

**MONTGOMERY COUNTY  
DRAINAGE BOARD  
MINUTES  
March 10, 2021**

The Montgomery County Drainage Board met on Wednesday, March 10, 2021 at 8:00 a.m. at the Crawfordsville City Council Chambers.

Vice Chairman John Frey called the meeting to order followed by the Pledge of Allegiance. Vicki Emmert gave the prayer.

Board members in attendance were Chairman Dave Rhoads arrived at 8:34 am; Vice Chairman John Frey; Secretary Matt Mitchell; members Doug Mills and Lance Sennett. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also present were Mike Patton, Brenda Foster, Cindy Chastain, Gary Weiss, Curt Hudson, Jim Woody, Grant McBee and Tom Klein.

**Approval of Minutes**

**Doug Mills moved, seconded by Lance Sennett, to approve the February 10, 2021 Drainage Board minutes. Motion carried, 4-0.**

**Hearings**

**Eagles Nest Subdivision**

Tom Cummins reported the hearing today for the new **Eagles Nest Subdivision** is to set an assessment rate for the subdivision. No landowners were present. Mr. Cummins used the overhead projector to display the area. There are 19.03 acres in the watershed and currently one lot. The proposed rate is \$100.00 per lot. All future lots will be assessed \$100.00 if approved.

Doug Mills - inquired where the subdivision is located.

Tom Cummins - at 640 S and 600 West.

**Lance Sennett moved, seconded by Matt Mitchell, to approve the assessment rate of \$100.00 per lot of the new Eagles Nest Subdivision drain. Motion carried, 4-0.**

**Charles Cowan #510**

Tom Cummins reported the hearing today for the **Charles Cowan #510** located in Coal Creek Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$3.31 an acre with a \$5.00 minimum with a yearly collection of \$1,102.64. Currently the maintenance fund balance is \$514.57, the improvement balance is (\$11,682.18), and the

reconstruction balance is (\$1,275.72). The current debt to the improvement fund is (\$12,443.33) with the projected payoff to be eleven years. The calculated maintenance assessment is \$6.21 an acre with an annual assessment of \$2,048.89. The proposed assessment is \$38.36 an acre with an annual assessment of \$12,453.23 for one year. The Surveyor recommends raising the current maintenance assessment of \$3.31 an acre with a \$5.00 minimum to the proposed assessment of \$38.36 an acre with a \$5.00 minimum, for 2021; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund. The maintenance assessment would then be decreased to the calculated assessment of \$6.21 an acre with a \$5.00 minimum in 2022, going forward. There are 324.35 acres in watershed. The ledgers help to explain the debt of the drain. Reconstruction of the main was completed six or seven years ago. Recently a landowner planned to pattern tile his field and found the current tile was too shallow and wasn't an option. Generally, we would move upstream to complete a reconstruction. The eight-inch tile was adequately sized so the project was completed out of maintenance.

Landowners present were Cindy Chastain and Mike Patton.

Cindy Chastain – representing Chastain Farms that the Board consider a request to pay the debt over more than one year.

Doug Mills – inquired if there were any other landowners here today for the drain.

Mike Patton – reported either payment of option of one or two years is okay with him.

Doug Mills – inquired about paying for the project in two years.

**Doug Mills moved, seconded by Lance Sennett, to raise the assessment to \$19.18 an acre with a \$5.00 minimum for 2021 and 2022 for an annual total assessment of \$6,237.02. In 2023 to reduce the assessment to the calculated rate of \$6.21, an acre with a \$5.00 for the Charles Cowan #510 drain going forward. Motion carried, 4-0.**

#### **James Grimes #521**

Tom Cummins reported the hearing today for the **James Grimes #521** located in Madison Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$0.38 an acre with a \$5.00 minimum with a yearly collection of \$92.95. Currently the maintenance fund balance is \$27.19, the improvement balance is (\$1,425.86), and there is no reconstruction balance. The current debt to the improvement fund is (\$1,398.67) with the projected payoff to be fifteen years. The calculated maintenance assessment is \$5.63 an acre with an annual assessment of \$1,309.03. The proposed assessment is \$5.63 an acre with an annual assessment of \$1,309.03 for 1.07 years to pay back the deficit. The Surveyor recommends raising the current maintenance assessment of \$0.38 an acre with a \$5.00 minimum to the proposed assessment of \$5.63 an acre with a \$5.00 minimum going forward, this increase will pay back the existing deficit that the drain is currently carrying with the improvement fund.

