

Montgomery County
Drainage Board Meeting

February 9, 2022

The Montgomery County Drainage Board met on Wednesday, February 9, 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. Vicki Emmert gave the 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 Attorney Dan Taylor.

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

There were no minutes to approve.

Old Business

Tom Cummins – reported the Surveyor has revisions for the Long Range Plan that was approved in 2021. Mr. Cummins used the overhead projector to display the long-range plan from 2021. This is just a housekeeping record to keep the long-range plan up to date. Reasons the reconstructions will need to be revised are they require the involvement of INDOT and they need more time to budget, so will move those drains to 2023 instead of 2022. They are the **Richard Virts #560** and **Charles McFarland # 545** drains. Both drains go under highways. The **Clarence Widener #582** was completed last year. Proposed reconstructions for 2022 are the **Levi Hawkins #523**, **Allie Peterson #549**, **Charles Schoen 1 #552**, and **Joel Tobin #576** as no one bid on it in 2021, **Claude Moody #583** and the **William Shelley #706**. Plans for 2023 are the **Charles McFarland #545**, **Richard Virts #560**, **James Wilson #588**, **Edward Berry #593** and **Joseph Conway #700**. Schedule for 2024 **James Grimes #521**, **Fred Maxwell #585** and **Henry Lee 2 #658**.

Doug Mills – inquired if the proposed reconstructions are on the County website.

Tom Cummins – reported no, but it will be uploaded.

Lance Sennett moved, seconded by Doug Mills, to approve the revised 2021 Long Plan reconstruction schedule. Motion carried, 5-0.

Other Business

Tom Cummins- presented the Board with the 2022 Drain Fund Request transfers:

Maintenance to improvement for a total of \$56,222.62

Maintenance to reconstruction for a total of \$1,302.77

Reconstruction to Improvement to cover engineering and newspaper notices for a total of \$41,692.57

Reconstruction to Maintenance to cover invoices that were due before the reconstructions were completed, for a total of \$2,939.45.

Dave Rhoads moved, seconded by John Frey, to approve the transfers. Motion carried, 5-0.

Tom Cummins – presented the Board with the 2022 maintenance assessment OFF list. The handout stated the drains have an unencumbered balance equal to or greater than four (4) times the estimated annual cost of periodically maintaining the drain and per IC 36-9-27-43, the assessment should be omitted for 2022.

Doug Mills – inquired how long to the drains stay on the OFF list.

Tom Cummins – reported until the drain fund balance falls below the four-year balance, meaning funds spent for maintenance

John Frey – inquired how many are on the OFF list.

Tom Cummins – reported ninety-four. This is the first year with more OFF assessment than ON assessment.

Dave Rhoads – reported it was good to see drains like the **Foster Fletcher #573** and the **Albert Hysong #618** on the OFF list.

Tom Cummins – reported there would probably be a new revised off list for the Joint County drains in March. Currently waiting to hear from the other Counties.

Doug Mills – inquired how many total drains are there.

Tom Cummins – reported on the ditch listing report there are eighty-nine on the ON list and ninety-four on the OFF list. We do have some regulated drains that are not active currently which rounds out to about 200 drains.

John Frey moved, seconded by Doug Mills to approve the 2022 OFF list. Motion carried, 5-0.

Tom Cummins- presented the Board with the proposed assessment rate reductions for 2022. The **Henry Lee 2 #658** current rate is \$36.90/acre: w/\$5.00 minimum. Proposed new rate to lower to \$3.97/acre: w/\$5.00 minimum. The **John & Sarah Niven #723** current rate is \$9.82/acre: w/\$5.00 minimum. Proposed new rate to lower to \$4.17/acre: w/\$5.00 minimum. Last year we raised these rates to take care of deficits in the two drains. This was agreed to last year at the hearings to lowering the rate for both drains in 2022.

Doug Mills – inquired where are they located.

