

**MONTGOMERY COUNTY
DRAINAGE BOARD
January 8, 2020
MINUTES**

The Montgomery County Drainage Board met on Wednesday, January 8, 2020 at 9:30 a.m. at the Crawfordsville District Public Library.

The meeting was called to order by Chairman, Dave Rhoads followed by the Pledge of Allegiance. 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, Vicki Emmert Secretary and Dan Taylor Attorney.

Also present were Jim Peck, Ron Robbins, Brenda Foster, Wade Bennett, Karen S Phillips, Joe Miller of Banning Engineering and Darrell Birge.

Election of Officers

John Frey moved, seconded by Lance Sennett, to nominate Dave Rhoads as chairman of the Drainage Board. Doug Mills moved, seconded by John Frey, to close nominations. Motion carried, 4-1. Dave Rhoads voted against.

Lance Sennett moved, seconded by Matt Mitchell, to nominate John Frey as vice chairman of the Drainage Board. Dave Rhoads moved, seconded by John Frey, to close the nominations. Motion carried, 5-0.

Lance Sennett moved, seconded by John Frey, to nominate Matt Mitchell as secretary of the Drainage Board. Dave Rhoads moved that nominations be closed. Motion carried, 5-0.

Attorney Contract

John Frey moved, seconded by Doug Mills, to retain Taylor Chadd Minnette Schneider & Clutter, P.C. (Dan Taylor) as the Drainage Board attorney. Motion carried, 5-0.

Approval of Minutes

Doug Mills moved, seconded by Matt Mitchell, to approve the December 11, 2019 minutes. Motion carried, 5-0.

Hearings

Cheatham/Spall

Tom Cummins reported no new updates on the Cheatham/Spall obstruction and would like to keep on agenda for next meeting.

B & B Farms/Hudson

Tom Cummins reported no new updates on the B & B Farms/Hudson obstruction and would like to keep on agenda for next meeting.

Robbins/Hutchison

Tom Cummins reported the parcel owned by Brookstone Builders LLC is up for tax sale on February 13, 2020. The Board, Surveyor, Attorney and Ron Robbins discussed the following: inquired if you purchase the property at the tax sale are you responsible for up-grading the pond; answer is yes; when purchasing a property you are required to pay all past expenses; inquired if the pond actually impacts Mr. Hutchison's property; currently the property free-flows to Mr. Hutchison's property; used the overhead projector to display the area; inquired if the pond could become a regulated drain area; usually when it is a common area if the community has a home owners association it can be done; the property owners to the south in the Brookstone Subdivision who have already paid to repair their properties would not be happy to pay more; inquired if Mr. Hutchison has the ability to go to court concerning the area; it's the natural flow of the water; the water wasn't re-directed as in common enemy law; the area is in a stormwater violation; the natural growth of area has caused the issues. Mr. Cummins reported there is no obstruction and everything is flowing correctly. Mr. Robbins inquired if the pipe on Mr. Hutchison's property is the problem. There have been no numbers run between ponds and it would be very costly for surveying the area. Doug Mills inquired if the pond depth has changed. Tom Cummins reported normal water levels in the pond. **John Frey moved, seconded by Doug Mills, to deny the petition of an obstruction of the properties of Ronald H Robbins and Eric Hutchison. Motion carried, 5-0.** Ron Robbins inquired what is his best recourse to resolve his drainage issues on his property. Tom Cummins recommends going forward with the stormwater violation for the Brookstone Subdivision. Mr. Robbins inquired about building his own pond. Mr. Cummins recommended he contact the NRCS and SWCD before proceeding with building a pond. The Board directed Tom Cummins to investigate whether there is a stormwater violation at the Brookstone Subdivision and report back at the next meeting.

George Nichols #546 Reconstruction Hearing

Tom Cummins reported the **George Nichols #546** was constructed in 1900 and reconstructed in 1978. It is located in T20N, R4W, Sections 8 and 17 in Madison Township. There are 133.88 acres in the watershed with 5,053 feet of tile consisting of 8", 12" and 15" tiles. There are forty-five parcels in the **George Nichols #546**. The **George Nichols #546** drain is currently assessed at \$5.35 an acre with a \$5.00 minimum, with a total collected yearly of \$820.11. 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 upper portion of the George Nichols 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 the upper portion and the generally wet conditions which exist in the area of the watershed when compared to surrounding land.
- (2) The inclusion of stormwater runoff from the adjacent developed area has made the drain inadequate to properly drain the lands affected without extensive repairs or changes, including increasing the size of the drain.

The engineering study was prepared by Banning Engineering and based on an inch and half of rain in twenty four hours.

Mr. Cummins used the overhead projector to display the area. The proposed reconstruction consists of:

Description	Quantity	Unit	Unit Price	Amount
Installation of 15" smooth-corr HDPE	674	LFT	\$ 17.60	\$11,862.40
Installation of 12" smooth-corr HDPE	1,922	LFT	\$ 11.00	\$21,142.00
Destruction of existing tile	2,596	LFT	\$ 1.00	\$ 2,596.00
Tree clearing	4	ACRE	\$ 3,500.00	\$14,000.00
10% Contingency	1	EA	\$ 4,960.04	\$ 4,960.04
Engineering	1	EA	\$12,500.00	\$12,500.00
		Total		\$67,060.44

Surveyor Tom Cummins recommended to the Board to reconstruct the **George Nichols #546**. Landowners present were Karen Sue Phillips and Wade Bennett representing the town of Linden. The Board, Surveyor and landowners discussed: county maps do not show the wetland as part of the regulated drain; draining the wetland is not an option; tiles can be tied on later around the wetland if needed; total amount of reconstruction is \$67,060.44 at \$500.90 per acre; there was a conflict with two contractors performing the last reconstruction; some of the past work was never completed properly; will be four acres of woods to clear; inquired if solid tile will be used in the woods; no that is why the woods will be cleared; Darrell Birge who resides in the area reported the first reconstruction was never done correctly and tiles need to go to cemetery area; the vaults at the cemetery have to be pumped out before burial; a viable outlet is needed before deciding if tiling is required at cemetery; the south part of the **George Nichols #546** is also in the **James Hose #572** watershed; inquired who owns the land between the cemetery and the wetlands; it is Martha Gaylor; tile in wetland was working when opened up; will have a breather; can replace existing tile with same size tile not a reconstruction; Mr. Bennett reported the town is in support of the project; town water wells are close to the elbow; several homes and lots have been abandoned due to water issues; can adjust watershed for drainage in town in future if town wants to install drainage structures; based on schedule of assessments and report the Surveyor recommends the reconstruction be completed this summer; bid letting in March or April; **Doug Mills moved, seconded by John Frey, to reconstruct the George Nichols #546 at a cost of \$500.90 an acre for a total cost of \$67,060.44. Motion carried, 5-0.**

Charles Leas #532 Vacate Hearing

Tom Cummins reported the **Charles Leas #532** was constructed in 1935 with no information if it has ever been reconstructed. The **Charles Leas #532** is in T20N, R4W, Sections 14, 23 and 24 in Madison Township. There is 274.99 acres in the watershed with 2,195 feet of 16" and 18" tiles. The watershed contains eight parcels. The current assessment is \$0.75 an acre with a \$5.00 minimum and a yearly collection total of \$213.56. On November 13, 2019, the Surveyor received a petition to vacate the **Charles Lease # 532** drain, signed by landowners representing 96.2% of the regulated watershed acres. The petition was reported to the Board at its regularly scheduled meeting in November, and a hearing set for January 8, 2020.

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 **Charles lease #532** was constructed in 1935. The drain consists primarily of 16" tile. Based on preliminary investigation, the grade is relatively flat, approximately 0.2%.
 - (2) Reconstruction estimate = \$52,590.00 of \$191.24 an acre. This expense outweighs the benefits of reconstruction, as the landowners have paid for the installation of a new tile.
 - (3) The vacation will not be detrimental to the public welfare, as the tile has been replaced and drainage has improved.

Based on this evidence, the Surveyor recommends approving the request to vacate the **Charles Leas #532** regulated drain.

The Board, Surveyor and Attorney discussed: the **Charles Leas #532** is a sub watershed of the **Lye Creek #535**; used overhead projected to display the area; Anthony Stanley and Hunsicker Family Farm LLC did not sign the petition; Dan Gwin has power of attorney for the Cox-Kelly Farm and signed for them; what happens in thirty years if the drain is not working; it can be re-established as a legal drain; open ditches **Lye Creek #535**; the landowners will still pay assessment to the **Lye Creek #535** drain; inquired if the Board could just stop assessment and not vacate; reported the new tiles are not regulated; the regulated tile does not work; when the landowners installed the new tiles they may have destroyed the old tiles; inquired about landowners performing their own reconstruction; there is a process to make the new tiles a legal drain; at this time landowners do not want it to be a regulated drain and have met all the requirements to vacate the drain; there is a process if the landowners in the future want it to be a legal drain again; **Doug Mills moved, seconded by John Frey, to accept the petition to vacate the Charles Leas #532 upon the recommendation of the Surveyor and the current money held in the Charles Leas #532 be moved to the general improvement fund.** Tom Cummins recommended the Board to make their own Board policy of how they want to handle vacated

drains in future. The Board recommended that Tom Cummins and attorney Dan Taylor make a new policy for vacating drains. **Motion carried, 5-0.**

Stormwater

None

Petitions

Tom Cummins reported receiving a petition to attach to the **Albert Hysong #618 joint drain** from Roy Sillery. Mr. Cummins used the overhead projector to display the area. Mr. Cummins recommends approving the petition to attach. **Dave Rhoads moved, seconded by John Frey, to approve the petition to attach to the Albert Hysong #618 joint drain. Motion carried, 5-0.**

Old Business

Tom Cummins presented the Board the new vacate order form for the **Anthony Stingley #556** that was approved in July 2019. The money in the **Anthony Stingley #556** maintenance fund will be moved into the general improvement fund.

Other Business

Dave Rhoads inquired about an update on the Mace drainage issue. The Board, Surveyor and the attorney discussed: how do we move forward; it will be up to the Board if a hearing should be held; may have an informal landowners meeting again; will work with INDOT; may shock the residents of the cost of project; could have informal meeting concerning incorporating the town; have information available for landowners with a goal of 2021 to complete; there has been landowners inquire what the project will cost; no final decision of how this project will be financed; having trouble meeting guidelines for USDA loan or acquiring a grant; project could be done as an urban drain project and extend payback period to twenty years; recommends Board attend County Council meeting for 2021 budget that they may allocate money towards this project; the **William Shelley #706** drain may need to be paid for this way too; Mark Davidson is the County District Representative; County Council meetings are the second Tuesday of the month; should attend either February or March 2020; not a lot of grants available for drainage; more issues as there are no stormwater utilities in Mace; estimate is \$500,000. Dave Rhoads, Tom Cummins and Doug Mills plan to attend the County Council meeting for the Mace project.

