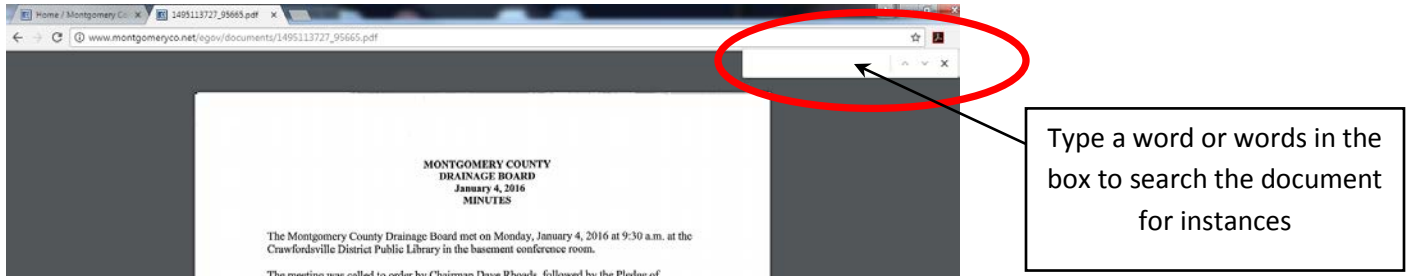
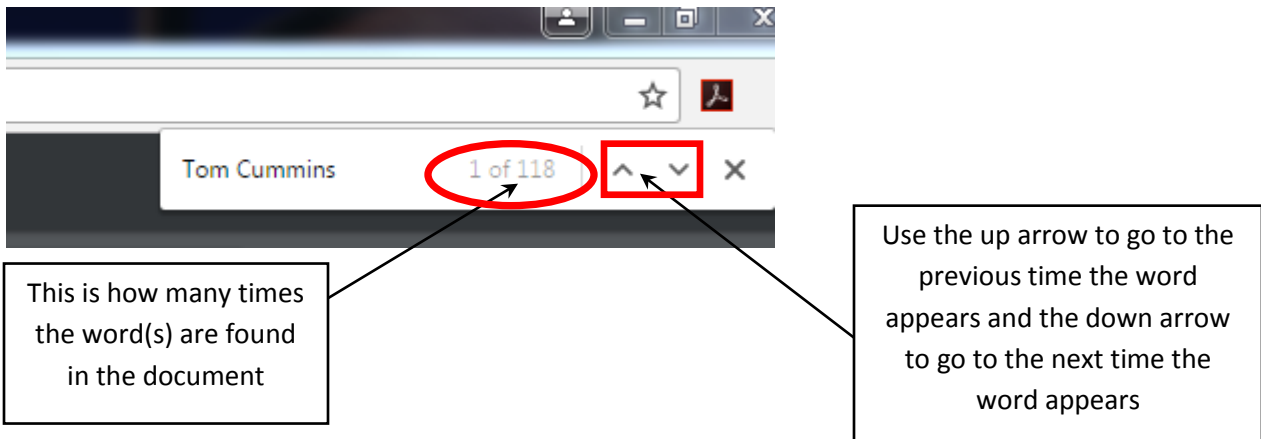


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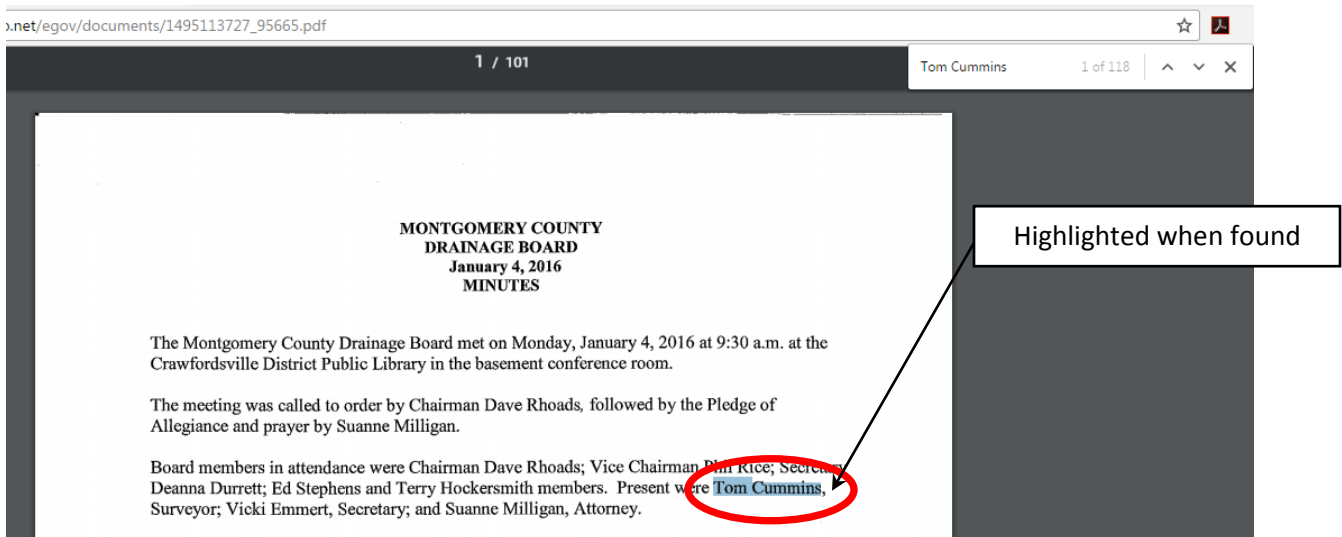
- **Hold down the CTRL key and the letter 'F' at the same time. A search box appears in the upper right hand corner. Type a word(s) in the box to search the document for the word(s).**



- **Use the down arrow to move to the next time the word appears and the up arrow to move to the previous time the word appears. The total number of times the word or phrase shows is also shown.**



- **The word(s) will be highlighted.**



*Web browser used in these examples is Google Chrome. Results may differ with other web browsers.

Ditch #	Ditch Name	Page
0	Funds Without Drains	N/A
500	Moses Allen	
501	Peter Barley A	
502	Wiley Bastion	
503	Brown, Fred/Bessie	
504	Will Brown	
505	Wm. Buchanan	169,
506	Chrin. Schenck	
507	Nancy Clark	
508	Howard Cline	
509	Clifton J Coon	
510	Charles S Cowen	
511	Benjamin Crabbs	
512	Urshull Cross	
513	Carper Crowder	39,183,189,193,196,204,206,223,226,
514	Jesse Evans	
515	Richard Faust	
516	Reb. Flaningam	
517	James Fleming	
518	John V Galey	183,189,198,200,201,206,209,216,223,227,
519	James Gilliland	9,11,
520	John Gobin #2	145,148,175,183,189,193,204,206,209,212,215, 218,228,229,233,
521	James B Grimes	
522	William Hawker	
523	Levi Hawkins	
524	George Hinkle	
525	Kenneth Hudson	
526	Samuel Humphrey	
527	George Hutchinson	
528	George Hutton	
529	George Kendall	
530	Sarah Kincaid	13,59,60,79,81,83,85,86,91,92a,95,96a,101,103, 105,106,125,127,129,153,159,
531	John Lane	
532	Charles Leas	
533	Linn-Himes	
534	Guy Little	
535	Lye Creek	39,65,
536	Lough Miller	
537	Chas Ludlow #2	
538	Glennard Miller	
539	Minn-Miser-Corn	
540	Martin Mcbee	
541	George McClain	
542	L.B. McClamroch	
543	W.B. McClamroch	
544	E.P. McClaskey	61,149,159,
545	C.O. McFarland	
546	George Nichols	
547	Albert Nobes	
548	Edward Patton	
549	Allie Peterson	
550	James Sanders	77,78,79,183,189,196,206,221,229,235,237,
552	Chas Schoen #1	
553	Jesse Snoddy	3,54,
554	Alvin Sparks	
555	Stanford-Elmore	183,189,191,202,204,206,218,225,226,229,232a, 235,
556	Anthony Stingley	
557	Swear-Runyon	183,198,200,225,
558	Theo. Templeton	
559	B. & A. Vancleave	83,93,163,169,
560	Richard Virts	
562	John Ward	
563	George Washburn	
564	Raymond Weliever	55,57,190,193,204,
565	John Wilkinson	
567	Martin Young	19,

