

**Montgomery County
Drainage Board Meeting**

June 21, 2023

The Montgomery County Drainage Board met on Wednesday, June 21, 2023, 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, Matt Mitchell secretary and members Doug Mills & Lance Sennett. Present were Tom Cummins, Surveyor and Vicki Emmert and Attorney Dan Taylor.

Also, present were William Jeffers, Cynthia Long, Ray Faber, Curt Thompson, Nadeara Dillon, Deantha Wright, James Rosen, Steve Akers, Paul Stewart, Dan Stewart, Jason Grimes, Nick Bell, Megan Purrell, Joe Miles, John Binder, Dan Booher, Randy McCormick, Mark Snyder, Kurt Priebe, Brenda Foster, Mark Barclay, Karen West, Michael Sowers, Dave Peach, Annette Peach, Rex Ballard, Rhoda Grimes, Vorina McDonald, Susan Weliever, Paul Parry, Andy Biddle, Chetra Whittinghill, Rita Stabler, Mark Wilson and Dan Gwin. Ten names were illegible.

Approval of Minutes

John Frey moved, seconded by Doug Mills, to approve the July 27, 2022 and May 10, 2023 minutes. Motion carried, 5-0.

Hearings

Charles McFarland #545

Tom Cummins – reported giving the report to the Board at the May 2023 meeting. Mr. Cummins then presented a review along with use of the overhead projector. The **Charles McFarland #545** drain was constructed in 1917, reconstructed in 1938. It is located in T18N, R6W, Sections 1, 2, & 12 in Ripley Township. The watershed consists of 290.51 acres. The tile length is 8,152 feet consisting of 8" 10" 12" 14" & 15" tiles. There is no open ditch. There are total of sixteen parcels with a maintenance assessment of \$4.78 an acre with a \$5.00 minimum. Annually collecting \$1,388.75.

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 **Charles McFarland #545** 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 **Charles McFarland #545** regulated drain, as submitted. A map was displayed with the overhead projector of the watershed.

Description	Quantity	Unit	Unit Price	Amount
Installation of 18" smooth-corr HDPE pipe	1933	LFT	\$24.00	\$46,392.00
Installation of 15" smooth-corr HDPE pipe	3491	LFT	\$19.00	\$66,329.00
Installation of 12" smooth-corr HDPE pipe	1665	LFT	\$16.00	\$26,640.00
Installation of 8 " smooth-corr HDPE pipe	773	LFT	\$12.00	\$ 9,276.00
Installation of 18" outlet with animal guard	1	EA	\$500.00	\$ 500.00
Destruction of existing tile	7862	LFT	\$ 2.00	\$15,724.00
Additional excavation	7801.85	CYD	\$ 3.00	\$23,405.55
Installation of 6" Hickenbottom breathers	4	EA	\$500.00	\$ 2,000.00
Engineering	1	EA	\$16,100.00	\$16,100.00
		Total		\$206,366.55
		15% contingency		\$ 30,954.95
		Total Estimated		\$237,321.53

The proposed watershed would be 300.06 acres in the watershed for an estimated per acre reconstruction cost of \$790.91.

The maintenance assessment will stay the same at \$4.78 an acre, with a \$5.00 minimum with an annual collection of \$1,437.37.

Don Mills- reported it needs to be done.

Mark Barclay – reported he is at top end and inquired about turning the 8" towards him, and inquired about the State Road 32 and about a bore and depths.

Tom Cummins – reported that INDOT would pay for the bore. Existing crossing at SR 32 is adequate, but will need a jack and bore at SR 25.

Doug Mills – inquired of Tom Cummins to explain why the State pays for the bores.

Tom Cummins – reported the Drainage Code requires that INDOT be responsible for any costs associated with replacement of a regulated drain crossing. Reason being, the regulated drain was there before the state road. Surveyor's estimate of portion to be paid by INDOT, is \$63,250.00.

Mike Sowers – inquired who repairs culvert pipe under the highway.

Tom Cummins – reported it would be INDOT.

Dave Rhoads – reported the bid could not be higher than the estimated amount of \$237,321.53.

Doug Mills moved, seconded by John Frey, to approve the Charles McFarland #545 reconstruction for \$237,321.53. Tom Cummins reported that he had sent copies of three objection letters to the Board. Motion carried, 4-0. Lance Sennett abstained.