Dave Rhoads and Matt Mitchell will not be available for the February Board meeting. The November 11th meeting is on Veteran's Day and the County is closed that day. **Dave Rhoads moved, seconded by John Frey, to re-schedule the February Board meeting to February 19, 2020 and the November meeting to November 18, 2020. Vicki Emmert will check the library schedule for rooms available. Motion carried, 5-0.**

Jim Peck reported still working on the new drainage ordinance for building in Montgomery County and suggested they get Banning Engineering to look over the revisions as the ordinance will need to be approved by the County Commissioners.

Dave Rhoads inquired what the normal time frame is to get a permit to build a barn in County. Tom Cummins reported it is usually a week to two weeks. Dan Taylor reported the holdup usually is a state permit that is required. Mr. Cummins reported a lot of the holdup is a change of plans and incomplete information at time of submission of plans.

Lance Sennett reported outside of Waynetown along State Rd 136 there is a water backup due to a beaver dam. Mr. Sennett has trapped the beaver. The water is halfway flowing now but not correctly. Two employees in a state truck walked the area three or four months ago, but have not repaired the right of way.

Dave Rhoads reported the beaver problems near Cherry Grove and a trapper wanted the Board to give permission to trap on landowner's property. The Board cannot give permission to trappers. Trappers must contact landowner. Tom Cummins has phone numbers of local trappers for private trapping. Tom Cummins reported Justin Smith is currently trapping the **Joe Hall #581**.


Public Comment

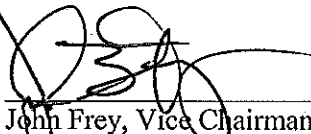
None

Next meeting will be Wednesday, February 19, 2020 at 9:30 a.m.

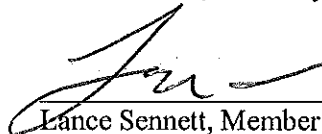
John Frey moved, seconded by Matt Mitchell, to adjourn the meeting at 10:58 a.m. Motion carried, 5-0.

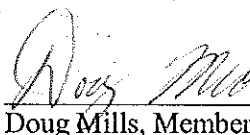
Vicki Emmert,
Recording Secretary.


David Rhoads, Chairman


John Frey, Vice Chairman


Matt Mitchell, Secretary


Lance Sennett, Member


Doug Mills, Member

**MONTGOMERY COUNTY
DRAINAGE BOARD
February 19, 2020
MINUTES**

The Montgomery County Drainage Board met on Wednesday, February 19, 2020 at 9:30 a.m. at the Crawfordsville District Public Library.

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

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

Also present were Steve Hudson, Darrell Birge, Brenda Foster, Sina Parks, Curt Hudson and Roger Azar.

Approval of Minutes

Doug Mills moved, seconded by Lance Sennett, to approve the January 8, 2020 minutes. Motion carried, 4-0.

Hearings

Tom Cummins reported there are no new updates on the Cheatham/Spall petition to remove an obstruction and to continue to the March meeting.

Dan Taylor reported the B & B Farms/Hudson petition to remove is still pending in the courts and to be continued to the March meeting.

Stormwater

Petitions

John Galey #518 Petition variance

Tom Cummins reported on the design of the IMPA Solar Park Crawfordsville 5 and the requested variance petition as the **John Galey #518** drain runs through the Solar Park. The overhead projector was used to display the area. The Board and Surveyor discussed the following: the solar park encroaches on the easement in four different areas; there will be a chain link fence; a concrete drive will cross the tiles and IMPA is requesting a variance; what if the tile fails & approve variance; can be repaired out of maintenance funds; displayed the **John Galey #518** watershed with overhead projector; new tile drainage to the east; IMPA has repaired a private tile and mapped area already; reconstructed the downstream area about 2015; old clay and new concrete tiles were found. **John Frey moved, seconded by Doug Mills, to approve**

the variance petition as submitted of the John Galey #518 from IMPA Solar Park Crawfordsville 5. Motion carried, 4-0.

John Galey #518 Petition to Attach

Tom Cummins reported receiving a petition to attach to the **John Galey #518** from Randy Borden to connect his laterals. The area was displayed with the proposed laterals using the overhead projector. **Dave Rhoads moved, seconded by Lance Sennett, to approve the petition to attach to the John Galey #518 from Randy Borden as submitted. Motion carried, 4-0.**

Charles Cowan #510 Petition to Attach

Tom Cummins reported receiving a petition to attach to the **Charles Cowan #510** from Mike Patton. The overhead projector was used to display the proposed area of attachment. Mr. Cummins recommends approving the petition to attach. A portion of the **Charles Cowan #510** has been reconstructed and with maintenance funds, a portion of tiles have been replaced and installed deeper. Darrel Birge inquired if Mrs. Wright's tiles would be hooked up too. Yes the existing tile will be connected to the new tile. **Doug Mills moved, seconded by John Frey, to approve the attachment to the Charles Cowan #510 from Mike Patton as submitted. Motion carried, 4-0.**

James Fleming #517 Petition to Attach

John Frey moved, seconded by Lance Sennett, to table the James Fleming #517 petition to attach to the March meeting. Motion carried 4-0.

Other Business

Tom Cummins reported on March 11, 2020 he will be attending Purdue Road School and would like to reschedule the scheduled Board meeting to March 18, 2020. **Dave Rhoads moved, seconded by John Fry, to move the March 11, 2020 meeting to March 18, 2020. Motion carried, 4-0.**

Old Business

Brookstone Subdivision

Tom Cummins reported there is a stormwater violation at the Brookstone Subdivision with the northern detention pond. The overhead projector was used to display the area. The Board, attorney and Surveyor discussed: there is a violation and plan to contact the landowner; owner is Brookstone Builders LLC; a letter will be sent to address on record; inquired if landowner near area in violation also; not currently; may be different options to correct the problem with a HOA; can put a lien on property; will keep on agenda for the March meeting.

Claude Moody #583- Town of Mace & Linnsburg

Dave Rhoads, Doug Mills and Tom Cummins reported meeting with County Council representatives. The Board, Surveyor and attorney discussed the following: a meeting should be set for the towns of Mace and Linnsburg; possibly the towns should be incorporated; possibly evening meeting of March 18, 2020; Mr. Cummins will have a breakdown of payment options to pay for the project; no current agreement with INDOT; plan has to be submitted first; past projects have not had issues with INDOT; if towns incorporated could form a stormwater utility as to who pays for project; inquire if County Council would allocate money into the general drainage improvement fund to help fund the project; incorporating a town is a slow process; quicker if Board proceeds; every subdivision with drainage issues will want help in future; doing nothing is not right either; most Boards pay for engineering and landowners pay for the reconstruction; need to request funding from County to help pay for future projects; meeting should include the Drainage Board, Commissioners, County Council and landowners; present the project to everyone and payment options; septic systems in Mace and Linnsburg are bad; has Mace ever considered incorporating; not to anyone's knowledge; Linnsburg was founded first; possible meeting places would be Walnut Elementary or the Methodist Church in Mace; Mr. Cummins will send letter to Mace; coordinate with Mark Casteel to set meeting with commissioners and County Council; Melody Davis contact for Methodist Church.

New Business

Hunters Glen Subdivision

Tom Cummins reported along with Roger Azar; Jim Ratcliff would like to build the second phase of Hunters Glen Subdivision. The overhead projector was used to display the area. The Board, Surveyor, attorney and Roger Azar discussed the following; Phase I and II were approved at the same time; not all required retention ponds were constructed in Phase I; possibly underestimated water volume or flow from off-site areas to the east; inquired the requirements by the developer for stormwater; the current plan is not adequate; inquired if the new stormwater ordinance reflect the changes of current plans; Phase I should be brought up to standards before Phase II be built; obligated to follow stormwater law; an engineer should look at the original plans when submitted were correct; old model of Hydro Cad is different now for stormwater; 100 year storms have changed too; if adjacent farmer built a pond it would help the area; should be a statute of limitations or time frame when Phase II could be built like two years.

Other Business

Roger Azar presented the Board with Deer Run Estate Subdivision Preliminary Plat. The developer is Nick Slavens. Two of the lots will need a variance. The developer wants to have restrictions of what can be built on the two lots. Mr. Azar inquired if detention ponds would be required for the development. The Board reported the presentation was not on the agenda therefore nothing can be approved. Roger Azar also reported a swale and drainage easements would be needed and have to be rezoned to residential.

Financial Reporting

Tom Cummins presented the Board with the 2020 drains that are off of assessment for the year. **Dave Rhoads moved, seconded by John Frey, to approve the 2020 drains off list as presented to Board. Motion carried, 4-0.**

Tom Cummins presented the Board with the maintenance to improvement transfers to cover debt in the Improvement funds of \$57,788.24, the maintenance to reconstruction transfer to cover debt in the reconstruction funds of \$13,961.40 and reconstruction to maintenance transfers of reconstructions that are now paid off of \$92,793.09. Two drains were vacated earlier this year the **Anthony Stingley #556** and the **Charles Leas #532** their money \$ 4,658.25 will be transferred to the **Funds without Drains #400** account. Transfer funds from reconstruction to the improvement accounts of \$135,416.64 and Maintenance to Maintenance **Edward Coleman #720** combined to make the **Fraley-Coleman #596** drain. **John Frey moved, seconded by Doug Mills, to approve all of the transfers as reported. Motion carried, 4-0.**

Tom Cummins reported the proposed assessment rate reductions for 2020 for the **John Lane #531** from \$7.39/acre; \$5.00 minimum to \$5.93/acre; \$5.00 minimum and the **Phillip Dewey #584** from \$32.00/acre; \$5.00 minimum to \$5.21/acre; \$5.00 minimum. **Doug Mills moved, seconded by John Frey, to lower the rates from \$7.39/acre; \$5.00 minimum to \$5.93//acre \$5.00 minimum for the John Lane #531. Motion carried, 4-0. Dave Rhoads moved, seconded by Doug Mills, to lower the rates from \$32.00/acre; \$5.00 minimum to \$5.21/acre; \$5.00 minimum for the Phillip Dewey #584. Motion carried 4-0.**

Dave Rhoads inquired with John Frey if there were any new updates on the **John McLaughlin #097**. Tom Cummins reported speaking with Zach Beasley, Tippecanoe County Surveyor, they are concentrating on maintenance, and there will be a future meeting. No date set yet.

