

**MONTGOMERY COUNTY  
DRAINAGE BOARD  
MINUTES  
August 11, 2021**

The Montgomery County Drainage Board met on Wednesday, August 11, 2021 at 9:30 a.m. at the Montgomery County Courthouse.

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

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

Also present was Jim Peck.

**Approval of Minutes**

**John Frey moved, seconded by Matt Mitchell, to approve the July 14, 2021 and July 28, 2021 Drainage Board minutes. Motion carried, 5-0.**

There were no hearings, petitions or stormwater items.

Dave Rhoads – Commended Vicki Emmert for an outstanding job of writing the July 14, 2021 minutes.

**Old Business**

Tom Cummins - reported the history of the 2017 **Otis Thompson #708** reconstruction. This reconstruction was to be completed in two phases. Mr. Cummins used the overhead projector to display the area. It is in Madison Township at 700 and 800 N. Matt Mitchell, John Frey and Dave Rhoads were on the Board at that time. A new 24-inch tile was installed from the outlet to the existing 18-inch tile, running under the railroad and US 231. The overhead projector displayed the tile that was installed in Phase 1. Some landowners saw little, to no benefit in Phase 1. The area highlighted in red displayed the area that was assessed for the Phase 1 reconstruction in 2017, and was brought to the Board's attention. Mr. Cummins then displayed the area for Phase 2 with Tributary 1, along with the additional reconstruction at the highway and the railroad. After the crops are harvested, Surveyor will investigate Tributary 3 at the railroad and highway to determine what repairs are required. The second phase should be completed in 2022. The area along the railroad and highway may require a third phase because of permitting timelines. Mark McClamroch has the worst drainage. Mr. Cummins will come back to Board after engineering with a report.

John Frey – reported this was one of their first Drainage Board meetings for himself and Matt Mitchell. Looking back now, questions why we would ever separate a watershed, he does not understand why the Board would ever think this was a good idea.

Tom Cummins – reported that watersheds have been separated for reconstruction assessments before. Used the overhead projector to display the area. Gave an example of the **John Gobin 2 #520** a sub-watershed was created, as there were several tributaries like a finger system. Landowners affected signed an agreement with the understanding as whom was paying for it. It takes a lot of understanding to create a sub watershed.

Doug Mills – reported there are two distinct areas in the **Otis Thompson #708** with everyone paying for the open ditch.

Tom Cummins – reported the open ditch is in the middle of the watershed. The landowners need to understand the well-being of the watershed. There will be times when a landowner's water does not go directly into a tile. Everyone pays on maintenance for the health of the watershed.

Matt Mitchell – inquired that the left side on display paid for the first phase.

Tom Cummins – reported everything you see on the overhead projector that is highlighted in red paid for the Phase 1 reconstruction.

John Frey – reported we have to repair what we have done, make it right, and not do it again.

Dan Taylor – reported it could be three projects. East/west pays for his or her part everyone pays for the third-part at the railroad, and highway. Work would not have to be delayed.

Tom Cummins – reported that could work unless when they open up the tile at road and it is partially blocked.

John Frey – reported Mark McClamroch called him and reported he needs relief and if necessary destroy crops if needed to repair in a timely matter. Agrees with Mr. Taylor about three phases.

Lance Sennett – reported some of the issues are because of the highway. Combine it back together after the reconstructions are completed. Would not have the issues if the highway was not there.

Dan Taylor – reported to put the whole watershed together for road project. Just remember what the landowners reported at the last meeting. Landowners do not want to pay for each other's work. Both require work. Could delay repair of the railroad area if you wanted to next year as for delays with the railroad permitting. Tom Cummins will still need to inspect the railroad and highway area.

Tom Cummins – reported it is a two-year wait for permits with railroad.

Dan Taylor – reported that should work for everyone.

Matt Mitchell – reported agreed about the issues.

Dan Taylor – reported this would solve the issues.

Doug Mills – inquired of John Frey when should the work be completed, is it this winter.

John Frey – reported we might be able to complete the west side this year.

Doug Mills – reported you will have to wait

Tom Cummins – reported we have to hold new hearings. Not before September or October.

Doug Mills – reported they will still complain about the policies.

Tom Cummins – reported they would still complain about crops being destroyed.

Tom Cummins – reported you would need two hearings and hold hearings this winter possibly. The Board made the policy to complete in August, September and the latest in October due to weather conditions. Will have to hold two hearings for the two different tributaries. Could do this in winter and be ready to go next spring.