572	James Hose	3,5,9,11,14,17,19,21,25,33,34,37,39,40a,41,57,58,60,61,79,97,185,185,
573	Foster Fletcher	59,
574	Isaac Shotts	
576	Joel Tobin	7,39,139,
577	Miller & White	
578	Allen Lewis	97,212,215,
579	Rankin Walkup	
580	Wm. T. Linn	159,
581	Joe Hall	53,61,71,77,111,
582	Clarence Widener	115,117,119,121,123,125,163,165,169,175,
584	Phillip Dewey	
585	Fred Maxwell	
586	Joseph Ludlow	
587	Chas Schoen #2	
588	James W Wilson	
589	Thomas Wilkins	125,127,129,
590	Thom & Alfred Taylor	
591	Odis Stafford	
592	Roy S Harper	
594	Charles Newkirk	
595	Boswell Clough	
596	Arthur Fraley	
597	Ben. F Remley	
598	Moore's Heights	
599	John D Coyner	
600	Wm. M Davis	53,
602	Timothy Lane	
603	Moses Maxwell	39,
604	John M Walkup	
605	Charles E Warren	
606	Joseph H Gray	
607	John Martz	47,49,50,50a,51,65,
608	John McCorkle	
610	William Z McBee	
613	Nancy Hollingsworth	
614	Edward Dykes	
615	Margaret Remley	
616	Jennings Miller	
617	Harrison Doyle	
619	Thomas Clark	
620	Smith John W.	
621	John H Cochran	
622	William Epperson	9,11,
623	Richard Graham	
624	Robert A Rutan	
625	Richard Thomas	
626	Isaac N. Linn	
627	Francis M Hoss	
628	John H Pogue	
629	Francis W Powers	
630	Oscar Flaningam	
631	Clarence Murphy	
632	Thomas Armstrong	
633	George Downing	
634	Albert Flaningam	
635	Wm. Kirkpatrick	
637	Robert Niven	
638	David Thewlies	
640	Needham Booher	39,
641	Smith & Elmore	183,189,191,193,202,204,206,218,225,
700	Joseph Conway	
702	Emmerson James	35,39,41,43,45,50,53,55,57,59,60,61,63,67,69,71,
703	James Servies	155,167,185,
704	Carolyn Kenyon	
706	William Shelley	5,7,14a,29,31,34,40,41,43,51,53,58,65,70,71,84,

	Withe Creek
	John & Sarah Davis
	Otis Thompson
	Walthrop
	Anna Campblell
566	Frank Kirkpatrick
569	Elijah Fugate
570	Rebecca Grimes
575	Martin P. Gray
601	Jenkins
611	Shawnee Creek
612	Kirkpatrick One
639	Marsh Samuel
642	Leader/Newton
	Marion Conner
561	A.F. Ward
571	Ziegler
	Dwight Valentine
568	Oscar Stevenson
618	Albert Hysong
	Kerr
	George Cox
	John McGlaughlin
	Reconstructions
530R	Sarah Kincaid
702R	Emerson, James
550R	James Sanders
562R	John Ward
559R	B & A Vancleave
538 R	Glennard Miller
608 R	John McCorkle
591 R	Odis Stafford
554 R	Alvin Sparks
520 R	John Gobin
704R	Carolyn Kenyon
589-01	Thomas Wilkins
705	Edger Henry
707	Joseph A Schmolzter

109,146,139,173,206,
23,28,35,179,

53,

61,
71,

98,141,143,145,147,194,217,218,219,

85,87,
51,

65,83,
91,93,

147,

165,187,187,187,
141,143,145,147,217,218,
157,

MONTGOMERY COUNTY DRAINAGE BOARD
Tuesday, January 2, 2001
MINUTES

The Montgomery County Commissioners met on January 2, 2001 in the Commissioners Room of the Montgomery County Courthouse.

The meeting was called to order by Commissioner Coudret and the following business took place:

No Official Drainage Board meeting was held this date.

Lori Dessett
Secretary

William R. McCormick
William (Bill) McCormick,
President

Ken Coudret
Ken Coudret,
Vice President

Cindy Edmiston
Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD

Tuesday, January 16, 2001

The Montgomery County Drainage Board met on Tuesday, January 16, 2001 in the Commissioner's Office of the Montgomery County Courthouse. Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Larry Utz, Surveyor; Lori Dossett, Secretary; Dave Lawson, Building Administrator; Brett Cating, Ken Smith, Rob Lee, Tina McGrady and Darrell Birge.

The meeting was called to order at 10:20 AM by President Commissioner McCormick.

I. LARRY UTZ:

- A. Town of Linden (James Hose Drain) - Ken Smith presented the board with a letter from Christopher B. Burke Engineering, Ltd. regarding issues relating to the Town of Linden storm water connection issues. Commissioner McCormick made a motion to take the matter under advisement. Commissioner Edmiston seconded the motion.
- B. Advised the Commissioners that fiber optic installation will be taking place along Highway 231 to Market Street to Grant Avenue to Highway 231.
- C. The LeAnne Yund agreement was presented to the board and signed and approved. Harry Siamas stated that the agreement states that the unpaid balance will be a lien on the real estate and will become in effect immediately. Commissioner McCormick moved to accept the agreement and Commissioner Edmiston seconded the motion. 3-0 vote in favor.
- D. Sign letter for Financial Solutions Group for the Building Indiana Fund application. Dave Lawson explained the application. The matter was tabled.

II. BRETT CATING:

- A. Snoddy Ditch - This will be an open ditch as part of a road project. The County will maintain the ditch. Mr. Cating will keep the Commissioners updated.

There being no further business, the meeting was adjourned at 10:40 AM.

Lori Dossett
Secretary

William (Bill) McCormick
President

Ken Coudret
Ken Coudret,
Vice President

Cindy Edmiston
Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY FEBRUARY 20, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, February 20, 2001 in the Commissioner's Office of the Montgomery County Courthouse. Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Rick McKinney, landowner; Jim Swift, contractor; Shirley Paddack, property owner; Carin Chappelow, Journal-Review; Lori Dossett, Secretary.

The meeting was called to order at 8:00 AM by Drainage Board President, William McCormick.