Dave Rhoads reported he will attend the County Council meeting the second Tuesday of March.

Tom Cummins recommends seeking the amount of \$74,020.40 from the County Council to cover the current debt in the improvement fund. This would have nothing to do with the Mace project.

Doug Mills inquired who oversees the Drainage Board on the County Council from the budget committee. No one knew. Reported should meet with Mark Casteel to coordinate the meeting with Board and County Council to explain the debt of \$74,020.40.

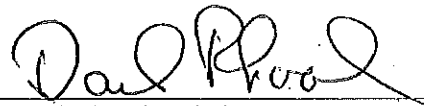
Tom Cummins reported his presentation to the County Council when presented will begin from year 2007.

Darrell Birge inquired of Tom Cummins if he gave Curt Hudson permission to come on his land. Tom Cummins reported he has no authority to do that.

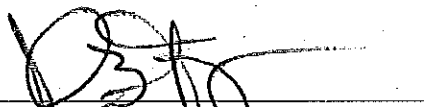
John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 11:16 a.m. Motion carried 4-0.

Vicki Emmert,

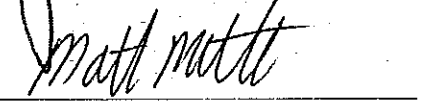
Recording Secretary



David Rhoads, Chairman

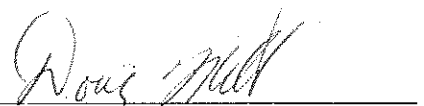


John Frey, Vice Chairman



Matt Mitchell, Secretary

Lance Sennett, Member



Doug Mills, Member

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**MONTGOMERY COUNTY
DRAINAGE BOARD
June 18, 2020
MINUTES**

The Montgomery County Drainage Board met on Thursday, June 18, 2020 at 9:30 a.m. at the Crawfordsville City Council Chambers.

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

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

Also present were Curt Hudson, Brenda Foster, Sina Parks, Roger Azar, Jim Peck, Deantha Wright Thornburg and Nick Hedrick from the Journal Review.

Due to the Covid-19 Virus outbreak throughout our State and Country there were no Drainage Board meetings held for March, April and May of 2020.

Approval of Minutes

John Frey moved, seconded by Matt Mitchell, to approve the February 19, 2020 minutes. Motion carried, 4-0.

Hearings

Tom Cummins reported there is nothing new on the Cheatham/Spall obstruction hearing. Roger Azar inquired about the wet land determination. Mr. Cummins reported waiting on their paperwork.

Tom Cummins reported the B & B Farms/Hudson that B & B Farms had dropped the summary judgment against the Board but not him. Attorney Mr. Ayres has requested a thirty day extension. Curt Hudson was in attendance inquired about moving the process faster. Attorney Tyler Nichols reported that this is the typical litigation process to run slow.

Stormwater

Hunters Glen Subdivision

Tom Cummins reported at the last meeting County Engineer Jim Peck was to determine if the Hunters Glen Subdivision Development plans, when it was originally built, followed the approved drainage plans set by the County at that time. Mr. Cummins reported past stormwater issues and new builds will now go through the new County Plan Commission and the County Engineer to determine if their stormwater plans are adequate or need improvement before

permits to build are given out. Jim Peck reported one pond was built correctly and one pond was not. There is not enough information to review retention ponds not built. All issues will have to be addressed before anything else is done.

Stormwater Review Report

Jim Peck reported he has reviewed stormwater for one commercial, twenty one pole barns and twelve single family before permits were issued by the Building Department. The Board, Surveyor, Jim Peck and Roger Azar discussed: if new projects will still have to submit stormwater plans; reported yes; reported the new drainage code for County was created by Jim Peck, completing the technical data, and the legal work was completed by attorney Dan Taylor; there will be provisions for drainage that developers must follow-up with homeowner associations; sand seams, along with water table information will be determined along with soil borings in some areas before building permits can be issued; inquired if a legal drain will be designated in new developments; reported yes; inquired about boring and water level; inquired about septic systems five feet down and perimeter drains around basements; geo technical is a requirement; will go by new ordinance; will require correct size of a sump pump in basement; inquired about Hunters Glen subdivision; will they be allowed to use the plans submitted fifteen years ago or will the new ordinance apply for new development in area; reported it was not built correctly the first time so will have to go by new code ordinance; the developer's legal department will have to present to the plan commission; Roger Azar will explain to Ratcliff builders the current policy now; reported there is one lot in the old development that someone wants to build on; will go before plan commission now; the Drainage Board will not make the determinations from now on; the Hunters Glen project should be added to the plan commission agenda; there are new policies for new roads and the old road projects are grandfathered in.

Petitions

Tom Cummins reported receiving a petition to attach a six inch perimeter tile the **Kenneth Hudson #525** drain from Jason Coon for his septic system. Mr. Cummins recommends approving the petition. **Doug Mills moved, seconded by Matt Mitchell, to approve the petition to attach to the Kenneth Hudson #525 drain as submitted from Jason Coon.** Motion carried, 4-0.

Tom Cummins reported receiving a petition to attach a perimeter tile for a septic system from James Biddle/Larry Davis as it crosses property lines to the **John Galey #518** drain. Mr. Cummins recommends approving the petition. **John Frey moved, seconded by Doug Mills, to approve the petition to attach to the John Galey #518 drain as submitted from James Biddle/Larry Davis.** Motion carried, 4-0.

Roger Azar inquired if it was a requirement to create an easement to cross another land owner's property to connect to a legal drain. Mr. Cummins reported it is not required but highly recommended.

Tom Cummins reported receiving a petition to attach to the **James Fleming #517** from Heritage Land Company, LLC to replace the tile. This is to replace an existing six inch tile and tying into

the James Fleming #517. Mr. Cummins recommends approving the petition to attach. Doug Mills moved, seconded by John Frey, to approve the petition to attach to the James Fleming #517 from Heritage Land Company, LLC as submitted. Motion carried, 4-0.

Tom Cummins reported receiving right-of-way variance petitions to work on the 12" gas main which encroaches the easement of the James Fleming #517, Joe Hall #581, and Benjamin Crabbs #511 regulated drains, from Vectren Energy. Mr. Cummins recommends approving variance petitions as submitted. John Frey moved, seconded by Doug Mills, to approve the variance petitions for the James Flemings #517, the Joe Hall #581 and the Benjamin Crabbs #511 from Vectren Energy as submitted. Motion carried, 4-0.

Old Business

Fraley-Coleman #670

Tom Cummins reported he has now received the design information from the engineer and recommends setting a reconstruction hearing for the Fraley-Coleman #670 drain. Mr. Cummins reported the July should be rescheduled for later in July, to meet the mailing requirements and recommends July 29, 2020. Doug Mills moved, seconded by John Frey, to tentatively hold the July 29, 2020 Drainage Board meeting at 9:30 a.m. at the Crawfordsville District Public Library; as it may need to be change locations due to the Covid- 19 closings. Motion carried, 4-0. Doug Mills moved, seconded by John Frey, to hold the Fraley-Coleman #671 reconstruction hearing on July 29, 2020 at 9:30 a.m. tentatively at the Crawfordsville District Public Library. Motion carried, 4-0.

Joseph Ludlow #586

Tom Cummins reported he would like hold the Joseph Ludlow #586 reconstruction hearing on July 29, 2020. Dave Rhoads moved, seconded by Doug Mills, to hold the Joseph Ludlow #586 reconstruction hearing on July 29, 2020 at 9:30 a.m. tentatively at the Crawfordsville District Public Library. Motion carried, 4-0.

Brookstone Subdvision

Tom Cummins reported that he was instructed at the last meeting to send a letter notifying Brookstone Builders LLC of their violation. The property was up for Sherriff's Sale but believe no one bought it as it is still in Brookstone Builders LLC name on the GIS program. It will be kept on the agenda. Mr. Cummins inquired if stormwater violations will go before the plan commission now. Jim Peck reported yes and all tax sale properties will have a stormwater review before going up for tax sale from now on. Doug Mills moved, seconded by John Frey, to have the Drainage Board Attorney Dan Taylor investigate the Brookstone issue if it should go before the plan commission now. Motion carried 4-0.

Claude Moody #583

Tom Cummins reported the County Council approved \$50,000 to be deposited in the general drain improvement fund to be used for design work for the **Claude Moody #583** in Mace. The Board and Surveyor discussed: the engineering firm is Clark Dietz, Inc.; will this money commit Mace to move forward with a reconstruction; no this is still in the planning stages to get a cost estimate for the landowners; will hold a landowners information meeting in future; the engineer plans to work with INDOT to coordinate the project; **Doug Mills moved, seconded by John Frey, to give Tom Cummins authority to sign the contract with Clark Dietz, Inc., to design a reconstruction of the Claude Moody #583 drain. Motion carried 4-0.** John Frey reported there are plans to write a grant by the County for this project. **Doug Mills moved, seconded by John Frey, to hold a landowner information meeting for either evening of July 29, 2020 or the July 22, 2020 at 6:00 pm. Motion carried 4-0.** Tom Cummins will reserve the Mace Church for the landowner information meeting.

George Nichols #546

Tom Cummins recommended setting the bid letting for the reconstruction of the **George Nichols #546** at the July 29, 2020 Drainage Board meeting. **Doug Mills moved, seconded by Matt Mitchell, to hold the bid letting for the reconstruction of the George Nichols #546 on Wednesday, July 29, 2020 at 9:30 tentatively at the Crawfordsville District Public Library at 9:30 a.m. Motion carried 4-0.**

New Business

None

Other Business and Public Comment

Deantha Wright Thornburg reported her concerns of passing issues back and forth between commission groups. Ms. Thornburg inquired if the Board was confident to pass the stormwater reviews over to another group. The Board, Surveyor and Deantha Wright Thornburg discussed: the engineer and plan commission may not have the experience or more expertise than the Drainage Board has; dealing with past drainage mistakes, moving forward should be better with new standards; Jim Peck, Tom Cummins and John Frey attend plan commission meetings; the new ordinance will protect the public from building on bad property; Jim Peck reported he reviews submitted building plans now before permits are given to build.

