it was designed to take that areas water to.

Tom Cummins- reported yes, designed for the entire watershed.

Kent Priebe – inquired about Montgomery Place II their biggest question is when will the reconstruction take place.

Tom Cummins – reported hoping to wrap it up. Plan for reconstruction next summer.

Dave Rhoads – reported has been involved in this project for several years. Confident it will be done if everyone gets together for funding.

Cindy Overfelt – inquired where will funding come from.

Dave Rhoads – reported will meet with Mayor and City to determine whether there is grant money, etc.

Doug Mills – reported there has been conversations with the City to discuss options. We needed these numbers today to figure shared cost with everyone.

Scott Hessler – reported from City of Crawfordsville what was discussed in the past was the City to create the ponds. Believe they can be done for less than the estimate. Have created ponds before and they will be fenced in.

John Frey – reported half the cost of the project is the ponds.

Tom Cummins – reported he agreed.

Dave Rhoads – reported the dollar amount is just a starting point and work with everyone involved.

4

Rita Stabler – inquired about the meeting at the library where several attended. Reported they agreed to pay a \$5.00 assessment, will this go towards the reconstruction.

Tom Cummins – reported no it was a maintenance assessment.

Rita Stabler – reported she understood it was to go towards the funding of this project.

Tom Cummins – reported it is for maintaining the existing drain.

Dave Rhoads – inquired was there a maintenance assessment at that time.

Tom Cummins – reported in 2008 or 2009 there was a high assessment and then the assessment was lowered. There never was a hearing to raise the assessment to go towards a reconstruction. The five dollars you have been paying is for maintenance assessment.

Rita Stabler – inquired if Tom Cummins recalled when that meeting took place.

Tom Cummins – reported not off the top of his head. Would have to look it up.

John Frey – reported there has been a lot of work to get to this point. We did not have an outlet.

Tom Cummins – reported once the first phase was complete could then tell where other problems were. Give definitions of to where the biggest problems are.

Dan Taylor – reported in the drainage law, there are two types of assessments, maintenance and reconstruction. Maintenance assessment is for repairs and brush removal and a reconstruction is to reconstruct a drain; is born by all owners in the watershed. This is a large watershed. As a landowner, you could have a maintenance and reconstruction assessment on your ground. Because of the significant cost of this project, we are trying to enter conversations with the Commissioners and the City to whether it could be funded differently. It is most unusual. The landowners paid 100% for the reconstructions that were discussed earlier this morning. It is really large and is a complex issue. If the County and City complete some of the work by contractors locally, it will save money instead of using a third party. Whatever is not funded, the landowners will bear the costs that is how the drainage law works. Montgomery Place II is a small part of this. Reconstruction will be higher than a maintenance assessment. Big project, two detention ponds. Store water to slow it down. Plan by church should help you.

Tom Cummins – reported it all will be explained to you. There will be a hearing and notice sent to all landowners, as the code requires it. One year after the project is completed is when payment will be due. There is a five-year payment plan option.

John Frey – reported as the County Commissioner who will be doing the negotiating. It is very similar to the Mace drainage project; we were able to secure two grants that funded the whole project at no cost to landowner. Hopefully that will be an option too. First, we had to have a solution as to what was going to fix it. Now we have the cost related to that solution. We have done a lot of work to get to this point. How we partner with the City. They have some options to pay for it that the County does not have.

Doug Mills – inquired where the bright green line is displayed with overhead projector is that surface water.

Tom Cummins – reported there is a swale there and the ponds should capture that water.

Doug Mills – was inquiring about the worst-case scenario.

5

Tom Cummins – reported swale ponds to capture water at Montgomery Place II. New design will help with the swale too. Would not recommend filling up swale ever.

Tom Cummins – reported using the overhead projector to show where surface water is and where ponds will collect water.

Dave Rhoads – reported goal is to have it completed by next year.

Doug Mills – inquired finish next year and payments start in 2024.

Tom Cummins – reported fall tax payment 2024.

Dave Rhoads – reported the first time assessment increased a lot was at the meeting at the fairgrounds years ago. This statement was directed to Rita Stabler

Tom Cummins – reported the \$100.00 minimum first assessment was to collect enough money to fund the research and to map the drain.

Dave Rhoads – inquired if any landowners present today came to the meeting at the fairgrounds, after the \$100.00 assessment, it was then dropped to \$5.00 presently.

Rita Stabler – reported most of us became aware of the **William Shelley #706** drain at the library meeting.

Dave Rhoads – reported the meeting at the fairgrounds was the first meeting.

Rita Stabler – thanked everyone for explaining.

Dave Rhoads – reported when it is a big project like this it takes a lot of understanding from the Boards standpoint too.

Tom Cummins – reported if anyone has questions give him a call.

Rita Stabler – inquired what his title was.

