

**Montgomery County
Drainage Board Meeting**

February 14, 2024

The Montgomery County Drainage Board met on Wednesday, February 14, 2024, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, 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 and members Doug Mills & Lance Sennett. Present were Tom Cummins, Surveyor, Vicki Emmert, Secretary and Attorney Dan Taylor.

Also, present was Steve Hudson, Jeanne Day, Shirley Wilson, Sue Rasmussen, Larry Rasmussen, Roger Azar, Nancy Cox, Stephanie Campbell, Bob Woodkey, Brenda Foster, Corwin and Jerry Perkins, Meredith Manges, Paul Winemans, Diana McCormick, Steve Gray, Becky Shaw, Marc Bonwell and Wayne Shaw.

Approval of Minutes

John Frey moved, seconded by Lance Sennett, to approve the January 10, 2024 minutes. Motion carried, 5-0.

John Frey moved, seconded by Lance Sennett, to approve the January 17, 2024 minutes. Motion carried, 5-0.

Hearings

William Hawker #522 Hearing

Tom Cummins- reported the **William Hawker #522** is in T20N, R4W. Sections 4 & 9 in Madison Township. The current assessment is \$1.66/acre with a \$5.00 minimum. The total collected yearly is \$462.91. The proposed assessment is \$8.33 an acre with a \$5.00 minimum. There are 264.34 acres in the watershed. The overhead projector was used to display information and the area.

Current Maintenance Fund Balance is \$0.00

Current Improvement Fund Balance is (2,123.92)

Current Projected Payoff (in years) 4.6

Proposed Assessment = \$8.33/acre w/\$5.00 min.

Proposed Watershed Acres = 264.34

Proposed Total Annual Assessments = \$2,202.60

Proposed Projected Payoff (in years) = 1.0

The Surveyor recommends increasing the current maintenance assessment to \$8.33/acre with a \$5.00 minimum. This increase will collect the necessary funds to repay the improvement fund in the first year. The annual collections should be adequate for any expected maintenance needs.

Dave Rhoads – inquired if there were any landowners present.

Steve Hudson – reported it looks fair to me.

Dave Rhoads - inquired this should take care of the maintenance and everything that needs to be done.

Tom Cummins – reported based on my knowledge it will be adequate for the annual maintenance. All we have done is repair tile holes and repaired the outlet.

John Frey moved, seconded by Matt Mitchell to increase the assessment rate to \$8.33 an acre with a \$5.00 minimum for the William Hawker #522. Motion carried, 5-0.

Claude Moody Hearing #583

Tom Cummins – reported the **Claude Moody #583** is in T18N, R3W, Section 18 in Walnut Township in the town of Mace. There is 67.74 acres in the watershed. The current assessment rate is \$8.26 an acre with a \$10.00 minimum. Total collected yearly is \$1,042.36. The overhead projector was used to display the information and the area.

Current Maintenance Fund Balance = \$160.55

Current Improvement fund Balance – (26,592.15)

Current Debt to Improvement fund = (26,431.60)

Current Projected Payoff (in years) = 31.11

Additional Expected Expenditures = (\$6,000.00)

Total Debt to Improvement Fund = (\$32,431.60)

Projected Payoff (in years) = 31.11

Proposed Assessment = \$200.00 per parcel

Total Number of Parcels = 75

Proposed Total Annual Assessments = \$15,000.00

Proposed Projected Payoff (in years) = 2.16

The Surveyor recommends raising the current maintenance assessment to the proposed assessment of \$200.00/parcel for 2024, 2025, 2026, this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund, and collect the funds necessary for needed maintenance. The maintenance assessment would then be decreased to the calculated assessment of \$40.00/parcel in 2027, going forward. Used the overhead projector to display the information.

The Maintenance Fund is the primary transaction fund for the **Claude Moody #583**. All collections are deposited in the maintenance fund, and this fund is used to pay invoices for work, hearing notices, etc. If an invoice total exceeds the balance in the maintenance fund, the remainder is paid out of the improvement fund, under the **Claude Moody #583** line item. This debt, carried by the improvement fund, must be paid back as assessments are collected. In some cases, assessments must be raised to ensure the improvement fund is reimbursed in a timely manner, to minimize the impact to the improvement fund.

Tom Cummins – reported the Board has a policy that if a drain’s deficit is more than five years to pay back the improvement fund, than a rate increase is required. The schedule of assessment is \$200.00 per parcel. The drain is in debt \$26,000, due to the cost of removing trees after the reconstruction within the

30 feet of easement. Fifteen trees were removed. The extra \$6,000.00 will go towards open ditch work to dip and redo the spoil on banks and some tree removal. If it were decided to lower the assessment to \$100.00 per parcel per year, it would require a payback of five years and does not recommend any lower.

Dave Rhoads – inquired of landowners if they understood about lowering to \$100.00 for five years instead of three years.

The Board, Surveyor, Lawyer and landowners present were Jeanne Day, Shirley Wilson, Sue Rasmussen, Larry Rasmussen, Bob Woodkey, Corwin and Jerry Perkins, Meredith Manges, Paul Wineman, Diana McCormick, Nancy Cox, Wayne Shaw, Becky Shaw and Steve Gray. Items discussed were the assessment options; work on open ditch; tiles that may have been cut off; side ditches that are too deep to mow; areas where water still stands; septic systems; outlets and keeping them clean; understanding how the maintenance fund is used and collected. Landowners gave updates of issues that are ongoing. Tom Cummins will go out and meet with landowners to solve their issues. A vote was taken of landowners present and they would like to pay \$200.00 for three years.