Dave Rhoads inquired if there will be drainage school this summer. Vicki Emmert will check to see if it will be held this year.

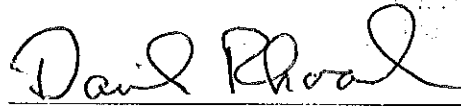
Curt Hudson inquired about power of attorney forms for landowners and renters. Reported attorney Dan Taylor is not present to answer his inquiry.

Tom Cummins inquired if the Board plans to have the rest of the meetings for the year on the second Wednesday of the month. They reported yes. Mr. Cummins reported may need to schedule a special meeting in future to let bids for reconstructions if they are approved. Dave

Rhoads inquired about holding an October meeting. Tom Cummins reported that should be determined closer to harvest season.

Dave Rhoads moved, seconded by John Frey, to adjourn the meeting at 10:33 am. Motion carried, 4-0.

Vicki Emmert,
Recording Secretary.



David Rhoads, Chairman

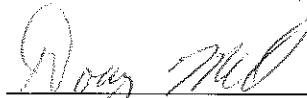
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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**Montgomery County
Drainage Board Minutes
Special Meeting for
The Town of Mace
July 27, 2020**

The Montgomery County Drainage Board met on Monday, July 27, 2020 at 6:00 p.m. at the Montgomery County 4-H Fairgrounds.

The meeting was called to order by Chairman, Dave Rhoads followed by the Pledge of Allegiance. 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, Vicki Emmert Secretary and Tyler Nichols Attorney.

Also present were David Wineman, Gerald Rasmussen, Dale McCormick, Diana McCormick, Shirley Wilson, Wesley Cram, Dale Chadwick, Fern M Herrington, Larry & Wanda Serrano, Erroll A Cheney, Greg Linn, Meredith Manges, J ----, Keny -----, Chrystal Thomas, Sarah Thomas, Neil and Wanda Ulsh, Connie and Jerry Perkins, Wayne and Becky Shaw, Bob Woodkey, Paul Michael, Steve and Darlene Risner.

Dave Rhoads reported this was an information meeting only. Mr. Rhoads introduced the Drainage Board members present.

Tom Cummins used the overhead projector to display the **Claude Moody #583** drain. The Clark Dietz Engineering firm completed a drainage evaluation of the area. These areas were displayed with the overhead projector.

Alternative	Total Estimated not final cost	Potential w/INDOT their cost	Regulated landowner Balance
1A-Replace Existing System and Expand to Serve CR 200 S-3- year Storm	\$738,000	\$296,000	\$442,000
1B- Replace Existing system and Expand to Serve CR 200 S 10- year Storm	\$794,000	\$322,000	\$472,000
2A-Replace Existing system and New outfall to Serve CR 200 S - 3-year Storm	\$645,000	\$306,000	\$339,000
2B- Replace Existing system and New Outfall to Serve CR 200 S - 10-year Storm	\$684,000	\$ 317,000	\$367,000

The Board, Surveyor and the landowners present discussed the following: explained the differences between the options; discussed the jack and bores under State Rd 136; the cost of the jack and bores portion would be paid for by INDOT; possible new laterals and addition on south side addition on State Rd 136; discussed tile sizes; does not include cost of hooking up new home laterals only existing will be hooked up; landowners pay taxes why are we having to pay

again; only landowners in a watershed pay for their own work as it is an assessment; property taxes are different than drain assessments; drain has been failing since the 1960's; for fifty years it has not had an assessment and not maintained since the 1960's; farmers have done work on their own land; the **William Shelley #706** and the **Foster Fletcher # 573** have urban areas; if a reconstruction is approved the urban area can be assessed differently than the ag acreage; the town was built on an old ag drain; it was not designed for storm sewer for residential; there was no zoning at the time; zoning began in 2019; how is the money allotted per homeowner; money that has been collected for maintenance assessment is separate from a reconstruction assessment; jack bores under roads cost more; two jack and bores are close together; do landowners have options of cost; yes; displayed wet area; design cost \$9,900.00; site surveyed with 30% in agreement with INDOT and the design work; looking for options to pay for project such as OCRA (Office of Community and Rural Affairs); may have stimulus money, but no guarantee; INDOT can't pay for all of the project; please explain designs for stormwater 3 year, 10 year and 50 year storms; up to 1 1/2 inches of rain in an hour is a three year storm; two inches in an hour is a ten year storm; 2 3/4 inches and up 100 year storm is the way projects are designed; more recent storms have been ten year storms; will this project affect us on 200 S; still working on design; will it affect houses on the south side of old grocery store; run-off is what you are receiving; chip and seal makes road higher and higher; will ask INDOT to clean side ditches as they are not functioning properly; example using old system that is 40 to 60 years old is hard to use with new pipes as they fail; mains and sub mains need to be new; some old laterals may work; when work begins could it actually cost more than estimate; code allows change order up to 20% cost increase for unknowns; 10% on contingency for laterals; each landowner will receive a notice with breakdown per owner's estimated cost before the reconstruction hearing; the estimate will be intentionally high to help cover unknown costs; if we apply for an OCRA grant it is 80/20 cost/share; may receive a knock on door or phone call for a survey for income study, low to moderate income; please work with them; how long does it take to know what it will cost; when you receive the legal hearing notice; would like to have another information hearing with more breakdowns of cost; with handouts before a hearing is held; landowner reported utilities caused some of the drainage issues south of 200 S; can they be held accountable; yes; can do a petition of an obstruction if utilities won't repair; just a reminder that this is an information meeting only and what direction the landowners want to go; the Drainage Board is involved to help solve the drainage issue; after the final numbers come in there may be some landowners who may not be happy with the decision but in the end it will be the Drainage Board's decision; landowner inquired if it could come in lower than the estimate; INDOT has been agreeable for the different options; landowner inquires who pays outside of Mace; only in the blue line of water shed will be assessed; lots of fall for outlet; what is worst drainage part; whole town of Mace is bad; landowner has been reading articles in newspapers about the town of Mace; why weren't all landowners invited to the meetings; those were from Council and Commissioner meetings; they will post their agendas on the County website; one article was about septic and sewage; Sewer Board with septic on 300 S through Linnsburg is 5-30 years from now and totally separate issues; new tiles will be installed in alleys and streets right-of-ways with the exception of tributary to the river north; Greenly and North street will go through the yards to replace the existing tile which is already there; south of State Rd 136 property with septic and finger systems will it affect it; not sure but will work with it; how will landowners find out about future meetings; a letter will be sent out later this year; currently surface drains; they will be in new design; yes; inquired about the church and parsonage what is red line; not sure yet; let the surveyors who are working in your

area know what issues you are having; no plans to use old tiles; will destroy old tiles; how old is tiles 1920's most likely; will landowners be able to pay for a lateral; yes if you are in the watershed; the church is not exempt from ditch assessments; can request the Drainage Board to lower the maintenance assessment if there is a reconstruction; how far down does drain go; used overhead projector to display; will drain be dredged; possibly; inquired if town had the desire to incorporate or have a town board; reported when the town of Linden had their drainage project the cost was \$730,000 and the landowners paid \$100,000 with a \$630,000 grant; if your sewage is an issue cannot tie into the drain;

The next Drainage Board meeting will be Wednesday, July 29, 2020 at 10:30 a.m. at the Crawfordsville City Council Chambers in Crawfordsville.

**Lance Sennett moved, seconded by Matt Mitchell, to adjourn the meeting at 6:58 p.m.
Motion carried, 5-0.**

Vicki Emmert,
Recording Secretary



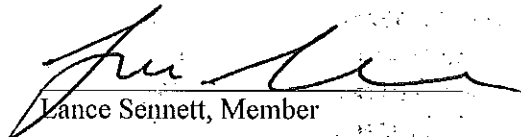
David Rhoads, Chairman



John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
July 29, 2020**

The Montgomery County Drainage Board met on Wednesday, July 29, 2020 at 10:30 a.m. at the Crawfordsville City Council Chambers.

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

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

Also present were Sheila Howard, Russell Hutchison, Earl Smith, Don Hopper, Phil Springer, Tracey Hembree, Kevin Carlson, Rick Bymaster, Sherry Coon, Scott Odle, Curt Hudson, Gary Bymaster, Jim Peck, Roger Azar of Deckard Engineering, Joe Miller and Max Kolb both of Banning Engineering.

Approval of Minutes

Doug Mills moved, seconded by Matt Mitchell, to approve the June 18, 2020 Drainage Board minutes. Motion carried, 4-0.

Petitioner Hearings

Dave Rhoads inquired if there were updates for the Cheatham/Spall and the B & B Farms/Hudson obstruction petitions. Tom Cummins reported there was no new updates.

Hearings

Joseph Ludlow # 670 Reconstruction Hearing

Lance Sennett excused himself from the hearing. Mr. Cummins reported the **Joseph Ludlow #586** was constructed in 1905 and reconstructed in 1982 and 2013. It is located in T20N, R5W, Sections 18, 19, 20, 29, and 30 plus T20N, R6W Sections 13, 24 and 25 in Coal Creek Township. There are 1,174.99 acres in the watershed with 22,143 feet of 8", 10", 12", 14" 18" 24" and 30" inch tiles. The open ditch is 1,403 feet in length. There are 71 parcels with a \$6.21 an acre with a \$5.00 minimum. The **Joseph Ludlow #670** collects \$7,345.02 annually. The upper portion of the **Joseph Ludlow #670** 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 the upstream portions of the watershed and the generally wet conditions which exist in this area of the watershed when compared to surrounding land. Based on this evidence, the surveyor recommends approving the reconstruction of the **Joseph Ludlow #586** regulated drain. Tom Cummins used the overhead projector to display the phase I reconstruction and the proposed reconstruction. The proposed

cost per acre is \$212.77 for a total of \$250,003.48. Landowners present were Sheila Howard, Russell Hutchison, and Earl Smith. Russell Hutchison reported he was in favor of the reconstruction to be completed. The Board, Surveyor and landowners discussed the following: north of 800 and east of 700 does the area have access to an outlet; this part runs into an open ditch; no issues in that area that the Surveyor knows of; northern part is private tile. **Doug Mills moved, seconded by Matt Mitchell, to reconstruct the Joseph Ludlow # 586 at the cost of \$212.77 an acre for a total cost of \$250,003.48. Motion carried, 3-0.** Tom Cummins recommended to set up the bid letting for the August 12, 2020 meeting at 8:00 a.m. **Doug Mills moved, seconded by Matt Mitchel, to open sealed bids for the Joseph Ludlow #586 reconstruction on Wednesday, August 12, 2020 at 8:00 a.m. at the Crawfordsville City Council Chambers in Crawfordsville. Motion carried, 4-0.**