John Frey moved, seconded by Matt Mitchell, to hold the Charles McFarland #545 bid letting at the Wednesday, July 12, 2023 Drainage Board meeting at the Montgomery County Government Center at 9:30 a.m. Motion carried, 4-0. Lance Sennett abstained.

Richard Virts #560 Hearing

Tom Cummins – reported the **Richard Virts #560** had been placed on the Long Range Plan for 2023. It was constructed in 1905, located in T18N, R6W, Sections 2,3,10, & 11 in Ripley/Wayne Township. There are 366.48 acres in the existing watershed with 9,350 feet of tile. Consisting of 6", 8", 10", 12" and 15" tiles. There is no open ditch. There are seventeen parcels with an assessment rate of \$3.66 an acre with a \$5.00 minimum with an annual collection of \$1,353.23.

- (1) The existing **Richard Virts #560** drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. 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 **Richard Virts #560** drain.

The overhead projector was used to display the area.

Description	Quantity	Unit	Unit Price	Amount
Installation of 24" smooth-corr HDPE pipe	700	LFT	\$33.00	\$23,100.00
Installation of 18" smooth-corr HDPE pipe	2,283	LFT	\$24.00	\$54,792.00
Installation of 15" smooth-corr HDPE pipe	1,917	LFT	\$19.00	\$36,423.00
Installation of 12" smooth-corr HDPE pipe	2,217	LFT	\$16.00	\$35,472.00
Installation of 10" smooth-corr HDPE pipe	1,000	LFT	\$14.00	\$14,000.00
Installation of 8" smooth-corr HDPE pipe	418	LFT	\$12.00	\$ 5,016.00
Installation of 6" smooth-corr HDPE pipe	608	LFT	\$10.00	\$ 6,080.00
Installation of 24" outlet with animal guard	1	EA	\$500.00	\$ 500.00
Destruction of existing tile	9,143	LFT	\$2.00	\$18,286.00
Additional Excavation	3,159.26	CYD	\$4.00	\$12,637.04
Installation of "6" hickenbottom breathers	6	EA	\$500.00	\$ 3,000.00
Open ditch grading	70	LFT	\$5.00	\$ 350.00
Gravel road crossing @ Division Rd	1	EA	\$5,000.00	\$ 5,000.00
Engineering	1	EA	\$16,100.00	\$16,100.00
		Total		\$230,756.04
		15% contingency		\$34,616.41
		Total Estimate		\$265,369.45

The new proposed watershed would be 359.68 acres in the watershed.

The proposed maintenance assessment will stay the same at \$3.66 an acre, with a \$5.00 minimum with an annual collection of \$1,333.60. Estimated reconstruction assessment of \$737.79 an acre.

Reporting there are more tile holes every year. Riprap has filled the tile under State Road 32. Have tried to remove riprap over the years but it was not possible. INDOT will pay for the jack and bore under the highway.

Gary Moore – reported representing his Dad and himself. Has a map of hole in wheat field, will continue getting larger.

Tom Cummins – reported the tiles are over one hundred years old and when they are dug up they crack and break when repaired. Average cost per year to repair over the last eighteen years is \$1,274.00.

Tom Cummins – reported would like to install cattle panel gates in existing fences, to ensure access to the drain, in the future.

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Randy McCormick - reported he represents the Suiters Farm. Inquired about metal structures on State Road 32.

Tom Cummins – reported INDOT plans to remove one culvert and increase the size of the adjacent culvert; clarified these are surface water structures.

Randy McCormick – reported water dumps into the metal structure and runs west.

Tom Cummins – reported it is not a County tile, as he has dye tested it and confirmed the outlet. The structure is for surface water. The tile is below the structure.

Randy McCormick – reported someone spent a lot of money to build this structure.

Doug Mills – reported it is more like a relief.

Craig Runyon – reported he believes it is private.

Tom Cummins – reported again, it has been dye tested and not the structure mentioned is not part of the regulated drain.

Dan Stewart – reported that he has no issues, the problem is downstream. \$28,000.00 is his part, and he believes it would be cheaper to repair issues at the bottom end.

Tom Cummins – reported the majority of the tile problems are located in the middle of the drain and cannot just repair the middle. Worst problem is at the SR 32 crossing.

Randy McCormick inquired about private tile put in the last fifteen years.

Tom Cummins – reported the existing regulated drain tile will be destroyed and will hook up laterals. The tiles are 120 years old.

Craig Runyon – reported as tenant farmer for Jason Grimes farm. In the last five or six years there has been huge holes. Eroded tile is exposed in places.