Tom Cummins – reported Tom Cummins County Surveyor.

Tom Cummins – inquired of Board, who sets up the next meeting.

John Frey – reported it would be the Commissioners.

Dave Rhoads – reported we know the dollar amount to move forward with now.

Doug Mills – reported that we did get the commitment from the Scott.

### **2022 Reconstruction projects progress report**

Tom Cummins – reported we have completed the **Levi Hawkins # 523, Allie Peterson #549, Charles Schoen I #552**, working on the Mace project which is the **Claude Moody #583** using the overhead projector to display the area. Reported the western part is complete. Working on eastern with road ditches and driveway pipes is in purple on map. State Rd 136 is now open. Next area is Church Lane, Clay and Greenley streets. Availability of concrete is short. There is a shortage of manhole covers and powder to make concrete. Used a skid of sakrete in one area due to shortage. Lack of concrete is an issue.

Doug Mills – inquired how many legal drains are there in County and how many are tile.

6

Tom Cummins – reported 185 to 200 drains, does not know the exact amount of open ditch and tile. There are three hundred miles of regulated drains.

Dave Rhoads – reported driving through area and saw crew working.

Tom Cummins – reported Mace should be done by November 30, 2022.

#### **Azra McClamroch #652**

Tom Cummins – reported receiving a petition to assume jurisdiction of a mutual drain from landowners. The Board received a grade profile handout of the **Azra McClamroch #652**. Recommends holding a hearing at the December 14, 2022 meeting to assume jurisdiction.

**Doug Mills moved, seconded by John Frey, to hold a hearing to discuss the petition to assume jurisdiction of the Azra McClamroch #652 mutual drain on December 14, 2022 at 9:30 a.m. at the Government Center meeting room.**

Tom Cummins – reported grade and depth is not an issue. Waiting on rain for a dye test. Reported it has good cover and the grade is good. **Motion carried, 5-0.**

Dan Taylor – reported to Board, the petition to assume jurisdiction of a mutual drain has less than 100% of landowners on the petition. The question is will it benefit 50% of the landowners. Mr. Taylor will set up a finding and conclusion. Benefit/versus cost to landowners.

#### **New Business**

##### **Pine Hills Subdivision**

Tom Cummins – presented to the Board a copy of the proposed Pine Hills Subdivision secondary plat, reported it is on 231 south, north of 400 South the subdivision has received preliminary plat, drainage plan, and secondary plat approval from the Plan Commission. It is required by the stormwater ordinance that all new subdivisions be established as a regulated drain. Today we are to establish the Pine Hills Subdivision regulated drain, and classify the drain as in need of periodic maintenance.

Dave Rhoads – inquired dollar amount for assessment.

Tom Cummins – reported \$100.00 per lot assessment for a subdivision, collect for four to five years. Does not see that it will need maintenance in the near future. Only collect if maintenance is required after the four to five years.

Doug Mills – reported last house to be built to make sure it is done correctly, no more sediment to stop erosion if everything is built according to specs.

Tom Cummins – reported with swales and road ditches it eventually drains into an unnamed tributary of Offield Creek.

Dan Taylor – reported it would collect \$1,100.00 a year.

John Frey – reported no piece-meal work.

Tom Cummins – recommendation to the Board is to establish the Pine Hills Subdivision Drain and classify it as in need of periodic maintenance

John Frey moved, seconded by Lance Sennett, to approve the Pine Hills Subdivision drain plan as submitted and to establish the Pine Hills Subdivision Drain and classify it as in need of periodic maintenance. Motion carried, 5-0.

Tom Cummins – recommends setting the assessment hearing on the Pine Hills Subdivision drain on Wednesday, November 14, 2022 at the drainage board meeting.

John Frey moved, seconded by Matt Mitchell, to set an assessment hearing for the Pine Hills Subdivision on Wednesday, December 14, 2022 at 9:30 a.m. at the Government Center meeting room. Motion carried 5-0.

#### Public Comment

Steve Akers – inquired about the First Baptist Church in the William Shelley #706 drain about the work to be done. Inquired about the two drains that go through there about cost for all in watershed.

Tom Cummins – reported the cost will be shared by all in the watershed.

Dave Rhoads – reported if you live in SW corner you will still be part of watershed.

Tom Cummins – reported it is a nightmare to split watersheds.

Doug Mills – reported the larger the watershed, the less cost that landowners pay.

Dave Rhoads – inquired how many parcels.

Tom Cummins – reported over a thousand parcels.

Dave Taylor – reported everyone pays into watershed even if you do not think you benefit from the reconstruction by law, your water drains somewhere as you receive a benefit of drainage.

John Frey – reported first step in watershed.