Fraley-Coleman #670 Reconstruction Hearing

Tom Cummins reported the **Arthur Fraley 1** was constructed in 1898 and the **Edward Coleman** 1984. The records do not show that the **Arthur Fraley 1** was ever reconstructed. Records state the **Edward Coleman** was reconstructed in 1918. It is located at T20N, R4W, Sections 2, 3, 10, 11 and 15 in Madison Township. There are 817.73 acres in the **Fraley-Coleman #670**. The length of the tile is 15,385 feet and consist of 8", 10", 12, 15, and 18 "tiles. There are 33 parcels. The current assessment is \$3.40 an acre, with a \$5.00 minimum and a total yearly assessment of \$2,821.51. The existing **Fraley-Coleman #670** 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 the middle portion of the watershed and the generally wet conditions which exist in this area of the watershed when compared to surrounding land. Based on this evidence, the Surveyor recommends approving the reconstruction of the **Fraley-Coleman #670** regulated drain. Mr. Cummins used the overhead projector to display the proposed reconstruction, with the two new proposed tributaries. The wet area was displayed with the possibility of contacting Soil and Water. The area is very flat. The proposed cost per acre is \$395.69 for a total of \$323,568.63. Landowners present were; Don Hopper of Romar Acres LLC, Phil Springer, Kevin Carlson, Rick Bymaster, Sherry Coon, Scott Odle, and Curt Hudson. The landowners, Surveyor, Drainage Board and attorney discussed the following: how many acres did the watershed increase by adding the new tributary in 2019 to combine the Fraley and Coleman; 100 acres; Romar Acres is an eighth generation 800 acre farm and is opposed to the reconstruction due to their portion of costs; Sherry Bymaster and Odle have been removed 35.9 acres from acreage; Romar Acres has filed written objection; feel assessment is excessive; Romar Acres reported Surveyor met April 10, 2019 with affected landowners and reported their land would benefit the least from the reconstruction but would benefit some; read from state code; Romar Acres why does tile not go further into their acreage; would have to pay more to connect; Romar acknowledges there is a need; Romar Acres 2018 maintenance assessment was over \$10,000; **Arthur Fraley** now combined into **Fraley-Coleman #670**; prior to combining it was work done for Romar acres; Romar Acres March 13, 2019 **James Grimes #521** for a reconstruction report assessment 8% of watershed; Engineering for **James Grimes #521** could be reconstructed in 2021; potential share of reconstructing of the **James Grimes #521** of \$20,000 Romar Acres; six families depend on the income from Romar Acres and this reconstruction would exceed the annual revenues; Romar Acres reported Board could amend the schedule of assessments; Dave

Rhoads reported being in the same circumstances as Romar Acres several years ago with not receiving the full benefit of the reconstruction; this is not the first reconstruction the Board has been involved with; Curt Hudson reported himself, Martha Weaver, and Good farms are in favor of the reconstruction; Kevin Carlson reported no drainage issues currently and when was it reconstructed; the **Arthur Fraley** reports does not say that it was reconstructed but believes it was at some point due to the concrete outlet; **Edward Coleman** in 1918; what was the cost of the first reconstruction of the **Joseph Ludlow #586** per acre; \$163.39; why less money; it was a larger watershed; did have an obstruction a few years ago but it was repaired; could ask for an abandonment of tile; would still be in watershed; Carlson reported not enough benefit for him; Gary Bymaster reported it needs to be reconstructed; one area has quickly become more of the wet land; all this area has been growing in wet area; used to farm wet area; tiles appear to be breaking down from heavy rains last year; displayed drainage Coefficient inches of rain per day from engineering report; new drain will handle half inch rain in 24 hours; larger rain in 72 hours the crop needs to drain or crop will die; consider an open ditch; lower cost to install but higher cost to maintain; have to install crossings not to land lock owners; consider a larger tile; Scott Odle reported wet area keeps getting bigger last 10 years; not owner of that area; believes it needs to be reconstructed; Carlson inquired as to if established wet lands protected; yes; tile will be outside of wetland; Dan Taylor attorney asked Tom Cummins a series of questions concerning his knowledge of the **Fraley-Coleman #670** drain and specifically whether in formulating his recommendation for reconstruction the Surveyor had viewed the site, considered the entire watershed affected by the drain, the number of acres in each tract, the total volume of water draining into or through the drain and the amount of water contributed by each landowner, the land use, the increased value accruing to each tract of land, whether various tracts are adjacent, upland, upstream or downstream in relation to the main trunk of the drain, the elimination of or reduction of floods, and the soil type. The Surveyor stated yes to each. Mr. Taylor then asked the Surveyor whether based upon all of these factors the Surveyor had considered the special benefits for each tract and whether any parcels were benefitted more than others. The Surveyor stated that he had. Mr. Taylor then asked the Surveyor whether based upon all of these factors he had determined that a uniform per acre assessment was appropriate and justified in this case, and the Surveyor stated yes. Mr. Taylor then asked the Surveyor why he did not believe that a non-uniform assessment was appropriate in this case, and the Surveyor said that he believed that a uniform per acre assessment was required and that in order to use a non-uniform assessment method would require him to speculate or guess as to the benefit for each parcel; Dan Taylor reported on past supreme court cases, specifically the *Crowell v. Marshall County Drainage Board* case in which the Indiana Supreme Court held that uniform per acre assessments were not per se invalid, stating that all lands that drain into a regulated drain is benefitted by the drain's reconstruction. Mr. Taylor advised the Board that it could approve the uniform per acre assessment or, if it believes that the benefits are not the same, approve a different assessment. The Surveyor stated that goal of all regulated drains is to give access to the regulated drain; what you do with that access is up to landowner; Romar Acres is compiled of many small farms; every acre is an issue to maximize your return; the proposed schedule of the reconstruction is usually higher than what the bids come in; no money to be made now but have to think of future generations. **Doug Mills moved, seconded by Lance Sennett, to reconstruct the Fraley-Coleman #670 at the cost of \$395.69 an acre for a total cost of \$323,568.63.** Motion carried, 4-0. **Dave Rhoads moved, seconded by Doug Mills, to open sealed bids for the Fraley-Coleman #670 reconstruction on Wednesday, August 12, 2020 at 8:00 a.m. at the**

Crawfordsville City Council Chambers in Crawfordsville. Motion carried, 4-0. Tom Cummins reported the goal is to have the reconstruction completed this year. No notice will be sent to landowners for the bid letting.

Old Business

Tom Cummins reported that the findings and order for the reconstruction for the **George Nichols #546** from the January 2020 meeting are ready for the Board to sign. **Dave Rhoads moved, seconded by Matt Mitchell, to open sealed bids for the George Nichols #546 reconstruction on Wednesday, August 12, 2020 at 8:00 a.m. at the Crawfordsville City Council Chambers in Crawfordsville. Motion carried, 4-0.**

Stormwater

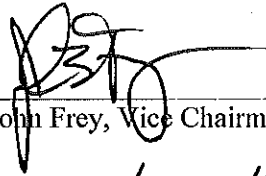
Jim Peck County Engineer reported there will be changes made to the new zoning ordinance concerning drainage in sub-divisions. The new revisions have not been addressed yet at commissioner meeting. The Board, Surveyor, Attorney, Jim Peck, Joe Miller and Roger Azar discussed the following: whether all drains and detention ponds will become regulated drains; watersheds up stream of development should they be assessed or just create drain for a new sub-division basin; watersheds for residential to be separated from Ag; home owners' associations sometimes go defunct; trying to eliminate the issues the County currently has with sub-divisions; trying to clarify farm and sub-divisions; what about more ground being developed in the future; discussed detention pond water that goes into open ditches; some sub-divisions are created by engineers with proper drainage; create legal drain for each sub-division; what is standard rate for legal drain; assessment per lot is from \$35.00 to \$150.00 in other counties; some are by linear foot; inquired about making sub-divisions legal drain that drains into existing drains; designed to not create issues post development; discussed drain easements and where houses would be built; Mr. Peck is requesting opinions of Drainage Board and others for the ordinance; is it possible to get information of how other communities handle sub-divisions; Mr. Peck and Mr. Taylor will get Board information; inquired if ponds will be maintained and cost of dredging ponds; this is a high dollar item; can declare it an urban drain and make it an eight year collection instead of four year collection; a draft of ordinance will be sent to Board; will existing designs have new rules; Mr. Taylor will meet with Mr. Azar after meeting.


Dave Rhoads reported that Drainage School will be a Zoom meeting this year on August 26, 2020. Each Board member should sign up on his own for this meeting.

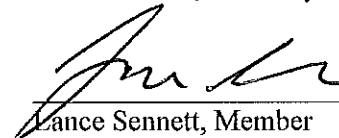
Doug Mills moved, seconded by Dave Rhoads, to adjourn the meeting at 12:03 pm with the next meeting to be held on Wednesday, August 12, 2020 at the Crawfordsville City Council Chambers. Motion carried, 4-0.

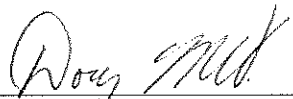
Vicki Emmert,
Recording Secretary


David Rhoads, Chairman


John Frey, Vice Chairman


Matt Mitchell, Secretary


Lance Sennett, Member


Doug Mills, Member

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**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
August 12 2020**

The Montgomery County Drainage Board met on Wednesday, August 12, 2020 at 8:00 a.m. at the Crawfordsville City Council Chambers.

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

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

Also present were, Phil Springer, Tracey Hembree, Paul Hembree, Rick Bymaster, Gary Bymaster, Jim Peck, Roger Azar of Deckard Engineering, Brenda Foster and Bart Maxwell.

John Frey moved, seconded by Lance Sennett, that the minutes of the July 27, 2020 be amended and state the Surveyor presented a conceptual plan for Mace and answered questions from the Board and members of the public. The Board heard comments from members of the public and no action was taken.

Dan Taylor reported minutes may state the conversation of the meeting or just say no action was taken that night.

Doug Mills reported there needs to be consistency in the minutes in detail what is relevant or not relevant at all meetings.

