

Montgomery County

Drainage Board

January 12, 2022

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

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

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

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

Reorganization & Swearing in New Member(s)

There were no new members.

Election of Officers

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

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

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

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

Attorney Contract

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

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

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

Approval of Minutes

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

Bid/Quote Letting

Joel Tobin #576 Reconstruction

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

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

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

Dave Rhoads inquired – what is the completion date.

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

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

Tom Cummins – reported it is actually below his estimate.

Brenda Foster – inquired what the actual estimate was.

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

Brenda Foster – reported it was not necessary.

Motion carried, 5-0.

Petitions

Joe Hall #581

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

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

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

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

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

Dave Rhoads – inquired what road it was again.

Tom Cummins – reported it is 150 East.

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

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

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

Benjamin Crabbs #511 Petition

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

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

Tom Cummins -- reported most likely to close.

Dave Rhoads -- reported thought they would bore.

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

Tom Cummins -- reported yes.

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

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

Motion carried, 5-0.

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

Tom Cummins -- reported water flows west.

William Epperson #622 Petition

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

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

Tom Cummins -- reported yes.

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

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

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

Motion carried, 5-0.

Old Business

John Galey #518 Reconstruction

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

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

Other Business

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

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

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

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

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

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

Tom Cummins – reported no.

Dave Rhoads – inquired will this cause any issues.

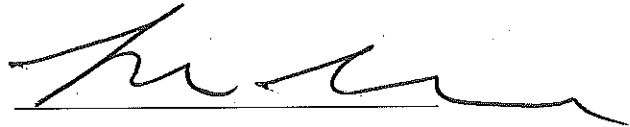
Tom Cummins – reported this will create a drain fund for any work that it requires. Another unassessed drain from the 1960's will be completed.

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

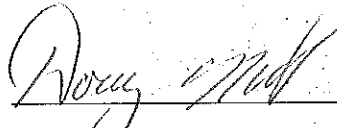
Tom Cummins – reported on the history of the drain it should not be vacated. Recommends setting an assessment hearing for the **Alfred Stingley #N/A** for the March 9, 2022 meeting.

Matt Mitchell – inquired about the red on the map.

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



Lance Sennett, Member



Doug Mills, Member

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

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

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

Other Business

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

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

Public Comment

Dave Rhoads – inquired about a call from Mike Pickett.

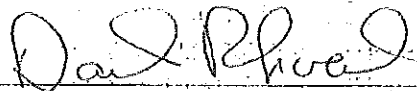
Tom Cummins – reported the issue is on a private open ditch. Open ditch work requires the landowner contact IDEM, DNR and Army Corps of Engineers to determine whether a permit is necessary.

Next meeting is January 26, 2022.

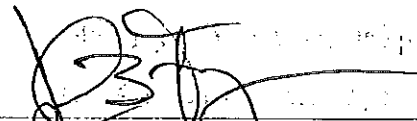
Meeting adjourned.

Vicki Emmert,

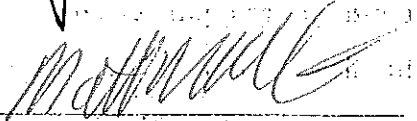
Recording Secretary



David Rhoads, Chairman



John Frey, Vice Chairman



Matt Mitchell, Secretary