John Frey – inquired if the rate would stay at \$5.63 or will it to be lowered after the debt was paid off.

Tom Cummins – reported it would stay at the rate of \$5.63 an acre.

Landowner Curt Hudson was present.

Curt Hudson – reported he was in favor of raising the assessment if the tile will be replaced.

Tom Cummins – reported a reconstruction is proposed for 2023, to allow landowners to pay back the Fraley Coleman #670 reconstruction first.

**Doug Mills moved, seconded by Lance Sennett, to raise the rate assessment to \$5.63 an acre with a \$5.00 minimum with an annual total assessment of \$1,309.03 going forward for the James Grimes #521. Motion carried, 4-0.**

**George Hutchinson #527.**

Tom Cummins reported the hearing today for the **George Hutchinson #527** located in Wayne Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$2.05 an acre with a \$5.00 minimum with a yearly collection of \$2,903.45. Currently the maintenance fund balance is \$1,084.92, the improvement balance is (\$10,106.50), and there is no reconstruction balance. The current debt to the improvement fund is (\$9,021.58) with the projected payoff to be three years. The calculated maintenance assessment is \$2.83 an acre with an annual assessment of \$3,949.56. The proposed assessment is \$2.83 an acre with an annual assessment of \$3,949.56 for 2.28 years to pay back the deficit. The Surveyor recommends raising the current maintenance assessment of \$0.38 an acre with a \$5.00 minimum to the proposed assessment of \$2.83 an acre with a \$5.00 minimum going forward, this increase will pay back the existing deficit that the drain is currently carrying with the improvement fund.

No landowners spoke.

**Doug Mills moved, seconded by Lance Sennett, to raise the rate assessment to \$2.83 an acre with a \$5.00 minimum with an annual total assessment of \$3,949.56 going forward for the George Hutchinson #527. Motion carried, 4-0.**

**Elva Thompson #650**

Tom Cummins reported the hearing today for the **Elva Thompson #650** located in southeast corner of Madison Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$3.60 an acre with a \$5.00 minimum with a yearly collection of

\$2,372.31. Currently the maintenance fund balance is \$2,372.31, the improvement balance is (\$21,669.15), and there is no reconstruction balance. The current debt to the improvement fund is (\$21,669.15) with the projected payoff to be 9.13 years. The calculated maintenance assessment is \$4.69 an acre with an annual assessment of \$3,083.79. The proposed assessment is \$33.09 an acre with an annual assessment of \$21,668.69 for one year to pay back the deficit. The Surveyor recommends raising the current maintenance assessment of \$3.60 an acre with a \$5.00 minimum to the proposed assessment of \$33.09 an acre with a \$5.00 minimum, for 2021; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund. The maintenance assessment would then be decreased to the calculated assessment of \$4.69 an acre with a \$5.00 minimum in 2022 going forward. The main reason for debt is the downstream portion of tiles were not functioning correctly at 650 N. Once the investigation of the drain was complete, it was found out there were no tiles functioning south of 650 N with the exception of a small portion that is working. There were numerous tile holes north of 650. Found five major obstructions from 650 to where it outlets into the creek. Quite a lot of tree removal and debris was removed, to solve the drainage issues. There is still need of more work.

Dave Rhoads arrived at 8:20 a.m.

Jim Woody- landowner in Sugar Creek Township at the outlet requested a two to three year time period to pay off the debt. Concerned about clearing trees without contacting landowners or meeting with them. Communication was an issue. Appreciate your consideration.

Grant McBee – reported it was explained to him last week.

John Frey- lives down the road and reported a lot of the ditch was cleaned out; inquired what the notification process to landowners is when maintenance work is to be done on their property.

Tom Cummins – reported letters are sent to landowners stating they will be working in their area; but no detailed explanation is given to landowners; they should contact Mr. Cummins if they have more questions.

John Frey – directed his question to Tom Klein that maybe we can help with the public relations.

John Frey – inquired of Grant McBee if he was okay with splitting the assessment of more than one year.

Grant McBee – reported it was okay with him to split the assessment over more than one year.

Lance Sennett moved, seconded by Matt Mitchell to split the proposed assessment rate of \$33.09 to \$16.55 for years 2021 and 2022 and then going forward in 2023 reduce to \$4.69 an acre with a \$5.00 minimum for the Alva Thompson #650.