Dan Taylor reported minutes can be detailed or simple but accurate.

Doug Mills suggested Vicki Emmert work with the attorney as to what should be in the minutes be clarified to her in an outline.

John Frey and Lance Sennett withdrew their motion.

John Frey moved, seconded by Doug Mills, to table the approval of the minutes from the July 27, 2020 and the July 29, 2020 meetings. Motion carried, 4-0.

Hearings

Tom Cummins reported there was no new updates on the Cheatham/Spall and the B & B Farms/Hudson hearings on their petitions to remove obstructions and to keep on agenda.

Bid Letting

George Nichols #543

Tom Cummins reported he received one bid for the **George Nichols #546** from Maxwell Farm Drainage Inc. in the amount of \$57,480.00. After Mr. Cummins reviewed the bid he reported it was responsive to the bid packet and recommends the Board approve the bid from Maxwell Farm Drainage Inc. in the amount of \$57,480.00. The Board inquired what the estimate was for the **George Nichols #546** reconstruction. Mr. Cummins reported the estimate was \$67,060.44. **Lance Sennett moved, seconded by Matt Mitchell, to award the George Nichols #546 bid reconstruction project to Maxwell Farm Drainage Inc. in the amount of \$57,480.00. Motion carried 4-0.** Mr. Cummins reported the completion date is October 1, 2020 with the 5% bid bond to be returned to Maxwell Farm Drainage in exchange for a 100% performance bond according to the terms of the bid packet. **Doug Mills moved, seconded by Lance Sennett, that the completion date of the George Nichols #546 reconstruction project be October 1, 2020 weather permitting. Motion carried, 4-0.**

Joseph Ludlow #586

Tom Cummins reported he received one bid for the **Joseph Ludlow #586** from Maxwell Farm Drainage Inc. in the amount of \$208,599.00. Mr. Cummins reported the estimate was \$250,003.4 and the engineering fee is not included in the bid. After Mr. Cummins reviewed the bid he reported it was responsive to the bid packet and recommends the Board approve the bid from Maxwell Farm Drainage Inc. in the amount of \$208,599.00. **Matt Mitchell moved, seconded by Don Mills, to award the Joseph Ludlow #586 bid reconstruction project to Maxwell Farm Drainage Inc. in the amount of \$208,599.00. Motion Carried, 3-0.** Lance Sennett abstained. **Doug Mills moved, seconded by Matt Mitchell, that the completion date of the Joseph Ludlow #586 be October 1, 2020 weather permitting according to the terms of the bid packet. Motion carried, 4-0.**

Fraley-Coleman #670

Tom Cummins reported re received one bid for the **Fraley-Coleman #670** from Maxwell Farm Drainage Inc. in the amount of \$288,639.00. Mr. Cummins reported the estimate was \$323,568.63. After Mr. Cummins reviewed the bid he reported it was responsive to the bid packet and recommends the Board approve the bid from Maxwell Farm Drainage Inc. in the amount of \$288,639.00. **Lance Sennett moved, seconded by Matt Mitchell, to award the Fraley-Coleman #670 bid reconstruction project to Maxwell Farm Drainage Inc. in the amount of \$288,639.00. Motion carried, 4-0.** Lance Sennett moved, seconded by Matt Mitchell, that the completion date of the **Fraley-Coleman #670** be October 1, 2020 weather permitting according to the terms of the bid packet. **Motion carried, 4-0.**

Reports

Tom Cummins presented the Board with an updated 2020 Drain Listing Report after spring settlements. No action was required.

Tom Cummins presented the Board with the Maintenance to Improvement transfers to be presented to the Auditor's office. **Doug Mills moved, seconded by Matt Mitchell, to approve the transfers from Maintenance to Improvement in the amount of \$48,335.79. Motion carried, 4-0.**

Tom Cummins presented the Board the 2020 Drain Classification Report. **Lance Sennett moved, seconded by Matt Mitchell, to accept the 2020 Drain Classification Report with the revision it should state 2020 instead of 2019 on the report. Motion carried, 4-0.**

Old Business

Tom Cummins reported the **Phillip Dewey #584** maintenance tree removal project at the east edge of Linden has been completed. Mr. Cummins used the overhead projector to display the area. Twenty trees and brush were removed with the area graded, seeded and straw covered. The plan is to go out next week with the jet truck along with camera work. There are not good records of maintenance work that has been done over the years for the **Phillip Dewey #584** in the file. Over the last ten years have repaired tile holes and cleaned tiles. Cost of \$60,000.00 approximately. The tile is in good condition. A Willow tree was an issue in the tile.

Stormwater

Jim Peck County Engineer reported on offsite water in developments at the commissioners meeting. Mr. Peck presented a sketch to the Board to show how the drainage works in a development. The Board, Surveyor, Attorney and Jim Peck discussed the following: County needs requirements from the Drainage Board for developments to be presented to plan commission; ag needs access to drain; how deep and cost of changing drains; retention ponds; obstruction of drains surface and subsurface water; projects have to be approved by Drainage Board and plan commission; designs need to be approved; follow the guidelines 100% for development and Ag; drainage is a long term plan; how to handle field tiles, also private tiles in sub divisions; not to disrupt the flow of water; make sure all water sub and subsurface water has a place to go.

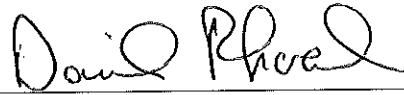
Public Comment

Vicki Emmert reported she has concerns of taking details out of the minutes. Even though the minutes are recorded the paper minutes make reviewing with details more efficient to recall what was reported at a meeting. The Board, Surveyor and Attorney discussed the following; this is stream lining the minutes; a Board member should also meet with Vicki Emmert along with the attorney; it should be Board policy as to what is included in the minutes; over the years some Boards have wanted more detail and some want less; by law the minutes have to be recorded.

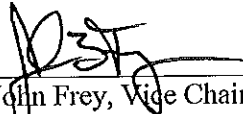
Lance Sennett moved, seconded by Matt Mitchell, to adjourn the meeting at 8:43 a.m. Motion carried, 4-0.

It was stated after the meeting the next Drainage Board meeting will possibly be Wednesday, September 9, 2020 at 8:00 a.m. at the Crawfordsville City Council Chambers.

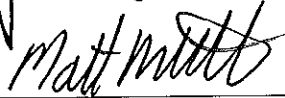
Vicki Emmert,
Recording Secretary



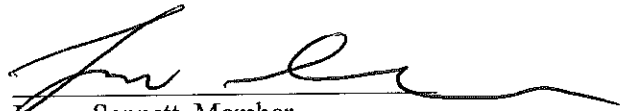
David Rhoads, Chairman



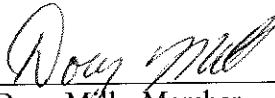
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
September 9, 2020**

The Montgomery County Drainage Board met on Wednesday, September 9, 2020 at 8:00 a.m. at the Crawfordsville City Council Chambers.

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

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

Also present Brenda Foster, Vince Ricketts, Susan Ricketts and Jim Peck County Engineer.

Approval of Minutes

Tom Cummins reported that Board Policy has not been set as to what should be included in the Drainage Board minutes. Dave Rhoads reported the minutes we have now are more detailed than years ago and would like to keep them that way. Dan Taylor attorney and Board member Doug Mills will meet with Vicki Emmert. No minutes were approved today.

Hearings

Tom Cummins reported there are no new updates on the Cheatham/Spall and the B & B Farms/Hudson hearings on their petitions to remove obstructions and to keep on agenda.

Old Business

Tom Cummins presented the Board with an updated, revised transfer from maintenance to improvement report. No money transfers are higher than before but lower for the **George Nichols #546** and **Smith-Elmore #641** with the **Elva Thompson #650** being deleted from report as no money in the line to transfer. **Doug Mills moved, seconded by Lance Sennett, to approve the new revised transfer report from maintenance to improvement report as presented. Motion carried, 4-0.**

Reconstruction updates

Tom Cummins reported the **Joseph Ludlow #586** reconstruction has been completed. The **George Nichols #670** the woods have been cleared on the East side of Linden and the tiles are ready to be installed. **Fraley Coleman #546** the 30" tile to the outlet has been installed. Weather permitting all projects should be done by October 1, 2020.

Phillip Dewey #585 update

Tom Cummins reported the **Phillip Dewey #585** maintenance project has been completed. Tree removal, debris, seeding and landscaping of area along with cleaning the tiles with jet truck and camera work has been done. Significant root growth was present after only five years. Spent a day and half cleaning it out and a section of tile actually had to be replaced as it was filled in with roots. Present were Vince and Susie Ricketts. The landowners, Surveyor and the Board discussed the following:

Susan Ricketts - homeowners recently purchased their property not knowing there was an easement for the **Phillip Dewey #585** on it as it was not acknowledged at time of sale; the neglect of the drain over the years has caused us misery; now have sixteen 12" tree stumps on their property; does not like the current view; not the view she paid for; no compassion from Surveyor; moved two trees at \$3,000.00 out of easement; lost twenty three trees; three semi loads of trees left their place; left roots and bricks in yard; was not seeded properly as it was just slung; seven vehicles had no permission to use her driveway and tore up asphalt; repairs will cost them money; trying to save the Japanese Maple and Dogwood trees; Evergreen tree was cut at last minute; does not like the view of the neighbors place;

Dave Rhoads reported - understands their view but there is a legal easement to work in; the realtor did not reveal there was an easement; reported in other reconstructions landowners have lost trees and crops in easements; it is part of the process to get the drains working correctly again;

Susan Ricketts -- not counting five years ago of cleaning tiles, inquired when was the last time it was maintained;

Surveyor -- have no evidence it was ever maintained properly

Susan Ricketts -- neglect caused all of the issues

Board- the trees caused the issues with the drain

Susan Ricketts- an Arborist reported to her that pine trees roots are surface dwelling but all trees are a problem for the Surveyor; why was the Weeping Willow left for years; reported Surveyor shook hands with her husband as to what would be done; then later reported her husband misunderstood what was entailed.