Rick McKinney presented the board with a request for an exemption to the Shelly Drain Resolution. He own Lot 24 at Eastern Acres and wants to build a home that will be approximately 2,405 square feet. Larry Utz and Jeremy Hester both state that there is poor drainage on the land and recommends that building not be allowed on the lot at this time until further information is obtained by Christopher Burk or Final Solutions. Commissioner Coudret made a motion to table the request and Commissioner Edmiston seconded it. 3-0 vote in favor.


No one appeared regarding the Wilkin-Gwinn dispute.

Shirley Paddack has filed a petition to request that a dam be removed from the Black property on 300 North adjacent to her property. She states that the dam has stopped the natural flow of water in the area. Commissioner Coudret suggested that a special Findings of Fact hearing be held to discuss the petition. Commissioner Coudret made a motion that a special hearing be set and Commissioner Edmiston seconded it. 3-0 vote in favor. The hearing will be held April 24, 2001 @ 7:00 PM in the Commissioner's Meeting Room at the Montgomery County Courthouse.


Surveyor Larry Utz states he has not heard from Darrell Birge regarding the James Hose Drain or from the Town of Linden. These two items will be kept on the agenda.

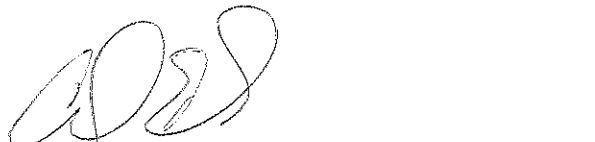
Building Administrator Jeremy Hester presented the Board with a storm water plan from Jim Swift for the Richard Luzader subdivision located by North Montgomery High School on 100 West. The subdivision is called Parker Place. He is requesting two variances of the ordinance from a two-foot culvert to a one-foot culvert and a 50' detention basin set back from property lines. He also requests an approval of his drainage plans. Commissioner Coudret made a motion to approve the requested variances and the drainage plans and Commissioner Edmiston seconded it. 3-0 vote in favor.

There being no further business, the meeting was adjourned at 8:40 AM.


Secretary


William (Bill) McCormick,
President


Ken Coudret,
Vice President


Cindy Edmiston,

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, MARCH 13, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, March 13, 2001 in the Commissioner's Office of the Montgomery County Courthouse. Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Rick McKinney, landowner; Jim Swift, Yount Surveying; Steve Gentry, Mayor of Crawfordsville, Rosalie Bambrey, Crawfordsville Planning Director; Marian Lindow, League of Women Voters; Greg Guerrettaz, Financial Solutions Group; Brian Chism, landowner; Butch Harris, landowner; Carin Chappelow, Journal-Review; Lori Dossett, Secretary.

The meeting was called to order at 8:00 AM by Drainage Board President, William McCormick.

Commissioner Cindy Edmiston made a motion to appoint Lori Dossett as the Drainage Board secretary and Commissioner Coudret seconded it. 3-0 vote in favor.

Rick McKinney appeared and requested again that the Drainage Board grant his request for an exemption to the Shelly Drain Resolution. Jim Swift also appeared and stated that since there is a garden for run off on the property it is in compliance with the resolution. After discussion Commissioner Coudret made a motion to have Jeremy Hester, Building Administrator decide if the request is in violation of the Shelly Drain Resolution. Jeremy Hester should report back to the Drainage Board only if he does not agree that the request is in compliance with the resolution.

Larry Utz Surveyor stated that the Marvin McBee petition has been pending since February 12, 1999. There was a hearing set for July 6, 1999 and Mr. McBee has not been in contact with the Surveyor's Department since that time.

Landowner Brian Chism appeared requesting to build a road within 75 feet of the easement to the Joe Tobin Drain. He stated the road will be approximately a 50 foot private drive to three residential properties. Surveyor Utz recommended approval of the variance. Commissioner Coudret made a motion to approve the variance to lessen the right-of-way from 75 feet to 50 feet with the County still having the right-of-way for road construction. Commissioner Edmiston seconded it. 3-0 vote in favor.

Surveyor Larry Utz reported to the Drainage Board that during construction at Nucor Steel of their new steel mill they cut 24 inches of tile. Nucor is going to move the tile and install 900 feet of new tile.


Commissioner McCormick reported that he had received a phone call from Art Buck concerning receiving compensation to locate a legal drain for Bart Maxwell, Jr. Surveyor Utz stated that he was on site when the legal drain was found and does not feel the County is responsible for any compensation. The matter was referred to Surveyor Utz.

Jim Swift appeared before the Board and questioned if it is possible to have a plan approved in the middle of the month. He was told that yes, a plan could be approved.

Gregory Guerrettaz of Financial Solutions appeared before the Board regarding the Shelly Drain project. Mr. Guerrettaz stated that the project is still in the study phase regarding possible clean up or reconstruction. Mayor Gentry and Rosalie Bambrey stated that the city would like for the study to continue and the County agreed to continue with the study.

There being no further business, the meeting was adjourned at 8:45 AM.


Secretary


William (Bill) McCormick,
President

Ken Coudret

Ken Coudret,
Vice President

Cindy Edmiston

Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, APRIL 10, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 10, 2001 in the auditorium of the Crawfordsville High School. Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Marian Lindow, League of Women Voters; Tina McGrady, Journal-Review; Rob Lee, WCVL; Harold Barclay, Council President; Attorney Stuart Weliver and Ken Smith a representative of the Town of Linden; Lori Dossett, Secretary.

The meeting was called to order at 8:35 AM by Drainage Board President, William McCormick.

The Town of Linden appeared with the town's attorney, Stuart Weliver and Ken Smith to discuss the James Hose Drain located in Linden. The Town of Linden is proposing to finance a watershed study to be done by Fanning & Howey. After discussion Commissioner Coudret made a motion to allow the Town of Linden to hook an 8" tile to the 18" tile after consulting with Christopher Burke Engineering and Commissioner Edmiston seconded it. Attorney Weliver advised the Commissioners that he will be in touch with Christopher Burke Engineering within (10) ten days for advise on the structural integrity of the catch basin. 3-0 vote in favor.

Larry Utz Surveyor reported to the Commissioners that he has received a bill from Foster Farm Drainage for work done on the James Gilliland Drain. Surveyor Utz stated he did not authorize work to be done and/or completed by Foster Farm Drainage and recommended that the claim be denied. Commissioner Coudret moved to deny the claim of Foster Farm Drainage and Commissioner Edmiston seconded it. 3-0 vote in favor.

Surveyor Larry Utz reported to the Drainage Board that the William Epperson Drain located at the Nucor Construction site still is not adequate. Highway Project Manager Brett Cating stated that he has spoken to Dan Dickey, the Nucor Construction Manager and advised that Nucor will bury the tile if the County will purchase the 900 feet of tile. The funds could be taken out of the Nucor Road Repair Fund and Surveyor Utz stated that there are funds in the William Epperson Drain account that could also be used. Dave Sulc of Nucor has assured that Nucor will repair the tile. Commissioner McCormick suggested that the matter should be tabled until the next drainage board meeting. Commissioner Coudret made a motion to table the matter until the next drainage board meeting and Commissioner Edmiston seconded it. Not discussion. 3-0 vote in favor.