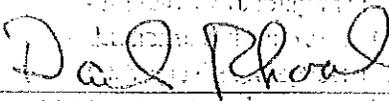
Tom Cummins – reported at some point the other side will need to be completed.

Doug Mills – reported splitting watershed does not work because when upside is reconstructed that area does not want to pay for the down side as their side is working now.

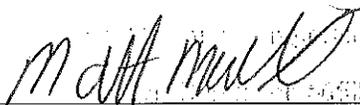
Dave Rhoads – reported giving thanks to landowners who came today.

Doug Mills moved, seconded by John Frey, to adjourn at 10:35 a.m. Motion carried, 5-0.

Vicki Emmert,  
Recording Secretary

  
David Rhoads, Chairman

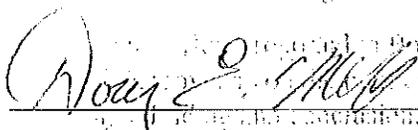
John Frey, Vice Chairman



**Matt Mitchell, Secretary**



**Lance Sennett, Member**



**Doug Mills, Member**

Montgomery County  
Drainage Board Meeting  
November 9, 2022

The Montgomery County Drainage Board met on Wednesday, November 9, 2022, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. Vicki Emmert gave the prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey arrived at 9:35 a.m., Secretary Matt Mitchell, and members Lance Sennett and Doug Mills were present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor

Also, present were Linda White, Sharon Lollar, Brian Schrier Karen West, JoAnn Herron, Brenda Foster, Rita Stabler, and Kent Priebe.

**Approval of Minutes**

**Matt Mitchell moved, seconded by Doug Mills, to approve the October 12, 2022 minutes. Motion carried 4-0.**

**Petitions**

Tom Cummins -- reported receiving a petition requesting a variance to the easement on the **James Gilliland #519** from Helen Whited/Matt Hester to reconstruct an existing structure (a stone "wet-bridge" crossing). The overhead projector displayed the area. Mr. Cummins recommends approving the petition.

**Lance Sennett moved, seconded by Matt Mitchell, to approve the request for variance as submitted for the James Gilliland #519 from Helen Whited/Matt Hester. Motion carried, 5-0.**

Tom Cummins -- reported receiving a petition to attach to the **Marion Conner #716** drain from Goodall Farms. The overhead projector displayed the area. Reported there are two options for addressing proposed tiling outside of the established watershed. Recommends approving the attachment, as submitted, as it will not overload the drain, and scheduling a future assessment hearing on the Marion Conner to incorporate the affected acreage into the assessed watershed.

**Doug Mills moved, seconded by John Frey, to approve the petition to attach as submitted to the Marion Conner #716.**

Brenda Foster -- inquired where it is located.

Tom Cummins -- reported Walnut Township, north of New Ross

Dave Rhoads -- inquired who farms the ground.

Brian Schrier -- reported Demaree Farms

Doug Mills -- inquired if there were two regulated drains

Tom Cummins -- reported only one.

## Old Business

### William Shelley #706

John Frey – reported he, and Tom Klein met with the Crawfordsville Mayor. They plan to meet with grant writers. Inquired about an urban drain. Reported the Mayor is on board with the plan.

Dave Rhoads – inquired at what point is it considered an urban drain.

Tom Cummins – reported there is no classification for an urban drain, only an urban drain reconstruction. It is a matter of special assessment for commercial, Ag and residential.

Tom Cummins – reported there are more things taken into account for an urban drain, in the matter of assessments

Dan Taylor - reported impervious, flow, pavement, shift the way assessed.

John Frey – reported Mayor is motivated, as a developer is looking at housing addition development in future in area.

Doug Mills – reported need make sure it moves forward, it should not be delayed.

Tom Cummins – inquired about land acquisition for ponds, would that be the responsibility of the City of Crawfordsville?

John Frey – reported yes.

Doug Mills – reported it needs to move forward with grant process, so as not to delay reconstruction.

John Frey – reported hard to believe the cost estimate

Tom Cummins – reported engineering estimates are always high and also planning for it for next year's cost. The city of Crawfordsville plans to do part of the work, which will save money. Estimate is as accurate as possible.

Dave Rhoads – inquired if there was a TIFF district.

Tom Cummins – reported no, but there is a stormwater utility in the City limits.

Tom Cummins – reported will keep the **William Shelley #706** on the agenda each month. Hearing in early 2023 to get it done next year.

### Claude Moody #583

Tom Cummins – update on reconstruction; reported he is hoping the pipe installation will be done today. There is still a concrete shortage. The landowners have been asked if they will take asphalt over concrete on remaining driveways. The project is on schedule.

Dave Rhoads – inquired about getting asphalt this fall.

Tom Cummins – reported some landowners have concerns about depth of ditches. Will be meeting with INDOT to work through issues. Originally, \$100,000 by the County Council was to be given towards project design. They have appropriated \$50,000.00. Maintenance work still needs to be done. Plan to go back to County Council or go to landowners.