Tom Cummins – reported landowners are considering grassed waterways. Until the subsurface tile is repaired, cannot tell what surface water structures are needed.

Dave Rhoads – reported you can pay over five years or make one payment if you like.

Tom Cummins – reported how the process works with the Drainage Code.

Dan Taylor – reported interest rate is market rate. State Law is 10% rate.

Tom Cummins – reported some Counties have a large general drain improvement fund, which they use to fund reconstructions. We do not.

John Frey moved, seconded by Matt Mitchell, to approve the Richard Virts #560 reconstruction for \$265,360.45. Motion carried, 5-0.

John Frey moved, seconded by Matt Mitchell, to hold the Richard Virts #560 bid letting on Wednesday, July 12, 2023 Drainage Board meeting at the Montgomery County Government Center at 9:30 a.m. Motion carried, 5-0.

James Wilson #588

Tom Cummins – reported the James Wilson #558 was constructed in 1892. It is located in T20N, R3W, Sections 7 & 18, T20N, R4W, and Sections 12 & 13 in Sugar Creek/Madison Townships. There are

520.17 acres in watershed, 5,807 feet of 7" 8", 10", 12", 15" and 18" tiles. The open ditch is 1,030 feet. There are 23 parcels. The current maintenance assessment is \$2.49/acre, with a \$5.00 minimum, which collect \$1,312.46 annually.

Per IC 36-9-27-34 (1)

(1) The existing **James Wilson #588** drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. 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 **James Wilson #588** regulated drain, as submitted.

Description	Quantity	Unit	Unit Price	Amount
Installation of 24" smooth-corr HDPE pipe	1,303	LFT	\$33.00	\$42,999.00
Installation of 18" smooth-corr HDPE pipe	933	LFT	\$24.00	\$22,392.00
Installation of 12" smooth-corr HDPE pipe	3,648	LFT	\$16.00	\$58,368.00
Installation of 10" smooth-corr HDPE pipe	756	LFT	\$14.00	\$10,584.00
Installation of 24" outlet with animal guard	1	EA	\$500.00	\$500.00
Destruction of existing tile	6,640	LFT	\$2.00	\$13,280.00
Additional Excavation	1,203.7	CYD	\$5.00	\$6,018.50
Installation of 6" hickenbottom breathers	3	EA	\$500.00	\$1,500.00
Paved road crossing @ 1000 N	1	EA	\$8,000.00	\$8,000.00
Engineering	1	EA	\$14,350.00	\$14,350.00
Total =				\$177,991.50
15% contingency				\$26,698.73
Total Estimate				\$204,690.23

The proposed watershed consists of 520.17 acres, with an estimated reconstruction assessment of \$393.51 per acre.

The proposed maintenance assessment will stay the same at \$2.49 an acre, with a \$5.00 minimum; with an annual collection of \$1,335.85.

Area is extremely flat and the tile needs to be larger, to make up for lack of grade. Received an objection letter from Curt Thompson.

Curt Thompson -- reported he owns 114 acres and is currently purchasing 50 acres. He has the second highest amount of the assessment and does not have access to the reconstruction. It is a pretty high cost for him. If he does get access, it will cost everyone else more and that is a concern.

Tom Cummins -- used the overhead projector to display Curt Thompson's property. As you can see Mr. Thompson's land does not have access to the regulated drain. Mr. Cummins believes it would be a good idea to add a new tributary with a change order to solve this.

Dave Rhoads -- inquired how big of a tributary.

Tom Cummins -- reported he calculated for a 12" tile estimated at 700 feet in length.

Curt Thompson -- reported it is four years of wages for him, on the farm.

Doug Mills -- reported the whole point is for everyone in the watershed to have access to the legal drain.

Inquired as to why it was not engineered into the plan in the first place?

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Tom Cummins – reported we do not dwell into each parcel. Curt Thompson contacted Mr. Cummins about this issue prior to the meeting and sat down to come up with an option. This was not a surprise today.

Dave Rhoads – reported he was glad Curt Thompson came to meeting and spoke up, as this will give him an outlet.

Tom Cummins – used the overhead projector to show possible new tile that will come across two fields and give access to both. Mr. Cummins said he spoke with the engineer and feels this will work. The contractor will be able to shoot grade to determine grade, depths, etc.