Surveyor Utz stated that on the matter of the Wilkins/Gwinn dispute that a culvert is needed to prevent the flooding problem. The matter will need the consent of both parties. Commissioner Edmiston moved to take the Wilkins/Gwinn matter under advisement until the April 24, 2001 meeting and Commissioner Coudret seconded it. 3-0 vote in favor.

Building Administrator Jeremy Hester requested approval of stormwater plans for the Christ Lutheran Church located near the intersection of SR47 South and 32 West along with the following variances to the Stormwater Ordinance 90-5: 1) This project proposes the dry pond within 4 feet of boundaries. 2) Parking lot detention areas have maximum depth of Storage of 6 inches. Commissioner Coudret made a motion to approve the recommendations and Commissioner Edmiston seconded it. No discussion. 3-0 vote in favor.

Building Administration Jeremy Hester requested approval of stormwater plans for the Danville Avenue Apartments. The site consists of approximately one acre located on the south end of Danville Avenue with the following variances to Stormwater Ordinance 90-5: 1) Dry pond required to be 50 feet from boundaries. The existing pond to be re-sized is approximately one foot from boundary. 2) Detention facilities to be a minimum of 50 feet from buildings. After discussion Commissioner McCormick made a motion to approve the recommendation and Commissioner Edmiston seconded. Commissioner Coudret opposed. The request passed 2-1 vote.

Building Administrator Jeremy Hester requested approval of the stormwater plans for the Jags Carwash project located on US231 South on a .62-acre site. The following variances

to the ordinance 90-5 are: 1) Reduce the distance to .5 ft. 2) Reducing minimum cover to .75 ft. 3) To use CMP as outlet structure. 4) Reduce the minimum setback to 25'. Commissioner Edmiston made a motion to approve recommendation and Commissioner Coudret seconded it. 3-0 vote in favor.


Building Administrator Jeremy Hester requested approval block on the plat of Northern Acres. Commissioner Coudret made a motion to approve the request and Commissioner Edmiston seconded it. 3-0 vote in favor.

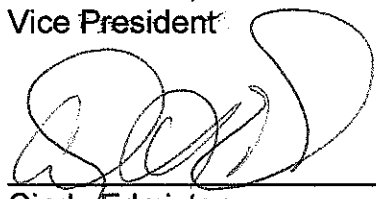
There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned at 9:30 AM.


Secretary


William (Bill) McCormick,
President


Ken Coudret,
Vice President


Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, APRIL 24, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 10, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Attorney Stuart Weliever and Gary Fike, Linden Town Board President; J. Lamont Harris, Attorney representing Wilkins Farm, Inc.; David Anderson of Pedcor and Bill Kimbley of Kimbley & Proctor; Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 11:00 AM.

The Town of Linden appeared with the town's attorney, Stuart Weliever and Ken Smith to discuss the James Hose Drain located in Linden. After discussion Commissioner Coudret made a motion to direct Surveyor Larry Utz to investigate the matter and see what needs to be done to repair it and Commissioner Edmiston seconds it. 3-0 vote in favor. Commissioner Edmiston made a motion to instruct the Town of Linden not to do a watershed study as agreed to at the April 10, 2001 Drainage Board meeting. The motion was later rescinded. Commissioner Edmiston made a motion that the Town of Linden not do any further work on the James Hose Drain. Larry Utz is taking over the project and Commissioner McCormick seconded it. 3-0 vote in favor.

Dave Foster of Foster Farm Drains requested that the Commissioners reconsider their denial of his claim for work he did on the James Gilland Ditch. Mr. Foster feels he was wrongfully denied. Commissioner Edmiston stated that the denial was a result of lack of communication. Commissioner Coudret stated that it was a misunderstanding and moved to rescind the denial and Commissioner Edmiston seconded it. 3-0 vote in favor. Surveyor Larry Utz states that he is against the Drainage Board approving payment of the bill.

Lamont Harris appeared before the Drainage Board representing Wilkins Farm, Inc. Mr. Harris made a brief statement of the Wilkins' position. Litigation is now pending on a charge of trespass from the Gwinn's. Harry Siamas asked Surveyor Utz if he had a proposal to fix the matter. Commissioner Coudret made a motion to hire a hydrologist or an engineer to study the matter and Commissioner Edmiston seconded it. 3-0 vote in favor.

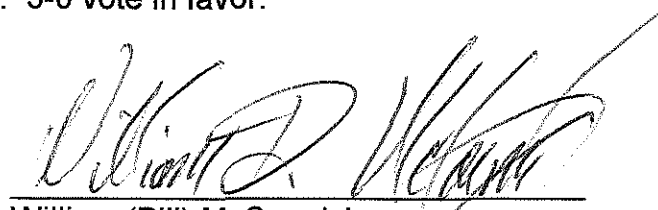
Surveyor Larry Utz reported to the Drainage Board that the William Epperson Drain located at the Nucor Construction is in the process of being repaired. Nucor Steel is paying for everything and there does not seem to be any problem with the road.

Building Administrator Jeremy Hester requested approval of stormwater plans for the Autumn Woods Phase II project. David Anderson of Pedcor advised the Drainage Board of the reason for the change of the original stormwater plan from Phase I. The variance includes an increase of the allowable peak discharge as calculated by .87 CFS to 2.54 CFS in order to maintain the 6" width of the outlet control Weir. Commissioner Edmiston made a motion to approve the recommendations and Commissioner Coudret seconded it. No discussion. 3-0 vote in favor.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned at 12:25 PM.


Secretary


William (Bill) McCormick,
President

Ken Coudret

Ken Coudret,
Vice President

Cindy Edmiston

Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, MAY 8, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, May 8, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Rob Lee, WCVL; Marian Lindow, League of Women Voters; Attorney John Gambs appearing with Shirley & Robert Paddack; Attorney Bill Green appearing with Jeannie & Norman Black; Jeremy Hester, Building Administrator; Cheryl Cunningham; Thomas C. Thompson; Tina McGrady, Journal-Review; CK Wilkins; Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 A

Commissioner Edmiston made a motion to approve the minutes of the April 24, 2001 Drainage Board meeting and Commissioner Coudret seconded it. 3-0 vote in favor.

The Drainage Board heard the arguments for the Petition of the Paddack/Black dam dispute. John Gambs appeared for Shirley & Robert Paddack and stated their position regarding the dam constructed by Norman Black and their position regarding why the dam should be removed. Bill Green appeared for Jeannie & Norman Black and stipulated that Mr. Black would be agreeable to remove the dam if the County were to dig out the south side of 400N so the water could be diverted from the Paddack's farmland to its natural flow toward Sugar Creek. Surveyor Utz stated that the dam was not built properly and if removed and the County road shaped up it would start the natural flow of water. The ditch had been cleaned out by the County in the past before the road had been chip and sealed. Commissioner Coudret made a motion to refer the matter to the County Commissioners who would refer it to the instruct the County Highway Department to dig out the ditch on the south side of the road in front of the Black property to the creek. After the County has completed the road work, Mr. Black will remove his dam. The Drainage Board will hold the matter under advisement and Commissioner Edmiston seconded it. 3-0 vote in favor. Bill Green stated that Mr. Black will have the dam removed 30 days after the road work has been completed.