Doug Mills – reported should assess landowners, as most of it was free to them. There will be maintenance down the road.

Dave Rhoads – inquired what the assessment is currently.

Tom Cummins – reported it is \$8.26 an acre. Collects a year \$808.35. It is less than 100 acres in watershed.

Dave Rhoads – inquired what dollar amount would be needed to pay it off.

Lance Sennett – inquired was it not said they would not have to pay anything for the reconstruction?

Tom Cummins – reported the approved schedule of reconstruction assessments reflected zero to all affected parcels. At the hearing, it was made it clear it will still need maintenance and the \$100,000.00 for engineering was not included in the maintenance assessments.

Dave Rhoads – inquired of estimated maintenance projects cost for next five years.

Tom Cummins – reported will come to next meeting with figures.

### **New Business**

None

### **Other Business**

Tom Cummins – reported there was an error on the **Charles Schoen I #552** schedule of reconstruction assessments, and would like the Board to approve; must suspend their rules as it was not on the agenda for today.

**John Frey moved, seconded by Lance Sennett, to suspend the rules. Motion carried, 5-0.**

Tom Cummins – reported the landowners list was completely wrong. The overhead projector was used to display the original assessment paper. Old was \$328.04 and new is \$779.15 per acre. Final reconstruction assessment is within the allowances cited in the Drainage Code

Dave Rhoads – inquired what the Surveyor wants from the Board.

Tom Cummins – reported a motion to approve the final schedule of reconstruction assessments

**Lance Sennett moved, seconded by Doug Mills, to approve the new final schedule of reconstruction assessments for the reconstruction of the Charles Schoen I #552. Motion carried, 5-0.**

### **Public Comment**

Kent Priebe – inquired about the 2017 meeting and the proposed assessment of reconstruction assessment of \$5.00. Told at last meeting it was for maintenance. Inquired what happened to the \$5.00.

Doug Mills – inquired \$5.00 maintenance or \$5.00 reconstruction.

Kent Priebe – reported anything, what did it go towards.

Tom Cummins – reported special assessment was for the first phase of reconstruction

Matt Mitchell – reported can pay over five years.

Tom Cummins – reported generally not included in property tax statement

Kent Priebe – reported the reconstruction assessment did not involve them.

Dave Rhoads – reported if you moved in the last two years you would not be involved in the last reconstruction.

Rita Stabler – reported meeting August 2017 at library.

Dave Rhoads – inquired about outlet behind ditch at Kroger.

Tom Cummins – reported the first phase of reconstruction was from the west side of Raybestos property, to the east side of Tech Drive.

Kent Priebe – reported moving in 2018.

Tom Cummins – reported in 2017 the reconstruction was approved.

Dave Rhoads – reported on taxes it should state the drains name on tax bill but it does not name drain.

Dan Taylor – reported by explaining where the money goes. County Auditor has a separate account for Maintenance and Reconstruction. The Auditor has to keep accounting on each drain. The money collected can only be spent on that drain. Inquired of Tom Cummins how many drains are there.

Tom Cummins – reported 186 drains.

Dan Taylor – reported it is in separate accounts for maintenance and reconstruction. The County pays for construction by acquiring a bank loan after the work is completed and assessing the landowners to repay the loan. Can look it up at the Auditors office.

Doug Mills – reported on legal drains you pay for only your watershed.

Brian Schrier – reported on the **Marion Conner #716** drain that he was assessed ten years ago. No water is going across the road. The overhead projector displayed the area. Mr. Schrier showed where the tile is.

Dave Rhoads – inquired that Mr. Schrier is saying the watershed is incorrect.

Brian Schrier – reported yes.

Tom Cummins – used the overhead project to display the drainage elevation.

Dan Taylor – reported we need a hydrology report.

Brian Schrier – reported the work that has been done in area has destroyed animal habitat and now can see the interstate. Goodall tiling dealing with their water now.

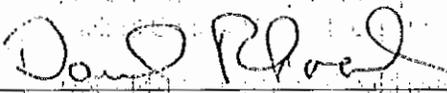
John Frey – reported we should move to adjourn and let Tom Cummins look into it.

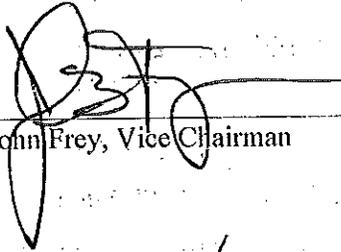
Tom Cummins – Will have a report at the Board's next meeting.