Doug Mills – reported policy is already set and inquired about waivers from landowners in spring that they accept the responsibility of crop and soil issues.

Tom Cummins – reported landowners will not accept responsibility for crop and soil issues.

Matt Mitchell – reported to blame it on Covid.

John Frey – reported it policy. Mark McClamroch wants it completed now. Mr. McClamroch already has lost crops.

Dave Rhoads – inquired if it crosses 800.

Tom Cummins – reported it does cross 800.

Dave Rhoads – reported he had spoken with Bart Maxwell about coming in at riser to split and go back on Mark and complete this fall.

Doug Mills – reported more than likely the crops will be out and landowners will complain you completed after the crops were harvested.

Doug Mills – reported landowners will complain about crop damage.

Tom Cummins – reported landowners will complain “you destroyed my crop but not theirs”. This will not happen just with this reconstruction, but every reconstruction we have completed.

Dave Rhoads – reported couldn't we still have hearings this fall and get it out of way. Wilson and Crum will complain about destroying crops. Mr. Rhoads was just inquiring if we could go in another way.

Doug Mills – reported that would not work either, as others will complain then.

Dave Rhoads – inquired again could we hold hearings this fall.

Tom Cummins – reported no, he could not predict the price of tile in May 2022 and holding hearings this fall will not work.

Discussed which landowners would lose the most crop.

Tom Cummins – used overhead to display where crop damage would be. Reported the cleanest and safest way is to collect all the information gathered and hold the hearings in March or April of 2022 and then let the bid. The only way the landowners will not complain about crop damage. We are not selecting whose crop will be destroyed but landowners will think we are.

John Frey – reported more concerned about repairing it now.

John Frey moved, seconded by Matt Mitchell, to reconstruct the **Otis Thompson #708**, the two tributaries of the northwest and complete this fall with the landowners to the west be assessed for the reconstruction as a sub water shed even if it is after October 1, 2021.

Tom Cummins – inquired to clarify the extension of main that crosses 800 and the tributary that crosses Mark McClamroch.

John Frey – reported that is correct.

Doug Mills – reported from the last meeting that Mark Barclay comments were to make sure everything is fair and equal to all. Inquired if all landowners could file suit from the last five years over crops destroyed.

Dan Taylor – reported no, we have the right to do that.

Doug Mills – reported legally we can do it. The Board will catch a lot of opposition for it. The biggest complaint was of destroying crops.

Lance Sennett – reported excuses to delay will be the same with Covid which has nothing to do with the tile. The landowners were coming up with any excuse to delay the reconstruction.

Dan Taylor – reported the east side did not want to pay for the west side. This would solve that problem.

Lance Sennett – reported when it is completed it all comes back together.

Tom Cummins – inquired of John Frey if we would assess the landowners as we did for the first phase.

John Frey – reported correct.

Dave Rhoads – reported west pays, and then east pays and then at railroad and highway if that needs to be reconstructed everyone pays.

Lance Sennett- reported then it is combined back together as one watershed.

Tom Cummins – inquired if the Board wants everyone in the watershed to pay for the southern Tributary 3.

Dave Rhoads & John Frey – reported everyone pays for the southern tributary.

Tom Cummins – reported the reconstruction is to be split for Phase I, Phase II and splitting the other section, then railroad and highway.

Doug Mills – reported actually, there would be four splits.

Tom Cummins – reported completing the eastern tributary next year and by then we will know about the southern railroad and highway.

John Frey – reported clean it up do the east side and then put back together.

Dave Rhoads – reported a year from now we will know if the short section at bottom requires a reconstruction.

Dan Taylor – reported if Tom Cummins determines if the railroad and highway sections requires reconstruction if will become a 2024 project.

Tom Cummins – reported the open ditch is taken care out of maintenance.

Dan Taylor – reported long-range plan 2021, explained how the long-range plan works.

Doug Mills – Inquired what the status of NE area is, does it work or not.

Tom Cummins – reported in bad condition as line needed to be lowered. A gas transmission line crosses the property. Only a six or eight inch tile. Used dye pack to find it. The tile is functional but undersized.

Doug Mills – reported if reconstructing in sections possibly the smaller contractors would submit bids.

Matt Mitchell – reported to complete right and left side now and railroad later. Everyone treated the same then.

Dave Rhoads – inquired what the time frame for bid letting is.