Building Administrator Jeremy Hester presented the Drainage Board with a Resolution to the Montgomery County Stormwater Ordinance 90-5. Item 4 of the Stormwater Ordinance has added: "Unless the primary basis on which the stormwater drainage permit is required is the construction, enlargement, or location (on a permanent foundation) of a one-family dwelling, two-family dwelling, or accessory structure appurtenant to either a one or two-family dwelling. Final authority for determining the applicability of these requirements shall rest with the Montgomery County Building Administrator and/or Montgomery County Drainage Board." Commissioner Coudret made a motion to approve the addition to the resolution and Commissioner Edmiston seconded it. 3-0 vote in favor.

Surveyor Larry Utz informed the Drainage Board that Cheryl Cunningham has looked over the situation. Ms. Cunningham informed the Drainage Board that in her opinion a rock chute would benefit the natural flow of water. Surveyor Utz recommended to the Drainage Board be allowed to proceed with construction of the rock chute within the 75 ft. right of way of the Sara Kincaid legal drain as long as the water coming through gets properly directed into the open ditch. Commissioner Coudret made a motion to allow Mr. Wilkins to complete construction of the rock chute at his expense and Commissioner Edmiston seconded it. 3-0 vote in favor. Attorney Harry Siamas stated that the pending litigation is between the landowners and the Drainage Board is not taking sides in the litigation. As far as the regulated drain is concerned, the Drainage Board does not object.

Thomas Thompson appeared before the Drainage Board regarding the ditch along 925E & 450N. He stated that the drain is in a state of disrepair. In some places the tile is completely broken down. He stated he has spoken to Surveyor Utz and wanted to know what the County could do to repair and/or replace the tile. Surveyor Utz stated there is approximately \$4,200 in the account. The assessments generate \$1,433 per year for repairs. Surveyor Utz also stated that has spoken to the adjacent property owners, the Hampton's and

Montgomery County Drainage Board

they are against an open ditch. Mr. Thompson suggested the possibility to researching for grant monies to do ditch repair for the County. No further action taken.

Surveyor Utz stated that he is waiting on a cost amount from Dave Price Excavating for the tile work on the James Hose Drain. Commissioner Coudret suggested that the Cross Ditch should be checked. Commissioner McCormick questioned why the road monies could not be used to install boxed culverts to make such repairs.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

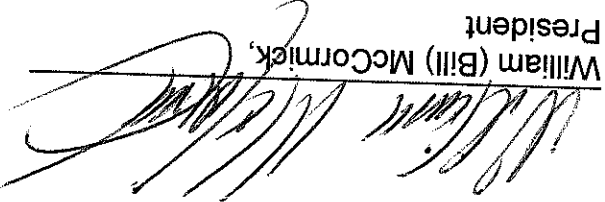
Meeting adjourned.

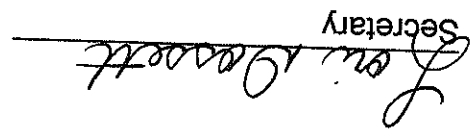
Lori Dasset
Secretary

William McCormick
William (Bill) McCormick,
President

Ken Coudret
Ken Coudret,
Vice President

Cindy Edmiston
Cindy Edmiston,
Member


President
William (Bill) McCormick


Secretary
Lori Dossett

Meeting adjourned.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Surveyor Utz stated that he is waiting on a cost amount from Dave Price Excavating for the tile work on the James Hose Drain. Commissioner Coudret suggested that the Cross Ditch should be checked. Commissioner McCormick questioned why the road monies could not be used to install boxed culverts to make such repairs.

they are against an open ditch. Mr. Thompson suggested the possibility to researching for grant monies to do ditch repair for the County. No further action taken.

Montgomery County Drainage Board

100 East Main, Room 103
Crawfordsville, IN 47933
Phone (765) 364-6400
Fax (765) 364-6404

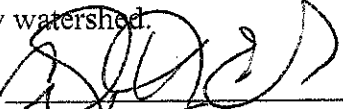
Commissioners
K. Coudret
C. Edmiston
W. McCormick

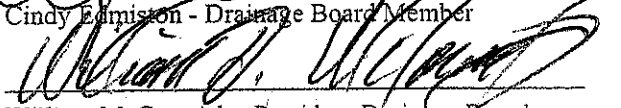
Resolution

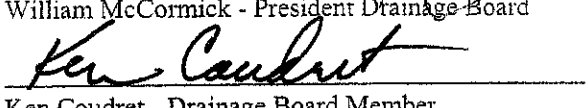
Be it resolved that as of November 10, 1998 the William T. Shelley drain watershed shall be designated as an "Impact Drainage Area", as outlined in Section 6-105-17 of the Montgomery County Stormwater Ordinance 90-5 and that the following special requirements, above and beyond regular Ordinance 90-5 requirement, shall be met prior to the approval of any future development in the watershed.

1. Stormwater Plans presented to the Montgomery County Building Administrator for review shall clearly show a direct outlet to a stream identified as a "blue line" on the USGS topographical maps, or
2. Stormwater Plans presented to the Montgomery County Building Administrator for review all clearly show an outlet that drains outside the original ~750 acres of the original William Shelley watershed as outlined on the attached maps, or
3. If a master plan to solve the poor drainage in the Shelley watershed has been approved by the Drainage Board, complete with the appropriate budget to implement the plan, then a Stormwater Plan shall be presented to the Montgomery County Building Administrator for a proposed new development that falls within the guidelines of the master plan and will be timed to finish at an appropriate time in relationship to the downstream portion to the master plan, or
4. The coefficient of runoff increases less than 10% comparing the site after development to the site prior to development, unless the primary basis on which a stormwater drainage permit is required is the construction, enlargement, or location (on a permanent foundation) of a one-family dwelling, two-family dwelling, or accessory structure appurtenant to either a one or two-family dwelling. Final authority for determining the applicability of these requirements shall rest with the Montgomery County Building Administrator and/or Montgomery County Drainage Board

This resolution shall remain in force until such a time as it is determined by the Drainage Board that the master plan has been fully implemented and solved the existing drainage problems in the William T. Shelley watershed.

Signed: 
Cindy Edmiston - Drainage Board Member


William McCormick - President Drainage Board


Ken Coudret - Drainage Board Member


Lori Dossett - Drainage Board Secretary

Attorney
Harry A. Stamas

Auditor
Nelda Hester

MONTGOMERY COUNTY DRAINAGE BOARD

TUESDAY, JUNE 12, 2001

MINUTES

The Montgomery County Drainage Board met on Tuesday, June 12, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Rob Lee, WCVL; Marian Lindow, League of Women Voters; Jeremy Hester, Building Administrator; Tina McGrady, Journal-Review; Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM


Commissioner Edmiston made a motion to approve the minutes of the May 8, 2001 Drainage Board meeting and Commissioner Coudret seconded it. 3-0 vote in favor.

No Surveyor's report.


Building Administrator Jeremy Hester requested approval of stormwater plans for the Wabash College C.I.L.A. Building. Commissioner Edmiston made a motion to approve the recommendations of Jeremy Hester to approve the stormwater plan and Commissioner Coudret seconded it. No discussion. 3-0 vote in favor.


There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.


Secretary


William (Bill) McCormick,
President


Ken Coudret,
Vice President


Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, JULY 10, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 10, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Rob Lee, WCVL; Marian Lindow, League of Women Voters; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Tina McGrady, Journal-Review; Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM

Commissioner Edmiston made a motion to approve the minutes of the June 12, 2001 Drainage Board meeting and Commissioner Coudret seconded it. 3-0 vote in favor.