Dave Rhoads- reported he has been by her property and knows what it looks like;

Susan Ricketts -- reported trucks went through the easement and left tracks in it too; will cost \$8,000.00 to remove tree stumps; reported trucks went through where grass was recently planted; diesel fuel eating asphalt;

Surveyor-will answer questions from Board;

Dave Rhoads- reported he has been there several times and it was decided several years ago the trees needed to come down;

Susan Ricketts -called spoke with neighbor and mayor about x's on trees; wanted an aerial view from Surveyor;

Dave Rhoads -- all drains have the same easement restrictions based on Drainage Code; go back to your realtor

Surveyor - it is written in the Indiana Drainage Code there is an easement on drains; the jet truck and camera cleaned out the drains; the tiles were repaired before filling in the hole; Surveyor has made arrangements to repair asphalt; there is a 150-foot easement and only cleared 60 foot of easement; no one told landowners the trees would be cut to the ground, always leave 12" to 15" stumps;

Dave Rhoads - questioned whether the homeowners would have bought the place if they had been informed; answered no; have to follow the code; everything goes back to the realtor not disclosing the easement;

Doug Mills -- have to follow the code, all these extra expenses need to go back to the realtor;

Susan Ricketts -- inquired if they are going to replace the old tile in easement;

Doug Mills- all tiles are evaluated and once they become too hard to maintain they are replaced;

Susan Ricketts -- her dream has been ripped to shreds

Mr. Ricketts understands the Board has to follow code and knowledge is key and thanked the Board for their time.

Stormwater

Jim Peck County Engineer reported the Lye Creek Bridge at 500 N and 425 E should be completed in the next few weeks. Bridge #79 at 100 West and I-74 north will go out for bid this fall.

New Business

None.

Other Business

Dave Rhoads reported Rod Woodkey of Mace at the east end called him giving suggestions that possibly could help with the drainage at Mace with driveway tile. Tom Cummins reported no new updates from Clark Dietz.

Dave Rhoads inquired if the Board will hold an October meeting. Tom Cummins reported may have to have a short meeting after the reconstructions are completed to finish up the paperwork.

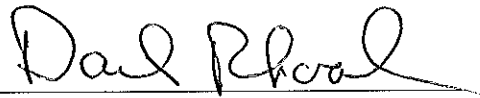
Public Comment

None.

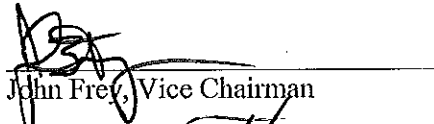
The next Drainage Board meeting will be Wednesday, November 18, 2020 at 8:00 a.m. at the Crawfordsville City Council Chambers as November 11th is Veteran's Day.

Doug Mills moved, seconded by Dave Rhoads, to adjourn the meeting at 8: 47 a.m. Motion carried, 4-0.

Vicki Emmert,
Recording Secretary



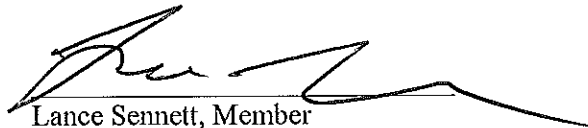
David Rhoads, Chairman



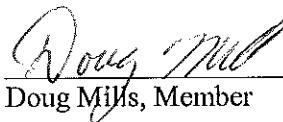
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
November 18, 2020**

The Montgomery County Drainage Board met on Wednesday, November 18, 2020 at 8:00 a.m. at the Crawfordsville City Council Chambers.

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

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

No one else was present.

Approval of Minutes

John Frey moved, seconded by Doug Mills, to approve the July 2, 2020, July 29, 2020, August 12, 2020 and the September 9, 2020 minutes as submitted. Motion carried, 5-0.

Doug Mills –reported that Dan Taylor and Vicki Emmert met to discuss the way the minutes are written and inquired if the minutes were okay with everyone.

John Frey- inquired if attorney Dan Taylor was okay with them.

Doug Mills- reported yes.

Hearings

Tom Cummins reported no new updates on the petition to remove an obstruction with Cheatham/Spall and to be continued.

Tom Cummins reported on the B&B Farms/Hudson petition to remove an obstruction that last Friday the Court had granted the County's Motion for Summary Judgment and the Surveyor is no longer a party to the case. Currently the litigation is between B & B Farms and Hudson and should keep it on the agenda.

Dave Rhoads- inquired if there were any litigation currently in the County with Darrell Birge.

Tom Cummins reported there is still a case pending with Darrell Birge concerning the **James Hose #572** reconstruction from 2012.

Petitions

Tom Cummins reported receiving a petition to attach from CK Wilkins to attach to the **Thomas Wilkins #589** and recommends approving the petition. **John Frey moved, seconded by Matt Mitchell, to approve the petition to attach to the Thomas Wilkins #589 as submitted from CK Wilkins. Motion carried, 5-0.**

Doug Mills inquired where the **Thomas Wilkins #589** is located.

Tom Cummins- reported it is west of Linden and used the overhead projector to display the area. The drain was reconstructed around 2008

Tom Cummins reported receiving a petition to attach from Kevin McCord to attach to the **Henry Lee 2 #658** along with a map. Mr. Cummins used the overhead projector to display the area. The **Henry Lee 2 #658** is in Coal Creek Township. The drain was taken off of assessment in the 1960's and recently put back on assessment. Maintenance work has been done on the **Henry Lee 2 #658**. Reported when put back on assessment by landowner's new tiles were installed at some point downstream which was a 12" tile. The bad news is the 15" tile feeds into the 12" which can cause a backup. Next year it will be classified as in need of reconstruction in the next five years. Tree and root removal has been completed along with dye testing to install a breather and it flows well now.

Dave Rhoads- inquired who owns the surrounding properties.

Tom Cummins - reported it is Bane-Tara, Inc.

Doug Mills - inquired what happens if three more landowners want to attach.

Tom Cummins - reported heavy or sustained rains could cause pressure on the drain. Reported other petitioners have attached and the code is vague in that area as it just needs a reconstruction. Mr. Cummins recommends approving the petition to attach.

Doug Mills moved, seconded by John Frey, to approve the petition to attach to the Henry Lee 2 #658 from Kevin McCord as submitted. Motion carried, 5-0.

Tom Cummins reported the second petition to attach the **Henry Lee 2 #658** from Wilma Beauchamp to be tabled to next meeting as we are waiting on completed paperwork.

Old Business

Tom Cummins reported the **Joseph Ludlow #586** reconstruction has been completed. Mr. Cummins presented the Board a contract change order for the reconstruction of the **Joseph Ludlow #586**.

Quantity	UNIT	Description	Rate	Amount
52	LFT	Install additional 24" HDPE pipe	\$24.00	\$1,248.00
10	LFT	Install additional 12" HDPE pipe	\$12.00	\$ 120.00

39	EA	Lateral connection 4", 5", 6"	\$500.00	\$19,500.00
3	EA	Lateral connection 8"	\$750.00	\$2,250.00
2	EA	Lateral connection 12"	\$1,000.00	\$2,000.00
1	EA	Scrap tile to landfill	\$1,200.00	<u>\$1,200.00</u>
		Total		\$26,318.00

This was a 10.52% increase

John Frey moved, seconded by Dave Rhoads, to approve the Change Order as submitted for the Joseph Ludlow #586 reconstruction. Motion carried, 5-0.

Tom Cummins reported including the change order all invoices totaled \$232,917.00. **Dave Rhoads moved, seconded by Matt Mitchell, to approve the payment to Maxwell Farm Drainage in the amount of \$232,917.00 for the reconstruction of the Joseph Ludlow #586. Motion carried, 5-0.** Mr. Cummins reported once the bank loan is secured he will have the schedule of assessments for the Auditor at the next meeting to present to the Board.

Tom Cummins reported the **Fraley Coleman #670** reconstruction has been completed. Mr. Cummins presented the Board a contract change order for the reconstruction of the **Fraley-Coleman #670**.

Quantity	UNIT	Description	Rate	Amount
232	LFT	Install additional 30" HDPE pipe	\$30.00	\$6,960.00
30	LFT	Install additional 15" HDPE pipe	\$15.00	\$ 450.00
150	LFT	Install additional 12" HDPE pipe	\$12.00	\$1,800.00
3,440	LFT	Destruction of existing tile	\$ 1.00	\$3,440.00
7	EA	Lateral connection 4", 5", 6"	\$500.00	\$3,500.00
3	EA	Lateral connection 8"	\$750.00	\$2,250.00
4	EA	Lateral connection 10"	\$1,000.00	\$4,000.00
1	EA	Lateral connection 12"	\$1,000.00	\$1,000.00
3	EA	Lateral connection 15"	\$1,500.00	<u>\$4,500.00</u>
		Total		\$27,900.00

This was an increase of 8.62 %

Doug Mills moved, seconded by Lance Sennett, to approve the Change Order as submitted for the Fraley-Coleman #670 reconstruction. Motion carried, 5-0.

Tom Cummins reported including the change order all invoices totaled \$316,520.00. **Dave Rhoads moved, seconded by John Frey, to approve the payment to Maxwell Farm Drainage in the amount of \$316,520.00 for the reconstruction of the Fraley-Coleman #670. Motion carried, 5-0.** Mr. Cummins reported once the bank loan is secured he will have the schedule of assessments for the Auditor at the next meeting to present to the Board.

Tom Cummins reported the **George Nichols #546** reconstruction is 80-85% completed. The gas company Vectren has either merged with, or is being bought out by Center Point Energy. Mr.

Cummins used the overhead projector to display the area. Mr. Cummins reported having to cross two gas transmission and or distribution gas lines west of farm ground was not as easy this time. Normally in contact with a local person and they are on site when work is being completed to determine elevation and minimum separation from their line. Center Point Energy does not know where their gas lines are located and a permit was required from Center Point Energy. There are four places where the drain crosses gas lines. The permit fees were waived. Banning Engineering had to resurvey the area for the utility easement, which has cost us additional money. One additional gas line is abandoned and we will not pay to survey to find their old abandoned lines. Center Point Energy took their maps and overlaid the area with our plan. Right now having to wait. Reported we may be changing our process for new reconstructions with gas lines in future.

Dave Rhoads- inquired if there could be gas in the abandoned lines.

Tom Cummins – reported the same standards apply when working around the abandoned lines. Gas lines are normally three feet deep and our tiles are deeper but they actually buried one five feet deep. Weather could complicate it. Still under cost and could change. Vectren has been easy to work with in past and with Center Point Energy more paperwork is necessary. The expense and moving of utilities is supposed to be on the utility company not the landowners and Drainage Board.

Matt Mitchell- Inquired if the project cannot be completed till spring how does the contractor get paid for the work already completed.

Tom- reported not sure as have never done a partial loan; this drain was sub-contracted out to Conner Excavation through Maxwell Farm Drainage and he has pulled off the jobsite for now; could possibly use the improvement funds to pay out of temporarily and pay for the materials used.