Tom Cummins – reported October 1, 2021.

John Frey – reported most cost effective lot easier to get bids from smaller contractors.

Tom Cummins – reported the Drainage Board meeting of September 8, 2021 needs to be re-scheduled to September 15, 2022 to allow for timing issues of mailings.

Dave Rhoads – reported no problem.

Matt Mitchell – reported before voting to add to tributary to east reconstruction the same policy.

Dave Rhoads – reported to finish original Phase 2, less the Tributary 3, involving CSX.

John Frey – inquired if he could amend or rescind his motion. Will rescind his motion.

Dave Rhoads – reported yes Mr. Frey could withdraw his motion.

John Frey – reported I will rescind my motion.

Matt Mitchell – reported he would also rescind his second to the motion.

Dan Taylor – reported your new motion would be to schedule a reconstruction for the **Otis Thompson #708** on the west and assess them separately. Then to reconstruct the east and eliminate the southern reconstruction for now.

Tom Cummins – reported he has concerns about getting the notice out this week, would like to change the date September 22, 2021, Mr. Cummins said we could have two meetings in September.

Tom Cummins – used the overhead projector to display the area for creating a sub watershed to whom will be assessed for the proposed reconstructions.

Dan Taylor – reported the landowners argued that they should be assessed two different ways and will be until the southern work is ready to be completed.

Dave Rhoads – inquired if the highway is the dividing line.

John Frey – reported the Board should have a September 15, 2021 meeting for the Tempur Sealy manufacturing facility drainage issues. Main concern is to get the reconstruction completed this year.

Doug Mills – reported must provide drain access to everyone.

Tom Cummins – used overhead projector to display area. Reported area highlighted in red is phase I, phase II not highlighted. Then the railroad and highway later.

Dave Rhoads – inquired does everyone understand.

Board reported yes.

Doug Mills – inquired should we hold our regular meeting for the **John Galey #518** and then a week later for the **Otis Thompson #708**.

Tom Cummins – reported the hearing and estimates need to refigured will take more time to complete.

**John Frey moved, seconded by Matt Mitchell, to complete the second phase of reconstruction of the Otis Thompson #708 this year with separate assessments for the tributaries. To hold the hearing on Wednesday, September 22, 2021 at 9:30 a.m. at the Montgomery County Courthouse.**

**Motion carried, 4-1. Doug Mills voted no.**

### **New Business**

Dave Rhoads – inquired to Tom Cummins about the 2021 Long Range Plan.

Tom Cummins – used the overhead projector to display the 2021 Long Range Plan to the Board showing the drains in need of reconstructions for 2021, 2022, 2023, and 2024. The Long Range Plan was presented to the Board prior to the meeting. This is a continuation of the classification report given to Board members in June.

Doug Mills – reported if the landowners understand ahead of time what the Board is considering it will help the landowners plan ahead.

Tom Cummins – reported we used to hold landowners informational meetings. Only part of the landowners would show up. The landowners who came to the hearings always would report it would not benefit them. Mr. Cummins reported we might need to hold informational meetings again for some of the more complex drains to find out from landowners what is really needed in their areas for drainage. Reconstructions request not only come from landowners but from Mr. Cummins. If Mr. Cummins sees, a lot of activity through maintenance and not enough money coming to cover the expenses of the drain, a reconstruction may be proposed.

Dave Rhoads – inquired of 2022 proposed reconstructions.

Tom Cummins – reported the **Allie Peterson #549** will be the second phase

Dave Rhoads – inquired where the **Allie Peterson #549** is located.

Tom Cummins – reported it is 1000 N east of Stockwell Rd.

John Frey – reported he appreciates Tom Cummins work on which drains be reconstructed. Mr. Frey reported the **William Shelley #706** should be an urban drain.

Tom Cummins – reported drains are assessed different for urban than Ag.

Vicki Emmert – reported the paper printed off for today's meeting is not the Long Range Plan.

Tom Cummins – reported he will e-mail the Long Range Plan to the Board.

**Doug Mills moved, seconded by Lance Sennett, to accept the 2021 Long Rang Plan of drains in need of reconstruction. Motion carried, 5-0.**

### **Other Business**

Dave Rhoads – reported Vicki Emmert has sent information to Board concerning drainage school, if you plan to attend please register very soon. There is money in the budget for Board members to attend.