**Doug Mills moved, seconded by Matt Mitchell, to adjourn at 10:23. Motion carried, 5-0.**

Vicki Emmert,

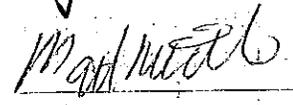
Recording Secretary

  
David Rhoads, Chairman



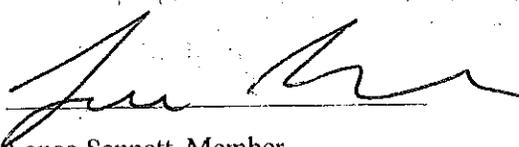
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John Frey, Vice Chairman



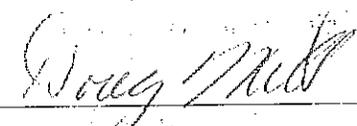
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Matt Mitchell, Secretary



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Lance Sennett, Member



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Doug Mills, Member

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Montgomery County  
Drainage Board Meeting  
December 14, 2022

The Montgomery County Drainage Board met on Wednesday, December 14, 2022, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order. Vicki Emmert gave the prayer.

Board members in attendance were, Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell, and members Lance Sennett and Doug Mills were present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor

Also, present were Steve Akers and Tom Klein. Tom Klein did not stay for all of the meeting.

#### Approval of Minutes

John Frey moved, seconded by Lance Sennett, to approve the November 9, 2022 minutes. Motion carried 5-0.

#### Hearings

##### Azra McClamroch #652

Tom Cummins -- reported receiving a petition from landowners Jeremy Shadle, Glen Vaught and Mark McClamroch. The overhead projector displayed the area.

Tom Cummins -- reported with a background history of the Azra McClamroch #652 regulated drain tile was in need of reconstruction in the 1960's, but was taken off assessment by the Surveyor at the time. In the 1980's, several landowners hired a contractor to install a new mutual drain tile to serve the watershed. The landowners listed above are now petitioning the Board to assume jurisdiction of the mutual drain, to serve as the Azra McClamroch #652 regulated drain.

Tom Cummins -- reported he, the Surveyor, hired a contractor to expose the mutual drain tile in several locations, to determine grade, cover, flow, condition etc.

#### Drain Facts:

Located in Cola Creek/North Union Township; T19N, R5W, Section 1 and T20N, R5W, Section 36.

Approximately 5,450 feet of single-wall, corrugated plastic pipe, consisting of 3,310 ft. of 15" and 2,140 ft. of 12"

Approximate pipe grade ranges between 0.38% and 0.69%

Average pipe cover ranges between 32 inches and 60 inches

Water flow levels appear consistent throughout the pipe

Single-wall pipe appears to be in good condition

The single-wall pipe, if working at peak efficiency, has a drainage coefficient ranging from approximately 0.25 inches per day to 0.375 inches per day

2

Approximate pipe grade profile attached

Conclusion: Based on the field observations and the regulated drain standards, the Surveyor recommends approving the petition to assume jurisdiction of the mutual drain and establishing the privately installed pipe as the **Azra McClamroch #652** regulated drain.

Dave Rhoads – inquired, was not it already a regulated drain just taken off of assessment many years ago.

Tom Cummins – reported it always was a regulated drain just taken off assessment many years ago.

Tom Cummins – reported using the overhead projector to display and explain the area.

Doug Mills – inquired about access to across the road.

Tom Cummins – reported it was built correctly in the 1980's and laterals sending water to old main. Now time to destroy old tiles and tie into new tiles.

Doug Mills – inquired how many acres.

Tom Cummins – reported 420 to 430 acres approximately. The co-efficient is low but still in the industry standard. Different type of tile.

John Frey- inquired if the landowners are trying to run surface water into it.

Tom Cummins – reported no there is a grass waterway.

**Doug Mills moved, seconded by Matt Mitchell, to approve the petition to assume jurisdiction of a mutual drain to become part of the Azra McClamroch #652 drain.**

Dan Taylor – inquired of Tom Cummins in his review if assuming jurisdiction of the mutual drain would benefit more than 50% of acres.

Tom Cummins – reported yes

Dan Taylor – inquired of Tom Cummins if he determined the benefits exceed the damage that could occur.

Tom Cummins – reported yes.

**Motion carried, 5-0.**

### **Pine Hills Subdivision Hearing**

Tom Cummins – presented the Board with the proposed schedule of maintenance assessment for the new **Pine Hills Subdivision regulated drain**. The overhead projected displayed the area. Mr. Cummins recommends \$100.00 per lot with a total of two lots to collect \$200.00 yearly.

Dan Taylor – reported this is off US 231 and between 300 and 400 South on East side.

Tom Cummins – reported there would be twelve lots after parcels are split when completely platted would then collect \$1,200.00 yearly.

John Frey – inquired how much money does the Surveyor need to collect.

Tom Cummins – reported it is harder to figure with the new road ditches and detention ponds. There will be limited maintenance first few years. Salt and sand from snow removal will eventually fill into ditches.