Dan Gwin – reported he tenant farms some of this, too. Believes Curt Thompson should have an outlet. Second or third generation farmers are getting caught with the cost of the reconstructions. It benefits all. It is a cost of ownership. Should have been done forty or fifty years ago. Has been involved with several reconstructions the last ten or twelve years and have been a great benefit.

Tom Cummins – reported he wished it could have been done two years ago. The estimated numbers have increased about 40% since then.

Curt Thompson – inquired of the Board if there were any more projects near him that he would be involved with, soon?

Tom Cummins – reported no reconstruction currently planned for the **Samuel Marsh #639** but a maintenance hearing in the future.

Doug Mills – reported there is a long-range plan, which sets a schedule for upcoming reconstructions.

Lance Sennett moved, seconded by Doug Mills to approve the reconstruction of the James Wilson #588 for \$204,690.23. Motion carried, 5-0.

Doug Mills moved, seconded by Lance Sennett, to hold the James Wilson #588 bid letting on Wednesday, July 12, 2023 Drainage Board meeting at the Montgomery County Government Center at 9:30 a.m. Motion carried, 5-0.

Dave Rhoads – reported to the Board, the **James Gilliland #519** findings and order were ready to sign.

Dan Taylor – reported it was already approved just to need sign the order.

Petitions

Foster Fletcher #573

Tom Cummins – reported he received a petition for variance from Mercury Real Estate Holdings LLC for a proposed asphalt parking lot, two asphalt driveway entrances, gravel lay-down area, and stormwater detention basin in the **Foster Fletcher #573** watershed. Used overhead projector to display the area. The Surveyor recommends approving the request, as submitted.

Doug Mills moved, seconded by Lance Sennett, to approve the petition for variance from Mercury Real Estate Holdings LLC, as submitted for the Foster Fletcher #573.

Tom Cummins – reported this is a concept plan.

John Frey -- inquired why the **Foster Fletcher #573** it is not an urban drain

Dave Rhoads – reported it is an urban drain.

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Motion carried, 5-0.

Foster Fletcher #573

Tom Cummins – reported receiving a petition to attach to the **Foster Fletcher #573** from Mercury Real Estate Holdings, LLC. The plan shows a 24" pipe outlet for the proposed detention area, and recommends approving the request, as submitted.

John Frey moved, seconded by **Dave Rhoads**, to approve the petition to attach to the **Foster Fletcher #573**, as submitted from Mercury Real Estate Holdings, LLC. Motion carried, 5-0.

Phillip Dewey #584

Tom Cummins – reported receiving a petition for variance to right-of-way from Vince and Susan Ricketts, for the **Phillip Dewey #584**. Used overhead projector to display the area. The Ricketts would like to install a wooden privacy fence along the property line, which would place it approximately 8 feet from the regulated drain tile. If we have to go in for repairs, this would be difficult to do. Mr. Cummins has met with the Ricketts, and explained it to them and recommends not approving it as submitted. Believes in the next five years will have to go in for repairs.

Doug Mills – inquired we could approve with the landowner knowing the expense would be on him for any repairs for fence if work had to be completed.

Tom Cummins – reported the issue is not only the fences but also the existing driveway and existing structures at time of work. Cannot prove when existing structures were put in and whether the Drainage Board approved them.

Dave Rhoads – reported this would be creating a gray area to work in.

Tom Cummins – reported the petitioners are not here today.

Doug Mills moved, seconded by **John Frey**, to deny the petition for a variance to right-of-way from Vince and Susan Ricketts for the **Phillip Dewey #584**. Motion carried, 5-0.

Old Business

William Shelley #706 – Consideration of Resolution #2023-1

Dave Rhoads – reported he enjoys when we have a crowd, he calls it Drainage 101; we oversee over 200 drains in County. Tom Cummins job has more to it than that. At the last meeting, the Mayor was present. An interaction committee was created to communicate about the issues and possible solutions.

Doug Mills – reported the **William Shelley #706** was constructed in 1906. In early 1960's it was removed from maintenance assessment. In 2010, it was put back on assessment. In the last thirteen years, the Board has worked on options to deal with the problem. Previously, five or six years ago, the first phase of reconstruction was completed. The next phase of reconstruction is estimated to cost over \$3,000,000.00. After meeting with the Mayor, he would like the city of Crawfordsville to take over the responsibility of the entire drain. There were conditions for the proposal. Over \$130,000.00 has been spent on engineering. The ditch is currently in debt. The reality is that if the drain was vacated, all existing easements are nullified, and the use of eminent domain would have to be used, which is costly and time consuming. Tom Cummins pointed out it could all be transferred to the City. The Board is willing to transfer the responsibility of the **William Shelley #706** to the City of Crawfordsville. The Board is not trying to walk away from it but only 5% is agricultural, outside of the City limits, and 95% is inside the City; best that the City takes care of it. The Mayor asked for a memorandum of understanding.