**John Frey moved, seconded by Matt Mitchell, to move the September 8, 2021 Drainage Board meeting to September 15, 2021 to be held at the Montgomery County Courthouse at 9:30 a.m. Motion carried, 5-0.**

Dan Taylor – reported to the Board concerning the September 15, 2021 Drainage Board meeting. The Tempur Sealy plant requires moving the **John Galey #518**; in the code sections 52-5 by one property owner and on one property only. A lot of paperwork is not necessary, if the Surveyor okays the work. The Surveyor will supervise the project. An application from Wendell Wiley will be submitted. Mr. Cummins has already approved the specifications.

Doug Millis – inquired where the boundaries are for the **John Galey #518**. The overhead projector was used to display the area.

Dan Taylor – reported Tempur Sealy would purchase 200 acres to build the plant. No reconstruction hearing is required and no other landowners are impacted by moving the drain. A notice is still required to be sent to all landowners in the watershed. There is no cost to other landowners. The Surveyor will still oversee the bid letting for the project. The County will pay for the cost of relocating the drain.

Dave Rhoads – inquired of Tom Cummins to display the whole watershed with the overhead projector.

John Frey left the meeting at 10:30 a.m.

Tom Cummins – reported the area highlighted in red is the watershed.

Matt Mitchell – inquired who is responsible for the area in red.

Tom Cummins – reported it will still be the **John Galey #518** watershed.

Dan Taylor- reported that it is a new tile and still a regulated drain.



Tom Cummins – used overhead projector to display area. Some tiles will be vacated and others will be combined.

Dan Taylor – reported as land is developed with buildings the drains usually are moved to the property lines. Hendricks County also relocates drains when necessary.

Doug Mills – reported even with detention eventually, it will overload the area at the golf course and that area needs attention. To be forward thinking the County needs to be communicating with the city of Crawfordsville.

Dan Taylor – reported already discussing this with the city as other developments have been discussed for the future in that area.

Dave Rhoads – inquired where is stormwater from the developed site to go.

Dan Taylor – reported had not seen the design yet. It will have large detention and/or retention area. Shows three large and one to east detentions possibly. Nucor road will have its own water tower on two-acre plot for fire. Tempur Sealy may sell some land in future.

Dave Rhoads – inquired what is Tempur Sealy's time frame to build.

Dan Taylor – reported to finish project late 2022. They plan to lease a building to train workers early next year to teach how their line works.

Dave Rhoads – inquired the main road is 200.

Dan Taylor – reported all traffic trucks go one way to Nucor Road.

Dave Rhoads – reported the railroad crosses 150 and needs repairs.

Dave Taylor – reported CSX will be running a new spur to serve Tempur Sealy. All crossings need improvement. Emergency access will be where CEL&P brings power in. Condition of the deal were that Duke and CEL&P to switch areas.

Doug Mills - reported the discounts from CEL&P were substantial.

Dan Taylor – reported the president of IMPA made it happen.

Tom Cummins – reported Jim Peck and himself are working with the engineers who are designing this project.

Dave Rhoads – inquired when the new tile is installed will Surveyor hire a contractor?

Tom Cummins – reported the Board would let the bid and award it as before.

Tom Cummins – inquired of Dan Taylor, do we do bids, quotes, or what.

Dan Taylor – reported everyone will sign bid contracts of awarded bid from quotes and Tom Cummins will oversee the work as with any other drain project. No other landowners should have issues except they can comment. Some may inquire about connecting to the drain. Inlet construction should be good for landowners. Surveyor will be able to easily verify if the drain is working well.

Dan Taylor – reported CR 200 S. would look like State Rd 47; water, sanitary, electric and communications along the right-of-way.

Dave Rhoads – inquired what size of tile would be used.

Tom Cummins – reported 15-inch tile

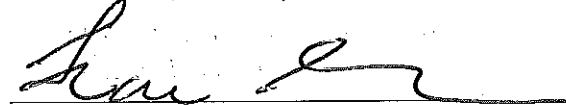
**Doug Mills moved, seconded by Lance Sennett, to adjourn the meeting at 10:45 am.  
Motion carried, 4-0.**

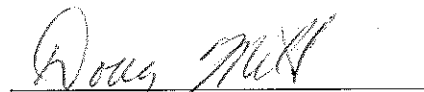
Vicki Emmert,  
Recording Secretary

  
David Rhoads, Chairman

  
John Frey, Vice Chairman

  
Matt Mitchell, Secretary

  
Lance Sennett, Member

  
Doug Mills, Member