John Frey – inquired in the future will the assessment be lowered.

Tom Cummins – reported after four years there is a cap, if no work is completed and will go off assessment; does not see any issues.

Dan Taylor – reported in past the detention ponds were built too small and no HOA fees, lot detention pond on tax sale. No one wants to pay for it. After five years still nothing done.

Vicki Emmert- inquired which subdivision.

Dan Taylor – reported Willow Brook Subdivision.

**John Frey moved, seconded by Doug Mills, to approve the schedule of maintenance assessments for the Pine Hills Subdivision #N/A for \$100.00 a lot with a yearly collection of \$200.00. Motion carried; 5-0.**

### Old Business

#### Marion Conner #716 Watershed Hydrology Report

Tom Cummins – reported that Mr. Brian Schrier, a landowner in the **Marion Conner #716** watershed, visited the Board at their regularly scheduled meeting on November 9, 2022. Mr. Schrier disputed the acreage assessed for the regulated drain, and contends that no acreage should be assessed for the regulated drain, for parcel #54-09-13-600-006.001-032. Based on this dispute, the Board instructed the Surveyor to prepare a watershed hydrology report at the December meeting. The overhead projector displayed the area. This drain is shared with Boone County.

Report: The Montgomery County Surveyor uses the best data available to delineate watersheds for assessment purposes. Multiple modeling programs are utilized and compared, to provide accuracy and to ensure adequate funds are collected for needed maintenance on the drain. Based on the data the decision was made to assess the parcel in question for 5.13 areas in the watershed, at the 2012 assessment hearing.

Data: the following data was used to analyze and delineate the area in question:

ThinkMap GIS; the in-house GIS used in Montgomery County

Schneider Corporation; provided multiple layer watersheds for Montgomery County in 2007

USGS StreamStats; online watershed delineation tool

1 – Foot interval topographic data provided by the State of Indiana

Exhibits were displayed on the overhead projector as well has handouts to the Board.

Exhibit B based on 1 foot contours reduce the affected acreage by 0.04 acres.

Exhibit C USGS StreamStats takes in more acreage at 11.92 acres; not squared off boundaries any more, uses all info to collect data.

Mr. Cummins conclusion is based on available data; the Surveyor believes that the Board was correct in 2021 assessing the parcel in question at 5.13 affected acres, for the **Marion Conner #716** regulated drain. Newer topographic data provided by the State, illustrated in Exhibit B., would suggest that it may be appropriate to reduce the affected acreage from 5.13 acres to 5.09 acres. However, the Surveyor does not agree with the assertion of Mr. Schrier, that the parcel should be removed entirely from assessment of the **Marion Conner #716** regulated drain.

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John Frey – thanked Tom Cummins for all his work and disappointed that Mr. Schrier was not present.

Tom Cummins – reported discussion with Mr. Schrier to define what area is being affected.

John Frey – reported Mr. Schrier's debate is still the water going to same place.

Tom Cummins – reported Mr. Schrier believes the road causes it to stop. The overhead projector displayed the area showing the swales and Mr. Schrier is not willing to accept that with ten inches of rain, it will not go over the road and the Surveyor reported it would. Mr. Cummins also made a site visit to area.

John Frey – inquired do you need a motion to change acreage.

Dan Taylor – reported that is not what the Surveyor is recommending.

Tom Cummins – recommends to leave the assessed acreage the same.

**John Frey moved, seconded by Lance Sennett, to leave Brian Schrier's acreage assessment at 5.13 for the Marion Conner # 716 joint drain with Boone County. Motion carried, 5-0.**

#### **William Shelley #706 Updates**

Tom Cummins – reported there are no updates for the **William Shelley #706** drain. Joe Miller and Mr. Cummins will meet with INDOT tomorrow morning.

John Frey – reported Scott Hessler is no long with the City of Crawfordsville.

Dave Rhoads – reported that he believes that anytime a meeting is held with the City of Crawfordsville etc. that Tom Cummins (Surveyor) should always be present when it concerns a County drain. It is Tom Cummins responsibility to answer questions from the public. Mr. Cummins should be involved with the behind the scenes committee meetings.

John Frey – reported he has no problem with that.

Tom Cummins – reported it would not be a problem being there. It would help keep the misinformation down as that creates problems.

John Frey – reported about his meetings recently have been with the Thrive West Central folks and about a grants.

Dave Rhoads – reported Tom Cummins should be there.

John Frey – reported he agrees Tom Cummins should be there he is our eyes and ears.

Dan Taylor – inquired about funding for the project and whether either the City or County had committed to providing additional funds

John Frey – reported working on two or three grants.

Dan Taylor – inquired of time lines to work with funding and projected time line of reconstruction and will there be a conflict.