Surveyor Larry Utz reported to the Drainage Board that two estimates have been received regarding repair work on the James Hose Drain in Linden. He recommends that the Board accept the bid from Jerry Hughes & Sons. Commissioner Coudret made a motion to hire Jerry Hughes & Son to do the repair work on the James Hose Drain in Linden and Commissioner Edmiston seconded it. Commissioner McCormick questioned Surveyor Utz where the monies would come from for the repairs and Surveyor Utz stated that the monies would come from the Maintenance and Improvement Fund. 3-0 vote in favor.

Commissioner McCormick stated that the Drainage Board had received a letter from Robert & Shirley Paddock regarding the dam dispute and their satisfaction with the outcome. The issues between Paddock/Black have been resolved to all parties' satisfaction.

Surveyor Utz reported that he, Commissioner McCormick and Commissioner Coudret will be attending a 2:00 PM meeting today at Frankfort regarding the Withe Creek Joint Drain.

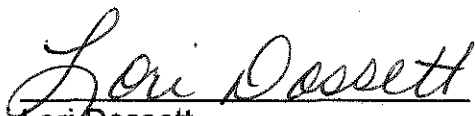
Building Administrator Jeremy Hester requested approval of stormwater plans for a Wal-Mart Photo Lab expansion. Commissioner Coudret made a motion to approve the recommendations of Jeremy Hester to approve the stormwater plan and Commissioner Edmiston seconded it. No discussion. 3-0 vote in favor.

Building Administrator Jeremy Hester requested two variances to the stormwater ordinance regarding Price Storage. Commissioner Edmiston made a motion to approve the variances to the stormwater plan and Commissioner Coudret seconded it. 3-0 vote in favor.


Commissioner McCormick questioned Building Administrator Jeremy Hester on the status of the permits for the boring at the courthouse. Building Administrator Hester stated he has not received the INDOT permits back but is expecting them at any time.


There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.


Lori Dossett,
Secretary


William (Bill) McCormick,
President


Ken Coudret,
Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, AUGUST 13, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 13, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Rob Lee, WCVL; Marian Lindow, League of Women Voters; Scott Yeager, Surveying Department; Jeremy Hester, Building Administrator; Tom Warren, property owner; Darrell Birge, property owner; Jim Ayers, representing Darrell Birge; Stu Weliever, attorney for Town of Linden; Gary Fike, President Town Board of Linden; Cheryl Cunningham, Parsons, Cunningham & Shartle; Rich Clouse, Intern; Carin Chappelow, Journal-Review; Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston made a motion to approve the minutes of the July 10, 2001 Drainage Board meeting and Commissioner Coudret seconded it. 3-0 vote in favor.

Commissioner McCormick announced to the audience that the drainage board meeting was being tape-recorded. *Tape malfunctioned. There is no tape recording of the meeting.

Tom Warren appeared before the Drainage Board asking the Board if a building permit had been obtained by Rick McKinney regarding construction on his property. Building Administrator Jeremy Hester stated that Mr. McKinney did have a permit and will be checking the property periodically.

Scott Yeager appeared representing Larry Utz who is ill today. Mr. Yeager informed the Drainage Board that Surveyor Utz put a stop work order on the James Hose Drain July 19, 2001. Jerry Hughes & Sons were ordered to continue work on the railroad and open ditch construction and work in Linden has been put on hold. Darrell Birge stated to the Drainage Board his dissatisfaction with the work completed so far. He stated that the catch basin was removed and the drain was raised 3 feet higher. Mr. Birge stated that this is unacceptable. Cheryl Cunningham presented "rough" drawings of the area. After discussion Commissioner Coudret moved to direct that the situation should be referred to Parsons, Cunningham & Shartle for a hydraulics study and Commissioner Edmiston seconded it. 3-0 vote in favor.

Building Administrator Jeremy Hester requested approval of stormwater plans Heritage Products Building Expansion for a 22-acre site located on the North side of Crawfordsville at the East end of Smith Avenue. The project proposes to build a 39,600 square feet addition to the South side of the existing manufacturing facility. The addition is to be built on existing parking facilities, which will be replaced by adding to the South side of the existing parking lot. The project requests no variances. Commissioner Coudret made a motion to approve the recommendations of Jeremy Hester on the stormwater plan for the Heritage Products Building Expansion and Commissioner Edmiston seconded it. No discussion. 3-0 vote in favor.

Commissioner Coudret reported that a public hearing will be held September 7, 2001 @ 2:00 at the Clinton County Courthouse regarding the Martin/Young joint drain.

County Attorney Harry Siamas reported to the Drainage Board that a Tort Claim Notice had been received from Attorney David Peebles regarding Gwinn Farms. Mr. Peebles has requested to appear before the Drainage Board at the next scheduled Drainage Board meeting, which will be held September 11, 2001.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.

Lori Dossett

Lori Dossett,
Secretary

William D. McCormick

William (Bill) McCormick,
President

Ken Coudret

Ken Coudret,
Vice President

Cindy Edmiston

Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, SEPTEMBER 11, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 13, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Marian Lindow, League of Women Voters; Larry Utz Surveying Department; Jeremy Hester, Building Administrator; Carin Chappelow, Journal-Review; Darrell Birge, property owner; David Peebles, representing Gwin Farms; Dan Gwin, property owner; CK Wilkins, property owner and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston made a motion to approve the minutes of the August 13, 2001 Drainage Board meeting and Commissioner Coudret seconded it. 3-0 vote in favor.

David Peebles representing Gwin Farms appeared before the Drainage Board to state their position on the dispute of the constructed rock chute. Mr. Peebles stated that the Gwin's now have an acre and a half of their land that they cannot access because of the constructed rock chute. They have a concern for erosion and water control. Mr. Gwin addressed his concerns to the Drainage Board that he feels that the rock chute is not working properly and he feels his rights were not considered when the Drainage Board made their decision. He would like to see it put back so they can have access. Commissioner McCormick advised the interested parties that the Drainage Board would not take action while the matter is in litigation. Attorney Siamas commented that he wanted to make sure that the record was clear. The action that the Drainage Board took was in respect to the regulated drain. The Drainage Board did not tell the Wilkins to make this cut. The Drainage Board didn't make the cut themselves. What they said was the Wilkins came to us and said they wanted to make a cut into the drain, which would be within the 75' right-of-way. And of course any property owner knows you have to get the permission of the Board before you can make that type of cut in and that's what the Drainage Board did. They said that we don't have any objections to making that cut in after they looked at it, but they also made clear that they were not taking sides in this litigation. And obviously if the Gwin's prevail in this litigation then that cut is going to have to be changed. It's that simple. So the only action that was taken was that the Drainage Board permitted the Wilkins to tap into the regulated drain so I think everyone should understand the Drainage Board in this litigation is taking that and that no sides.