Dave Rhoads – inquired of Dan Taylor to explain.

Dan Taylor – reported of having a positive meeting and thanked Doug Mills. A transfer is better than a vacation. Section 20 of the code allows for a County to transfer jurisdiction of a regulated drain, if the City accepts. Stormwater fees are collected by all who live in the City. The current drain fund balances were explained. The negative balance of \$36,459.76 would be paid to the County, by the City, to create a zero balance by July 1, 2023. The County Drainage Board would transfer any fall settlements to the City by December 31, 2023. The regulated drain tiles and open ditch are all located within the City of Crawfordsville corporate limits.

Doug Mills – reported all the engineering plans will be transferred to the City and they will acquire the property for the proposed ponds.

Dan Taylor – reported there would be no assessment in 2024. New order for reconstruction is easier than eminent domain.

Dave Rhoads – inquired of the Board for comments.

There were no comments from Board.

Dave Rhoads moved, seconded by Lance Sennett, to relinquish responsibility of the William Shelley #706 to City of Crawfordsville in Resolution #2023-01.

Mayor Barton – reported development in past was done without adequate planning or retention ponds. Water flows from one property to another. Have been able to identify funding source to make it work so it will not be an assessment to the property owners. The City engineer has been working with Banning Engineers. Reported of possible east side development in the future. Thank you for considering this.

Annette Peach – reported lives on the Eastern Acres on Tranquil Trail concerns lies in old part, explained how contractor built a concrete hole for water to drain with a grate. Washes out to her place. Inquired who is responsible and accountable for water when the basement fills. The contractor building homes out there is not accountable to anyone. Pays \$6.00 monthly stormwater fee for probably ten years.

John Frey – reported part of approval in all new development, retention is part of the process and runoff will be reduced, through metered outlets as part of the stormwater plan.

Annette Peach – reported just a matter of time to when someone drowns in the free swim at the apartments.

Dave Rhoads – reported all new questions would go to the City in the future as of July 1, 2023.

Dan Taylor – reported we do subsurface drainage; this will be City.

Ray Faber – reported lives at 501 Louise Avenue lives across from John Beard school, and one of the legs runs under there. Excellent to let City take over jurisdiction. On Dunn Avenue, no storm drainage on new places. Nothing done last fifty years. Substandard development and streets, a lot of people in area cannot borrow money to for pay for work.

Nick Bell – reported he lives on 1504 East Main on three acres and supports the City taking over. Drain where he mows slowly eroding away.

Susan Weliever – reported she lives at 506 Binford St., lives in a habit for humanity house reported her concerns.

Mayor Barton – reported Susan Weliever’s property is not in the William Shelley #706. The Traction Road development will have run off control. We have a request for another one hundred homes, but that is tabled for now. Work in planning the William Shelley #706 and Traction Road traffic needs to be completed first. Engineering planning is ongoing for those projects. We to have a place for the drainage.

Motion carried, 5-0.

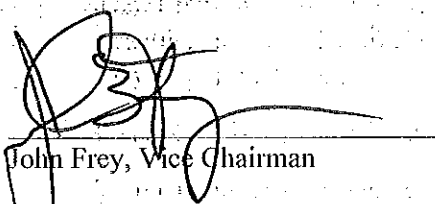
Tom Cummins – reported he would bring the drain classification report and long-range plan to the July meeting.

Lance Sennett moved, seconded by John Frey, to adjourn the meeting at 11:22 a.m. Motion carried, 5-0.

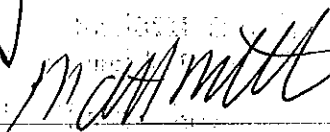
Vicki Emmert,
Recording Secretary



David Rhoads, Chairman

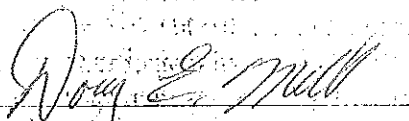


John Frey, Vice Chairman



Matt Mitchell, Secretary

Lance Sennett, Member



Doug Mills, Member

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