John Frey – reported does not know.

John Frey – inquired what percentage of engineering work is complete.

Tom Cummins – reported the design is complete. Just need to make construction documents. Matter of reconstruction.

John Frey – reported Tom Klein and John Frey price was high. City to do drainage swale.

Dan Taylor – reported the project has to be bid out. It is the Drainage Boards responsibility to bid out. City cannot just complete the swales. Taylor believes that the City may misunderstand the bidding requirements of the Drainage Law. Establish a timetable with reconstruction hearing for funding and move forward. Landowners to pay for it. Will need to establish a schedule of assessments. If City or County contribute to costs, then that will help, but do not wait on outside contributions.

John Frey – reported he agreed with Dan Taylor.

Dave Rhoads – reported with all the reconstructions over the years we never requested the farmers to do the work.

Tom Cummins – reported huge retention ponds are required with City of Crawfordsville. City responsible to locate and purchase property. City has done small projects but nothing large. They took it as a communication issue as to what the city is supposed to do.

Dan Taylor – reported who gets sued if water floods homes from City work proposal. The contractor has insurance. We do not have the ability to allow the City to build retention.

Doug Mills – reported the landowners need skin in the game and should not fund completely from grants. Cannot pay one hundred percent not fair to other taxpayers in the County.

Dave Rhoads – inquired what steps to start in 2023.

Tom Cummins – reported the Board should hold a reconstruction hearing probably in April or May. The holdup is the land acquisition and is a process.

Dan Taylor – reported that process can be really long.

Tom Cummins – reported keeping on track with INDOT.

Dan Taylor – reported we know we can acquire property with eminent domain but that process can be really long. Land acquisition first has to be completed before reconstruction since engineering is complete. Just need to know which land to purchase.

Dave Rhoads – inquired who owns the property.

Tom Cummins – reported Mark Wilson and the church. Two different landowners.

Dave Rhoads – inquired does Dan Taylor start the process.

Tom Cummins – reported he thought the City of Crawfordsville was taking care of this part and Mr. Cummins has not done anything about purchasing land.

Doug Mills – reported that issue needs to be decided. The land acquisition is the first priority and decide who is going to purchase it.

Dan Taylor – reported what we normally do is to acquire land we use a third party with the buyer and appraiser to purchase with a qualified offer. Negotiations are then started. Whenever road projects are done this is the process. If we cannot agree. This process needs to start in January with negotiations. Inquired of Tom Cummins his wish list to start project.

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Tom Cummins – reported August.

Dan Taylor – reported if the buyer and seller could not agree. It can go before a judge and appoint three appraisers.

Doug Mills – inquired if the City can become the buyer, and then donate the land to project.

Tom Cummins – reported it is appropriate to donate.

Dan Taylor – reported the buyer would explore all ideas from donating to buying the land.

Dave Rhoads – reported the process is so long.

Tom Cummins – reported he would like to start in August can start later as to where this is located.

John Frey – Inquired about INDOT.

Tom Cummins – reported the gas company moved the line.

Dan Taylor – reported people in watershed have heard through gossip it will not happen with City. Drainage Board needs to set time line for project. Landowners will blame City and Drainage Board.

Doug Mills – inquired from Dan Taylor what do you need from the Board to start the process for land buyers.

Dan Taylor – reported Tom Cummins and Tom Klein can find a company.

Dan Taylor – reported the Board has to approve timetable in 2023.

Doug Mills – inquired what action from Board do you need or recommendation.

Dave Rhoads – reported the Board to be prepared for January meeting to give direction.

Doug Mills – inquired of others that they do not need anything from Board to find buyers.

Dave Rhoads – reported just give them the authority to find buyer.

Dan Taylor – reported an appraiser and buyer to be found for January meeting.

Dave Rhoads – reported to tell landowners to come to January meeting.

Dan Taylor – reported are goal is to have the reconstruction hearing in May.

Dave Rhoads – reported when time lines go out there will be more conversations with others.

Dave Rhoads – inquired of Steve Akers if he had any comments.

Steve Akers – reported so far, so good.

Dave Rhoads – thanks to Steve Akers for attending the meeting.

Tom Cummins – reported when the Board and Steve Akers get questions please send them to him.

### **Claude Moody #583**

Tom Cummins – reported the **Claude Moody #583** is completed. The driveway issues have been resolved. Couple of landowners unhappy about road ditches. The overhead projector used to display the area. The red lines are the new tiles. There is a back order for grated tops, will replace when they come

in. Back filled, seeded and strawed. Waiting for final approval from INDOT. Camera crew to still come out to make sure everything is flowing correctly.

John Frey -- reported about fall and outlets.

Tom Cummins -- reported there was grade in the watershed, but nothing worked. Infrastructure is so important to do first. Classic example of cost with houses and other towns.