John Frey moved, seconded by Matt Mitchell, to increase the assessment for 2024, 2025, 2026 to \$200.00 per parcel and then reduce the assessment to \$40.00 for the Claude Moody #583 in 2027. Motion carried, 5-0.

New Business

Tom Cummins – reported on the **Moore's Height #598**. The overhead projector displayed the area. It is located at 300 South and US 231. It serves a subdivision and is 1,200 feet of 8" and 10" tile. Mr. Smith is looking to develop a site encroaching the existing tile. Would like to re-direct the tile around like the Tempur Sealy plant did.

Roger Azar – reported it is currently Ag will need to be re-zoned to commercial. Reported it was not mapped and a 6" plastic tile was found and does not work. Would like to re-route around the proposed site. The design is complete and will ask for a variance. Reported Tom Cummins requested a contractor to locate the tile.

Dave Rhoads – inquired about the 6" tile that was located and will it be replaced with another 6" tile or a larger one.

Roger Azar – reported to change to 12" with mound. Will have to submit for a new legal drain.

Doug Mills – inquired will water go east and is 12" big enough.

Roger Azar – reported believe so, 12" is best.

Matt Mitchell – inquired about outlet to highway. Does it stay open after leaving the highway right-of-way.

Roger Azar – reported no.

Doug Mills – inquired about the 12" in the future, will it be able to handle the detention pond, etc.

Roger Azar- reported he believes so.

Tom Cummins – inquired about tile size.

Roger Azar – reported 12"

John Frey – reported in the rezone some type of buffer and will take that into account when you realign the tile.

Roger Azar – reported yes, stay on developers own tree line and fence.

Tom Cummins – reported Board would have to approve a reconstruction. Can set reconstruction hearing. Would recommend April or May.

Roger Azar – reported banking on Board allows it.

Dave Rhoads – inquired easement and does it get reduced.

Tom Cummins – reported according to code we cannot reduce easements but can allow structures within easement.

Dan Taylor – reported encroachment right of way.

Matt Mitchell – reported like on parking lots.

Dan Taylor – reported drainage easement established by statue.

Roger Azar – inquired should he show the setbacks.

Tom Cummins – reported yes.

Roger Azar – reported to speak with INDOT about the existing access drive.

Tom Cummins – reported a reconstruction hearing could be set for May.

Roger Azar – reported okay.

Doug Mills – reported assumption only as long as they meet all the requirements.

Roger Azar – As soon as they get approval, will begin construction.

Tom Cummins – reported recommending a May meeting.

Roger Azar – confirmed that he is to use existing specifications.

John Frey moved, seconded by Lance Sennett to hold a reconstruction hearing for the Moore's Heights #598 for May 8, 2024 at 9:30 a.m. at the Montgomery County Government Center. Motion carried, 5-0.

Matt Mitchell – inquired about maintenance fund money, has it been assessed.

Tom Cummins – Russ Nelson was Surveyor back then.

Dave Rhoads – inquired if it goes to Larry Smith's pasture.

Tom Cummins – reported on stream and swale and used overhead to display area.

Dave Rhoads – reported old trailer park.

Tom Cummins – reported yes. Inserted dye into the tile and it went nowhere.

Dave Rhoads – reported foresee down the road could create an issue and where will it dump into.

Roger Azar – reported the good news is that landowners won't be assessed.

Marc Bonwell – reported it will be releasing less water than drainage code allows.

Roger Azar – reported Tom Cummins used witching to find tile.

Tom Cummins – reported it either works or does not.

Tom Cummins- reported using the overhead projector where the green line suddenly stops.

Other Business

Tom Cummins – presented the Board transfers for twenty-nine requests from maintenance to improvement, the **Guy Little #534** maintenance to the **Chrineyance Schenck #506** maintenance, maintenance to reconstruction, reconstruction to maintenance and reconstruction to improvement.

Doug Mills moved, seconded by Dave Rhoads, to approve the requests the transfers. Motion carried, 5-0.

Tom Cummins – reported the Drain Account Report reflects transfers approved today, and shows ON & OFF list.

Tom Cummins – reported six drains have met their four-year cap but recommends leaving them on assessment as work is needed on all six. The **George Kendall #529**, the **Rankin Walk-up #579**, **Moore's Heights #598**, **John Coyner #599**, **Moses Maxwell #603** and **Robert Rutan.#624**

Tom Cummins – presented the Board with the 2024 OFF list. There are ninety-three ON and ninety-two OFF.

John Frey moved, seconded by Lance Sennett, to approve the 2024 OFF list. Motion carried, 5-0.

Tom Cummins – reported the rates should be lowered for the **Allie Peterson #549** from \$5.41/acre with a \$5.00 minimum to a new lower rate of \$2.00/acre with a \$5.00 minimum. The **Joseph Ludlow #586** from \$6.21/acre with a \$5.00 minimum to \$3.00/acre with a \$5.00 minimum.

John Frey moved, seconded by Lance Sennett to lower the rates for the Allie Peterson #549 to \$2.00 an acre with a \$5.00 minimum and the Joseph Ludlow #586 to \$3.00 an acre with a \$5.00 minimum. Motion carried, 5-0.

Dan Taylor – presented the Board a handout for training for hearings to read.

Public Comment

None

Tom Cummins – reported there would be three assessment hearings at the February 21, 2024 meeting, the **Prince Croy #724**, **Needham-Booher #640** and the **Shumaker-White #713**.

John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:56 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