Surveyor Larry Utz advised that with regard to the James Hose Drain at the last meeting you asked Cheryl Cunningham to do a study and she's prepared to talk on that. Cheryl Cunningham advised the Drainage Board that she just yesterday had a chance to look at Darrell Birge's side of the railroad. One of the things that he had mentioned the last time was the culvert on the surface to carry the surface water was higher than the existing. She stated that she does agree with that. Surveyor Utz agreed that the culvert was too high and would be put in a lower spot. She stated that she has a report that was done by the Army Corps of Engineers in 1983 showing that these two 18 inches are totally under capacity and they recommended that a ditch be put on the east side of the town to carry the drainage to take it off of these two 18 inches to bring it around to put in the ditch. She advised that she needed direction from the Board. At the last meeting they requested that she do a hydraulic analysis. She could do it for the area; she could do it for the town. She did not know what kind of expense the Board wanted to get involved in as far as the Town of Linden. So what she has done so far is a visual with the property owner and looked at the report from 1983. There is a problem out there. Commissioner McCormick asked Surveyor Utz to refresh the Board on the original proposal to solve this problem. Surveyor Utz stated that the original was to take the catch basin out of the railroad. Give the two 18's their own outlet and then hook that 12 inch in up there in town. Cheryl Cunningham stated that the flooding on Mr. Birge's problem has been fixed. The 12-inch that brought each one of these inlets they were going to tap into the 18 inch and that's when it was stopped. So there's no outlet for the 12-inch right now. Which means if nothing is done eventually the area will flood. Surveyor Utz stated that the water from the town is going to go through the 18-inch tile underground. Commissioner Coudret stated that he would like for the Drainage Board to look at the area and Mr. Birge stated he would like to have


the Drainage Board all on-site. Commissioner McCormick stated he questioned when the Drainage Board first said, okay, here we go on this project, the Town of Linden, aren't they participating in this? Surveyor Utz stated they wanted out. They just wanted to be advised of things going on, but they said that they just wanted their hands washed of it. The Drainage Board stated that the County would take control of that and get it down and that's what we've been trying to do. The Town of Linden put the 12" in and brought it up and stubbed it off and didn't hook it into anything. Commissioner McCormick stated, "If they don't do anything else but lower that new pipe that will take care of what we said we were responsible for?" Cheryl Cunningham stated, "that the 12" didn't have an outlet". Surveyor Utz stated, "that was again done by the Town of Linden and we stopped them and they went ahead and continued to do work and just stubbed the pipe off and it has been there every since". Commissioner Coudret questioned if all the houses paying assessment for the drain. Surveyor Utz responded "yes". Commissioner Coudret stated, "It is the County's responsibility". Darrell Birge stated, "that 70 percent of the town is on the drain. He stated, "It is not the County's responsibility to provide storm water relief for any incorporated town because they are a separate. If you were to get into that business just think of how much money it would cost you to do every subdivision, every in the County." Commissioner McCormick stated, "Now Darrell, you've got to remember we're talking about a legal drain. Not just storm water drains." Mr. Birge stated, "You are talking about a legal drain but they're talking a separate drain. That drain that drains the town used to belong to the town. They wouldn't maintain it. They couldn't keep it up. Every time it rained people were raising hell with them so they came down here to the County and Larry could probably find it somewhere in his records 'Would you take this drain over and incorporate it into your legal system', and it just run from one end of the town to the other. It was the storm drain for the city of Linden." Surveyor Utz stated that was true. Commissioner Coudret stated he felt the Drainage Board needed to look into who is paying what and what they are paying for and he needs to go look at the drain. Surveyor Utz stated that, "this 12" is a private. It is not a part of the legal drain." Mr. Birge stated, "They are a separate taxing district." Mr. Fike of the Town of Linden has stated they have no money to do the repairs. Commissioner McCormick stated, "let's discuss this a little further so it all comes out today. This project is not finished is it?" Surveyor Utz, "huh-uh". Commissioner McCormick, "What is left to be done?" Surveyor Utz, "we was going to do that other end up there and we had 12" and they had to go on the other side and fix that on out, but that gets more clutter on that one outlet on surface drain because you can't leave it out there like it is." Commissioner McCormick, "So we were going to go on the south edge of this thing at the edge of town or that dead end street?" Surveyor Utz, "We were." Commissioner McCormick, "And we were going to do what?" Surveyor Utz, "hook that 12". Commissioner McCormick, "Into the 18's?" Surveyor Utz, "Yeah". Commissioner McCormick, "You were going to do that knowing it was going to over capacitate them?" Surveyor Utz, "That's why you brought Cheryl in to do that study." Commissioner McCormick, "I know. But why did we even think about that in the first place is my question." Cheryl Cunningham stated, "It will back up out of the inlets." Darrell Birge, stated "I will let you build anything in town that you want to do to those 18". I will allow that to happen if you'll let me build a dike across the rock right-of-way right there at the edge of town." Cheryl Cunningham, "see his concern is that it backs up and then it flows this way. I don't have contours to show exactly which way it flows." Darrell Birge stated, "and then I'll guarantee you you'll have no problems." Commissioner McCormick stated "it looks to me like before we go any further or spend more money we'd better go back out there. I think the study part of this needs to be a little more detailed as to the elevations. I think it needs to be shot and we need to know whether that pipe down there is three feet higher or not. We don't know this. I mean, you know, I'm a rag merchant and I can go out and dig a ditch and put a pipe in and I wouldn't have any idea if it was the right elevation or not and it appears to me that's what happened here." Surveyor Utz, "We are not questioning this. That is just a surface pipe. We can correct that and that's what we said we were going to do. I could have had it corrected but I didn't want to go up there with all this stuff going on. It would have been already done." Darrell Birge questioned Surveyor Utz of the cost of getting that done. "Why was that so high?" Surveyor Utz, "Well there were two bids taken on it and they were the lowest bid. We had Dave Price come in and the Board accepted Jerry Hughes to do the job and he's got it broke down right here everything he's..." Darrell Birge, stated, "I understand that but didn't you look at the proposal that I did on digging that open ditch?" Surveyor Utz, "No, I didn't even consider it. You were out of the picture." After further discussion of the bids, the Commissioner Edmiston moved to table the matter until more information is gathered and request that the Linden Town Board President attend the next Drainage Board meeting, which is scheduled for Monday, October 8, 2001 and Commissioner Coudret seconded. 3-0 vote in favor.

Surveyor Utz reported on the Withe Creek hearing held September 7, 2001 at the Clinton County Courthouse. The reconstruction has been voted down. Commissioner Coudret requested a history of the drain and he is in the process of gathering that information. The next meeting will be October 5, 2001. Commissioner Coudret commented on the fact that no work had been done. Money had been collected but nothing had been done. Surveyor Utz stated that the County has not done any work, but the homeowners along the drain have done the work themselves and they haven't asked for any money from the Drainage Board to pay that. They have done their work and kept it up on our end, that's why the County hasn't spent any money on it. As soon as the money is collected it is sent to Clinton County.

Building Administrator Jeremy Hester requested approval of stormwater plans for construction of a Kroger Gas Station located at 1660 Crawfordsville Square Drive at the existing store. The project proposes approximately 19,220 square feet of asphalt driving and parking area. It will be about 5,300 square feet of concrete and roof awning structures. The entire project is located on the presently grass triangle on the southwest corner of the existing parking lot. The project requests no variances. Commissioner Coudret made a motion to approve the recommendations of Jeremy Hester on the stormwater plan for the Kroger Gas Station and Commissioner Edmiston seconded it. No discussion. 3-0 vote in favor.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.