Tom Cummins – reported there were two objection letters. Mr. Cummins read a letter from a landowner who Mr. Cummins forgot the envelope and the letter was not signed. The other letter was from Robert Woody. Neither landowner was happy with the process of the work completed

and work not completed with removal of piles of debris. Not enough communication with the landowners.

Tom Cummins – explained that the project is ongoing, and all piles of debris will be burned and buried once work is completed.

**Motion carried, 5-0.**

**Henry Lee 2 #658**

Tom Cummins reported the hearing today for the **Henry Lee 2 #658** located in Coal Creek Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$3.86 an acre with a \$5.00 minimum with a yearly collection of \$1,092.17. Currently the maintenance fund balance is \$334.54, the improvement balance is (\$17,167.70), and there is no reconstruction balance. The current debt to the improvement fund is (\$16,833.16) with the projected payoff to be 15.41 years. The calculated maintenance assessment is \$3.97 an acre with an annual assessment of \$1,122.87. The proposed assessment is \$60.00 an acre with an annual assessment of \$16,833.00 for one year to pay back the deficit. After some research, it was realized there was a billing error of \$6480.00 that should have been billed to the **Henry Lee 1 #646** rather than the **Henry Lee 2 #658**. The new negative balance is (\$10,353.16) after the correction. The Surveyor recommends increasing the maintenance assessment rate to \$36.90 an acre with a \$5.00 minimum rather than the proposed assessment of \$60.00 an acre with a \$5.00 minimum, for 2021; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund. The maintenance assessment would then be decreased to the calculated assessment of \$3.97 an acre with a \$5.00 minimum in 2022 going forward.

No landowners spoke.

**Dave Rhoads moved, seconded by Matt Mitchell, to use the new proposed assessment rate of \$36.90 an acre with a \$5.00 minimum for year 2021 and then going forward in 2022 to reduce to \$3.97 an acre with a \$5.00 minimum for the Henry Lee 2 #658. Motion carried, 5-0.**

**John & Sara Niven #723**

Doug Mills excused himself from hearing.

Tom Cummins reported the hearing today for the **John & Sarah Niven #723** located in Brown Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$1.50 an acre with a \$5.00 minimum with a yearly collection of \$4,870.47. Currently the maintenance fund balance is \$2,803.52, the improvement balance is (\$33,740.09), and there is no reconstruction balance. The current debt to the improvement fund is (\$30,936.57) with the

projected payoff to be 6 years. The calculated maintenance assessment is \$4.17 an acre with a \$5.00 minimum and an annual assessment of \$13,206.36. The proposed assessment is \$9.82 an acre with a \$5.00 minimum with an annual assessment of \$30,966.89 for one year to pay back the deficit. The Surveyor recommends raising the current maintenance assessment of \$1.50 an acre with a \$5.00 minimum to the proposed assessment of \$9.82 an acre with a \$5.00 minimum, for 2021; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund. The maintenance assessment would then be decreased to the calculated assessment of \$4.17 an acre with a \$5.00 minimum in 2022 going forward.

Greg Weiss (landowner) - reported question was answered about reducing the assessment rate later. Reported he has lived there for three years. Is not happy about the clearing of trees and not cleaning up as the way it is now it is not helping the creek flow any better. Inquired the timeframe when would restoration be completed on everyone's property.

Tom Cummins - reported the first step is clearing and the next step would be leveling at 900 South to the outlet at State Road 234; leveling of banks, pinpoint erosion then seed; working with funds available. Working within the funds that allow the work to be complete.

Greg Weiss - reported there is a large Sycamore tree in the creek now. It has been a year since clearing.

Tom Cummins - reported it has taken many years for the ditch to get to the point it is today. But working on it to fix the issues.

Dave Rhoads - inquired of Tom Cummins was not this one of the many drains that was off assessment back in the 1960's and put back on assessment a five or six years ago. No work was done for many years.

John Frey - working with cash flow available.

Lance Sennett moved, seconded by Matt Mitchell, to raise the current assessment of \$1.50 an acre with a \$5.00 minimum to \$9.82 an acre with a \$5.00 minimum for 2021 and lower the assessment in 2022 to \$4.17 an acre with a \$5.00 minimum for the John & Sarah Niven #723. Motion carried, 4-0.

Doug Mills came back into the room.

### Petitions

Matt Mitchell excused himself for the petitions request.

Tom Cummins - used the overhead projector to display the area of the Margaret Remley #615 drain; Mr. Cummins reported Mitchell Land LLC is petitioning for an easement variance at owner's expense to install a wet bridge crossing to access farmland on both sides of the ditch.