Stormwater -None

New Business – None

Other Business

Dave Rhoads inquired if there was an update on the Mace project.

Tom Cummins reported Clark Dietz is in contact with INDOT
Tom Cummins- reported he will be meeting with INDOT December 1, 2020 concerning Mace, Shelley drain and the Town of Wingate. Mr. Cummins believes they are inquiring about performance bonds and a performance bond takes place in our projects only at the bid letting process.

Tom- reported Clark Dietz, their cost is \$50,000.00 for planning and design and it is \$50,000 for construction plans. Inquired if whether there should be another landowners meeting to give them a rough estimate before we spend another \$50,000.

Doug- reported yes with best rough estimate that we can give them.

John Frey - reported working behind the scenes and there are some huge opportunities to use regional economic development funding for this project through the Terre Haute branch and OCRA (Office of Community and Rural Affairs).

Tom Cummins – Once Clark Dietz has all the planning and design complete will let them know not to go over the \$50,000.00 mark to stop and will get information from INDOT to hold a landowners meeting before going further.

Public Comment - None

Tom Cummins reported the next Drainage Board meeting is scheduled for December 9, 2020. The time and place has not been secured as may need to meet virtually, due to Covid.

John Frey moved, seconded by Dave Rhoads, to adjourn the meeting at 8:43 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
MINUTES
December 9, 2020**

The Montgomery County Drainage Board met on Wednesday, December 9, 2020 at 8:00 a.m. at the Crawfordsville City Council Chambers.

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

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

Also present was Jim Peck.

Approval of Minutes

Doug Mills moved, seconded by Lance Sennett, to approve the November 18, 2020 minutes as submitted. Motion carried, 3-0.

Hearings

Tom Cummins reported the petition to remove an obstruction for the Cheatham/Spall hearing should be continued to the next meeting.

Tom Cummins reported the petition to remove an obstruction for B&B Farms/Hudson should be continued to the next meeting.

Petitions

Tom Cummins reported the petition to attach to the **Henry Lee 2 #658** and the **Guy Little #534** should both be continued to next meeting. Mr. Cummins reported just receiving the map yesterday for the **Guy Little #534** and has not had time to review it yet.

Old Business

Tom Cummins presented the Board with the reconstruction schedule of assessments for the **Joseph Ludlow #586**.

Reconstruction Cost Breakdown

Approved	\$250,003.48	Bid/Invoice	\$26,318.00 change order
Bid	\$208,599.00	Approved/Total Cost	\$4,294.11
Invoice	\$232,917.00	Loan Amount	\$245,709.37
Engineering	\$ 12,750.00	Rate	1.375
Notices	\$ 42.37		

Amortization Schedule Estimate

Loan Amount = \$245,709.37
Periods = 10
Rate = 0.0092
Payment = \$25,826.68
Total Interest Paid = \$12,557.38

Cost of Reconstruction

Bank Loan = \$245,709.37
Interest @ 5% = \$12,285.47
Total Reconstruction Cost = \$257,994.84

Overage Breakdown

Amount over estimate = \$7991.36
Percentage of overage = 3.20%

Doug Mills – inquired about the Drainage Code law that states a higher rate of interest can be charged. Inquired who pays the \$12,285.47 interest to bank.

Tom Cummins – reported it is assessed to the landowners and goes towards the payment of the loan.

Doug Mills – inquired why. If you have a lower bank rate than 5%, then why is the Board charging 5%.

Tom Cummins – reported the 5% is charged to ensure that collections cover the cost of the loan and bank interest, regardless of the period of payback by the landowners.

Tom Cummins – reported 10% interest if required by code and in the past we have had to move money from maintenance to loan to finish paying loans off when the interest was not included. The schedule of assessment for the **Joseph Ludlow #586** there is 1,174.99 acres in watershed. Maintenance assessment per acre is \$6.21 with a minimum of \$5.00 per parcel. Total annual yearly maintenance assessment collected is \$7,345.02. Total cost of reconstruction is \$257,994.83 which is \$219.57 an acre. The first payment by landowners will be fall of 2021.

Doug Mills moved, seconded by Lance Sennett, to approve the final reconstruction assessment numbers for the Joseph Ludlow #586 schedule of assessment as submitted. Motion carried 3-0.

Tom Cummins presented the Board with the reconstruction schedule of assessments for the **Fraley-Coleman #670**

Reconstruction Cost Breakdown

Approved	\$323,568.63	Bid/Invoice \$27,900.00 change order
Bid	\$288,639.00	Approved/Total Cost \$4,993.74
Invoice	\$316,520.00	Loan Amount \$328,562.37

Engineering \$ 12,750.00
Notices \$ 42.37

Rate 1.375

Amortization Schedule Estimate

Loan Amount = \$328,562.37

Periods = 10

Rate = 0.0092

Payment = \$34,535.41

Total Interest Paid = \$16,791.72

Cost of Reconstruction

Bank Loan = \$328,562.37

Interest @ 5% = \$16,428.12

Total Reconstruction Cost = \$344,990.49

Overage Breakdown

Amount over estimate = \$21,421.86

Percentage of overage = 6.62%

Doug Mills – inquired about the overages; were there issues found that were not known before the reconstruction?

Tom Cummins – reported that usually it is lateral connections that were not discovered until the reconstruction and the estimated lengths of tile are not always exactly accurate. This time there was more linear feet of tile than estimated, and the destruction of the tile had to go into landfill as it was plastic and not clay. There were three different existing mains. Mr. Cummins reported there are 817.73 acres in the watershed. The maintenance assessment per acre is \$3.40 an acre, with a minimum of \$5.00 per parcel. Total annual yearly maintenance assessment collected is \$2,821.51. Total cost of the reconstruction is \$344,990.49 which is \$421.89 an acre. The first payment by landowners will be fall of 2021.

Dave Rhoads – inquired who is DF Ag LLP from Lafayette.

Tom Cummins – reported he does not know as have never spoken with any representative from DF Ag LLP.

Lance Sennett moved, seconded by Dave Rhoads, to approve the Fraley-Coleman #670 schedule of assessment as submitted. Motion carried 3-0.

Tom Cummins reported the contractor reported that they will be back out next week to finish the **George Nichols #546** reconstruction. Will have all the paperwork at the January meeting, pending completion, but may call a special meeting. Weather permitting should be complete within the next two weeks.

Dave Rhoads – inquired when a gas line is installed does it have to be out of our easement.

Tom Cummins – reported no. In the future we will need to plan ahead to consider requiring the utilities move out of the reconstruction area easements.

Doug Mills – reported we will have to let the utilities know we will be enforcing the code in advance.

Tom Cummins – reported that with the five-year plan for reconstruction it may work better to use the code as it is site specific for drainage projects, not necessarily for utility easements. Usually coordinate with the local representatives, not the executives of the utility company.

Dan Taylor – reported by giving an example of issues of utilities pending in litigation after three years and that the Board and Surveyor should work with them the best you can to stay out of lawsuits. Let them know in advance what your plans are for future reconstructions.

Stormwater

Jim Peck reported on the proposed Eagles Nest subdivision at 600 West south of 640 South. Mr. Peck inquired is there anything the Board needs for the secondary plat. There will be a new legal drain and it will have to be approved by the Board before it can be built.

Dan Taylor – reported they will need an order from the Board before moving forward with the development for a new drain.

Jim Peck- inquired what the paperwork is he will need from the Surveyor.

Tom Cummins – reported he would work with them on the process of submitting a new legal drain petition.

New Business

Tom Cummins reported the Board should set the meeting schedule for 2021. Mr. Cummins recommended meeting on the second Wednesday of every month, and suggested that the Board meet at the Montgomery County Courthouse, Commissioners room at 9:30 am, pending availability.

Doug Mills moved, seconded by Lance Sennett, to hold the Drainage Board meetings on the second Wednesday of the month at the Courthouse Commissioners room pending the availability at 9:30 a.m. Motion carried, 3-0.

Other Business

Tom Cummins reported meeting with INDOT on December 1, 2020 and had good discussions about the **William Shelley #706**, Wingate area, and **Claude Moody #583** Mace drainage issues. INDOT would like estimates and a time line for upcoming projects. Town of Wingate north and south of State Rd 25 are old ag drains and they are only designed for subsurface drainage. May have to reconstruct in the future. The **William Shelley #706**, on the east side of Crawfordsville,

INDOT is considering relocating one of their structures at the intersection of SR 47 and SR 32. Banning Engineering, the firm designing the Shelley drain reconstruction, will work with INDOT on the hydraulic impact for this project. **The Claude Moody #583** reconstruction most likely will happen in 2022, pending decision on funding. Permitting with INDOT is underway, as they will be impacted by any reconstruction.

Public Comment

None

Dave Rhoads inquired about the letter received from attorney concerning the Darrell Birge issue.

Dan Taylor – reported the Linden/Birge court case is still pending from the 2012 reconstruction.

Dave Rhoads- inquired if there was a time frame.

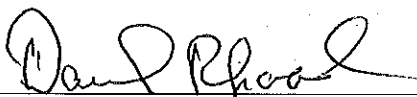
Dan Taylor- reported no.

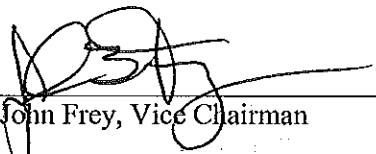
Jim Peck – reported the County received a grant for repaving 400 W to State Rd 32 and State Rd 136 and 32 to 300 South to 47 inquired if there were any drains in that area to please let him know. Will send Tom Cummins break down of areas to evaluate.

The next meeting will be January 13, 2020 at the courthouse at 9:30 a.m.

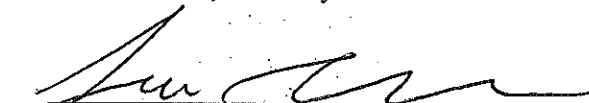
Doug Mills moved, seconded by Lance Sennett, to adjourn the meeting at 9:05 a.m. Motion carried, 3-0.

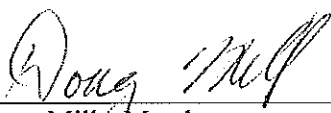
Vicki Emmert,
Recording Secretary


David Rhoads, Chairman


John Frey, Vice Chairman

Matt Mitchell, Secretary


Lance Sennett, Member


Doug Mills, Member