Tom Cummins – reported the **John & Sarah Niven #723** is located at 900 S and State Road 234 and the **Henry Lee 2 #658** is located in middle of Coal Creek Township. Mr. Cummins used the overhead projector to display the **Henry Lee 2 #658** and the **John and Sarah Niven #723** drains.

John Frey moved, seconded by Lance Sennett, to approve the assessment rate reductions for the Henry Lee 2 #658 and the John and Sarah Niven #723. Motion carried, 5-0.

Tom Cummins – presented the Board with a current Ditch Listing Report. The maintenance fund balance is \$1,341,838.64 and the reconstruction fund balance is \$452,400.90.

Dave Rhoads – reported remembering when the report was in the red.

Tom Cummins – reported that Mr. Rhoads is correct.

Tom Cummins – reported recently reconciling with the Auditor's office to straighten out their fund balances, to make sure everything is balanced. The interest payments that belong in the **Funds without drains #400** account still need to be entered.

Doug Mills – reported it would take a big calculator to figure the amount of money that has been spent over the last ten years.

Tom Cummins – reported Vicki Emmert keeps a running accounting sheet of the drains and it would not be that hard to pull the numbers.

Doug Mills- reported the public would be interested.

Tom Cummins – reported in maintenance we average \$350,000 to \$500,000 a year in expenditures.

Dave Rhoads – reported most landowners do not know the cost of work that has been completed to keep the Surveyor's office functioning properly.

Doug Mills – reported this information along with the long-range plan should be available for the public as to how much money was spent in the last ten years and what is spent yearly on maintenance to keep the drains running.

Tom Cummins – reported he did put that information together and Tom Klein was able to put it in his annual report that was presented to the County Council yesterday. After the Board looks it over please feel free to call me with any questions.

John Frey – reported to make sure the changes are publicized.

Tom Cummins – reported he would put it on the website.

Doug Mills moved, seconded by John Frey, to approve the Ditch Listing Report.

Tom Cummins – reported the Ditch Listing Report reflects the transfers that were presented to the Board today. After fall settlements are collected, the Surveyor will present another transfer and report.

Motion carried, 5-0.

Tom Cummins – reported he is working with the engineers on the **William Shelley #706**. Mr. Cummins used the overhead projector to display the area. There has been much discussion on the best direction to go and the cost. One of the options was to reconstruct when the bridgework was being completed by INDOT. They are now delaying or possibly vacating the proposed bridge project, at State Road 47 and State Road 32. Now we are back to our original pathway along State Road 47 with the conflict of the gas line. The engineer has contacted CenterPoint Energy concerning the gas line but has no feedback from them yet. Mr. Cummins is to meet with INDOT.

Tom Cummins – inquired if Board should send letter to CenterPoint Energy.

Doug Mills – reported yes a letter from Board should be sent.

Dave Rhoads – reported take the best avenue to get the work completed.

Doug Mills – reported he has no objection of going through the Board.

Matt Mitchell - inquired what if they do not respond.

Tom Cummins – reported then our lawyer will become involved.

Dan Taylor – reported we can give them notice and what work is to be done.

Tom Cummins – reported they were originally okay with the project as it is on our easement. The owners have changed from Vectren to CenterPoint. They will have to pay for the cost of moving the gas line.

Dan Taylor –inquired when to plan to complete this project.

Tom Cummins – reported the plan is to complete it this year.

Doug Mills – reported the First Baptist Church has inquired where the reconstruction will be.

We need to do whatever it requires to move this project forward and use a letter from Board if necessary.

Tom Cummins – used the overhead projector to display the area and explained where the drain will be located. Through the parking lots not under buildings.

Dan Taylor – reported once you give them notice to comply with code they have 180 days to move.

Tom Cummins – reported the code allows for regulated drain easement to be moved, as long as it is within the same parcel.

Dan Taylor – reported to site the statues of the code.

John Frey – reported the drain should be an urban drain.

Tom Cummins – reported the City agreed, previously, to be responsible for the detention areas. Mr. Cummins is to meet with the City for the reconstruction once the final design is complete. The City would take care of any land acquisitions for detention areas.

John Frey – reported definitely one project.