John Frey moved, seconded by Doug Mills, to approve the petition variance for the Margaret Remley #615 as submitted. Motion carried, 4-0.

**Stormwater**  
None

**Old Business**

Tom Cummins presented the Board with the final numbers of the **George Nichols #546** reconstruction. Mr. Cummins reported the change order was approved at the February 2021 meeting.

*Reconstruction Cost Breakdown*

Approved \$67,060.44  
Bid \$57,480.00  
Invoice \$65,701.00  
Engineering \$16,920.00  
Notices \$ 50.63

Bid/Invoice \$8221.00 change order  
Approved/Total Cost \$15,611.19  
Loan Amount \$82,671.63  
Rate 1,650

*Amortization Schedule Estimate*

Loan Amount = \$82,671.63  
Periods = 10  
Rate = 0.0110  
Payment = \$8,775.53  
Total Interest Paid = \$5,083.69

*Cost of Reconstruction*

Bank Loan = \$82,671.63  
Interest @5% = \$4,133.58  
Total Reconstruction Cost = \$86,805.21

*Overage Breakdown*

Amount over estimate = \$19,744.77  
Percentage of overage = \$29.44%

Total Watershed acres = 133.88  
Total Reconstruction per Acre = \$648.38

John Frey –inquired of Dan Taylor if all the paperwork is in order with the increase of cost.

Tom Cummins – reported it is lower than what code allows.

Dan Taylor - your approval is to allow the County Auditor to assess the tax.

Dave Rhoads moved, seconded by Doug Mills, to approve the final schedule of reconstruction assessments for the George Nichols #546 as submitted. Motion carried, 5-0.

### Other Business

#### William Shelley #706

Tom Cummins – reported with an update as a meeting should to be set with the City of Crawfordsville officials and the engineers for the William Shelley #706 drain concerning the area of the intersection of State Roads 32 & 47. To get a clear path of whether it could be completed this year. Mr. Cummins used the overhead projector to display the area.

Tom Cummins – reported there are gas main conflicts along State Road 47 and a reconstruction would possibly be amended to follow the original line of tile with detention areas.

John Frey – requested the commissioners be involved as this area should be an urban drain.

Doug Mills – reported tile needs to be moved along the road if possible and to work with the gas company ahead of meeting to find the best possible path for tile.

Tom Cummins – reported when we have a timeline set, we will meet with the landowners.

Dave Rhoads – inquired if this is a Tiff area.

Dan Taylor – reported the Tiff areas are only on the North and South ends of city.

Brenda Foster – inquired if there is still a possibility about going through the church parking lot.

Tom Cummins – reported still working on the project with the engineers.

#### Claude Moody #583

Tom Cummins – reported receiving an email from Clark Dietz Engineers and have completed a significant amount of the design work; we should have a meeting with them to plan what to submit to INDOT.

### New Business

None

### Public Comment

Dave Rhoads – inquired if the Board will have a May meeting. A decision was made to discuss at April meeting if there will be a May meeting.

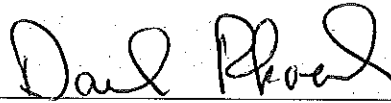
Doug Mills – Thanked everyone for the work on the assessment hearings and the drains are all part of the infrastructure of the County to improve it.



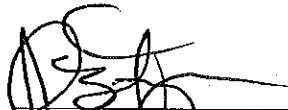
Tom Klein – reported that we can educate the public and promote events to residents on social media. Also, wished Tom Cummins a happy birthday and congratulated Vicki Emmert on working for the County for thirteen years.

Lance Sennett moved, seconded by Matt Mitchell, to adjourn the meeting at 9:00 a.m.  
Motion carried, 5-0.

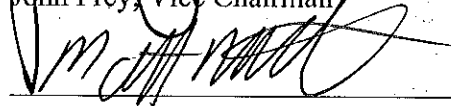
Vicki Emmert,  
Recording Secretary



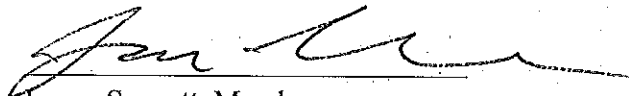
David Rhoads, Chairman



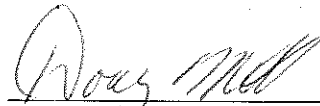
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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