Dave Rhoads -- reported has been waiting for rain to see it works, with little rain how will that be with two inches of rain.

Doug Mills -- inquired about inlets.

Tom Cummins -- reported using overhead projector where structures were.

Vicki Emmert -- inquired was a drone used before and after work.

Tom Cummins -- reported no, but will have an aerial view later.

John Frey -- reported did not disagree with opportunity to show the results.

Tom Cummins -- reported ordered structures for grates. 200 \$ may have to use fill in dirt is an INDOT issue. Driveway approaches were questioned, by landowners may need some work. Huge impact on landowners. Give and take tile, versus road ditches.

John Frey -- reported he was impressed with the contractors.

Tom Cummins -- reported contractors kept area very clean and only had one complaint that a landowner did not know it was to happen.

John Frey -- reported contractor talked to landowners too.

Tom Cummins -- reported there were nine different locations with the tile and septic were the same. The tile was capped and landowner was notified to be aware of slow drains. Reported sewer district connection is a possibility in the future. Sending letter, to go out next week.

Tom Cummins -- reported the **Claude Moody #583** is carrying debt and has proposed work in future. Used overhead projector to display area. Very small watershed and assessment could be high. Needs to be resolved and set a hearing for next year. Current debt is \$189,106.53. Engineering design. County Council put \$50,000.00 to general fund to start the project, which can be transferred to the **Claude Moody #583**. Ten trees need to be removed with estimate of \$9,000.00. Bottom dipping and open ditch work at \$3,075.00. Only tied in one eight-inch tile lateral. There will still need to be in future laterals and old tiles to be destroyed \$2,500. Per acre is \$223.94. Some of this can be done over several years.

Doug Mills -- inquired about minimum time to cover debt.

Tom Cummins -- reported nothing in code but his policy is three years of collection to pay assessment, if cannot pay have an assessment increase hearing. Code does not specify. Board and policy on balance with full restoration four to five years to pay back more agreeable to landowners to pay \$50.00 per year. We have reconstruction loans coming due and cannot make bulk payments to lower interest that landowners pays that we should be doing. Thought Tom Klein would be here to discuss more on issue. Would like to know about reimbursement.

John Frey -- reported they would talk about it.

**New Business**

Tom Cummins – reported receiving a petition to vacate a portion of regulated drain from Michael Devore and Barbara Ellingwood and Raoul Moore for the **Benjamin Crabbs #511** and recommends holding a hearing at the February meeting.

Vicki Emmert – reported the Board needs to set their meeting dates for 2023.

Doug Mills – inquired where it is.

Tom Cummins – reported north of Crawfordsville by gravel pit.

**John Frey moved, seconded by Lance Sennett, to hold a hearing to vacate a portion of the Benjamin Crabbs #511 at the February 2023 meeting at 9:30 a.m. at the Montgomery County Government Center. Motion carried, 5-0.**

Tom Cummins - reported 2023 Board meetings schedule needs to be approved.

**John Frey moved, seconded by Lance Sennett, to hold the 2023 Drainage Board meetings on the second Wednesday of the month at 9:30 a.m. Motion carried 5-0.**

Tom Cummins – reported receiving a petition from Mr. Brown and Mr. Wiley requesting the Board assume jurisdiction of a mutual drain to replace the **John Walkup #604** drain.

Dan Taylor – inquired if all landowners touch the mutual drain if 100% touch do not have a hearing. Otherwise, we need to hold a hearing. Inquired if it is Section 18 or 19.

Tom Cummins – reported would let know at February meeting.

Dave Rhoads – reported reading article in newspaper from Jim Baird’s son about a task force meeting on December 21, 2022.

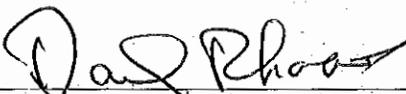
Lance Sennett – reported it can be watched on line.

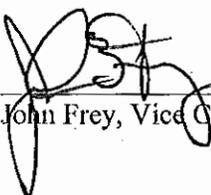
Tom Cummins – reported there are no code changes.

**Doug Mills moved, seconded by John Frey, to adjourn the meeting at 11:05 a.m. Motion carried, 5-0.**

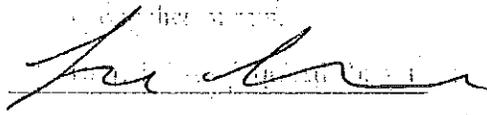
Vicki Emmert,

Recording Secretary

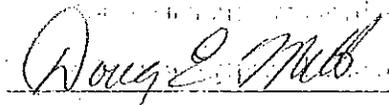
  
David Rhoads, Chairman

  
John Frey, Vice Chairman

**Matt Mitchell, Secretary**



**Lance Sennett, Member**



**Doug Mills, Member**

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