Tom Cummins – reported the next phase of reconstruction is to replace the Shelley drain to Traction Road. Landowners have contacted him inquiring when completion of the project will be.

John Frey – reported to make sure there is a written agreement with the City.

Tom Cummins – reported there was an inner-agency agreement with the Foster Fletcher # 573 and will have an agreement with this project too.

Doug Mills moved, seconded by Matt Mitchell, and directed the attorney Dan Taylor to create a letter to CenterPoint Energy to what their requirements are in moving the gas line. Motion carried, 5-0.

Tom Cummins – reported the three members that were present at the Claude Moody #583 hearing should sign the findings and conclusion report.

Tom Klein – reported the annual report would be on the website. From the American Rescue Plan Act, we received \$170,000.00 for the Mace Stormwater project. We also received a State Grant of \$466,000.00 for the project. Can put ten-year data on website. All plans on same section on website. May do a monthly Community County Zoom Forum at night. Jim Peck and Jake Lough to speak about road and bridge projects. Could possibly conduct a Surveyor's night. A thank you for the Comfort Drive, John Galey legal drain, for getting it done quickly. Construction is currently underway of the new water tower. The new County logo will appear on the water tower. On December 21, 1822, Montgomery County was established. It will be a yearlong celebration of events. The Liberty Bell in the Courthouse was rang to start the celebration on December 21, 2021.

The goal is to open the new government center by the end of March 2022. Tom Cummins can give a tour to Board. There is an art donation program to give to the government center. Pre-approved art will be on display organized by Athens Art Gallery on February 24, 2022, from six to eight pm on the third floor of the Fusion building. The art will be for sale to public to donate to center. Forty-three pieces total.

The Mace project is proceeding with INDOT.

February 24, 2022 is the art sale.

Roger Azar – inquired about conflict with INDOT and legal drains.

Dan Taylor – reported we have an easement, as it is a strong property right in favor of legal drain.

Roger Azar – inquired about the field south of Mace. Open parcel what is the right of owner.

Tom Cummins – reported as long as the easement is already established can be relocated on the same parcel. If not have to purchase easement, I assume.

Dan Taylor – Purchase of easement at “fair market value”

John Frey – reported can put a parking lot on easement just not a structure.

Dan Taylor – reported Tom did a great job of the annual report as it was fifty-five minutes long.

Dave Rhoads -- reported a woman inquired about sewage line in the Mace area. What happens if you do hit a septic line? Is there a plan for that?

Tom Cummins – reported septic and lines are two different heights. Will not tie septic lines into new tile. If septic lines were connected to tile, will do what the law requires.

Tom Klein – inquired what about septic that ties into drain.

Tom Cummins – reported we would do what the code requires.

Dan Taylor – reported if you find an illegal connection it will not be reconnected to tile. Septic tiles cannot tie in to regulated drain.

Tom Cummins – reported this issue happened at Linnsburg as some parcels are too small for septic. We cannot be responsible for someone building a house and putting septic into tile. Septics cannot be done that way now.

Roger Azar – inquired about perimeter drain.

Tom Cummins – reported yes, it is clean water, septic tiles no. Other methods for septic.

Dave Rhoads -- reported our next meeting is March 9, 2022 at 9:30 am at the Montgomery County Courthouse.

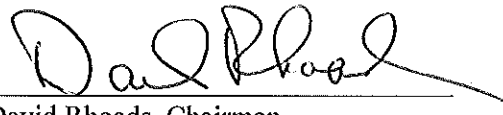
Tom Cummins -- reported before the meeting he will send the Board information concerning the two assessment hearings and the vacate hearing.

Doug Mills – reported he would not be attendance of the March meeting.

John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:24 a.m. Motion carried, 5-0.

Vicki Emmert,

Recording Secretary

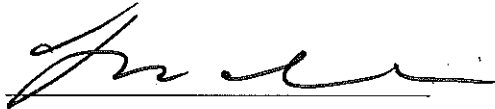


David Rhoads, Chairman


John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member