Meeting adjourned.




Lori Dossett,
Secretary



William (Bill) McCormick,
President



Ken Coudret,
Vice President



Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, OCTOBER 8, 2001
MINUTES

The Montgomery County Drainage Board met on Monday, October 8, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Marian Lindow, League of Women Voters; Larry Utz Surveying Department; Jeremy Hester, Building Administrator; Carin Chappelow, Journal-Review; Darrell Birge, property owner; Jim Ayers representing Darrell Birge; Robert Seward, Donald L. Dake, Russell Dahl, Lois Dahl, Wendy Pritchett, LeAnn Yund, Brian Collum, Tom Warren, property owners; and Lori Dossett, Secretary.

Before the meeting was called to order Commissioner Edmiston issued the following statement: "It has been almost a month ago today while we were in this room conducting business that the incident now referred to by many as the "American Tragedy" took place. Thousands of innocent Americans lost their lives to a cause that they gave no more thought to than what they were going to have for breakfast that morning. Things change. All Americans alive today are the survivors and you know why they died. Those who paid our Country and our people do so out of fear. Fear of freedom of government, freedom of religion, freedom of choice, freedom of our ideas. The governmental business conducted in this room signifies the very essence of what they fear and hate. I propose that from now on before any Commissioner business is conducted we pledge our allegiance to the Country that makes our right to choice possible and in doing so honor those Americans who gave their lives to protect our freedom and those that will give their lives in the times to come. Please join me now in pledging allegiance to our flag." The pledge of allegiance.

Drainage Board President, William McCormick, called the meeting to order at 8:05 AM.

Commissioner Edmiston made a motion to approve the minutes of the September 11, 2001 Drainage Board meeting and Commissioner Coudret seconded it. 3-0 vote in favor.

Attorney Stu Weliever appeared for the Town of Linden. He stated that Town Board President Gary Fike would not be able to attend today's meeting. Commissioner McCormick stated that "the Commissioner's attended the Town of Linden's Town Board Meeting October 4th. Basically the only reason the Commissioner's attended was to make sure that what the Commissioners were being told that the Town of Linden is going to do nothing from this point forward, is that correct Stu". Stu Weliever stated, "from my understanding from their understand from what they've been told to do and how it is going to be handled, they haven't taken any action and do not intend on any action with regards to the drainage issue out there. Commissioner McCormick stated that we had a stop work order issued by the Surveyor Larry Utz. Therefore the Town of Linden had been told that the Board would allow them to connect the drains and therefore I'd entertain a motion that we go ahead and finish this project. Commissioner Coudret moved to finish the project of connecting the drain from the area of Town of Linden to the drain that empties into the James Hose Open Ditch and Commissioner Edmiston seconded it. Commissioner McCormick, it has been moved and seconded that the County finish the project by connecting the drain into the James Hose Ditch and he asks for ny discussion? Attorney James Ayers asks if this is a hearing or if they were going to hear comment. Commissioner McCormick asked if there were comments from the audience and Attorney Ayers replied "yes". Darrell Birge stated, "I asked Larry Utz whose benefited did they spend that \$14,000 on that three foot high surface drain in the railroad." Surveyor Utz stated, "The surface drain was just an addition to..." Mr. Birge, "Whose benefit was that?" Surveyor Utz replied, "I don't know." Mr. Birge, "If you don't know, why did you do it?" Surveyor Utz, "We thought maybe it would help the one that was already there plugged up so we put in one to..." Mr. Birge, "Is that to help the Town of Linden's drainage?" Surveyor Utz, "No, it was mainly to help you rather because we took out a catch basin that was there." Mr. Birge, "You took out a catch basin, plugged one and raised one three foot for my benefit, is that what you're saying?" Surveyor Utz, "It's working." Mr. Birge, "It hasn't rained." Surveyor Utz, "Did you do this for the Town of Linden's benefit?" Surveyor Utz, "No we did that underground work for the Town of Linden." Mr. Birge, "You did the underground work for the Town of Linden. Okay. Put that in the minutes. And you guys see there, I'm the one taking the brunt of the

water. And if you'll read the law you can't hook that up. The Town of Linden bears all of the engineering costs, all of the costs he just stated and you've engineered that the tile is too small. The three of you got together the other night and went to the Town of Linden Board meeting, you stated that. Did you notify the paper or any of the news media. That constitutes an illegal meeting." Commissioner McCormick, "No, it doesn't Darrell. "Mr. Birge, "That breaks the Sunshine Law." Commissioner McCormick, "No, because the Town of Linden is a published meeting. Their Board meeting is a published meeting." Mr. Birge, "The three of you get together is not." Commissioner McCormick, "I don't believe you are right." Commissioner Coudret, "I don't think we need to answer those allegations." Mr. Birge, "Would you care to read..." Commissioner Coudret, "I don't have time to read it right now." Mr. Birge, "I'll read it for you." Commissioner Coudret, "Well, I don't want you to read it." Mr. Birge, "Requests for connections of municipal drains to regulated drains findings of the County Surveyor, reconstruction of a regulated drains, payment of costs by municipality assessment against municipality. A municipality acting under a statute other than this chapter may not construct, reconstruct or maintain a drain that is located or partly or wholly within the corporate boundaries of a municipality will flow directly or indirectly into a regulated drain that is subject to this chapter without the written approval of the board. The municipality shall file with the board a written request for consent to use a regulated drain as an outlet subject to this chapter. The request must be accompanied by the plans and specifications for the proposed construction and reconstruction or maintenance, an estimate by the municipal civil engineer or another qualified person of the amount of water that would be discharged into the regulated drain as a result of the proposed construction, reconstruction or maintenance. The Board shall further request for consent to the County Surveyor who shall determine whether the regulated drain is adequate to handle, underline adequate to handle the additional flow of water if any that will result from the construction, reconstruction or maintenance proposed by the municipality. If the Surveyor finds that the regulated drain is adequate to handle the additional flow of water he shall make a written report of that fact to the Board which shall issue it's order consent to the construction, reconstruction or maintenance by the municipality. If the Surveyor finds that the regulated drain is not adequate he shall prepare a preliminary plan for reconstruction of the regulated drain so it would be adequate to handle the additional flow of water, estimate the total cost of reconstruction, file the plan of action with the Board and serve a copy of the plan upon the municipality. If the municipality binds itself by resolution to pay the cost of reconstruction of the regulated drain the County Surveyor shall prepare the final plans of specifications for the work. Re-estimate the cost of work except for damages to affected land and file the plans and estimate with the Board. The Board shall determine the amount of damages sustained by any owner as a result of the reconstruction of the regulated drain and shall serve upon each owner notice. Describing the owner's land stating the amount of each owner's damages. Explain injury upon the determination that was based and stating the date, time place of hearing by the Board on objections to the amount of damages. The Board shall add the damages to the affected land by the County Surveyor's re-estimation of the cost of reconstruction shall certify the amount to the municipality. When the municipality pays the amount certified by the Board into the office of the County Treasurer for the use of the Board in reconstruction of the regulated drain the Board shall issue an order consenting to the use of the regulated drain by the municipality and shall proceed with reconstruction of the regulated drain in accordance with the plan specs. After the contracts from the reconstruction are let in accordance with the sections of this chapter the Board shall compute the actual cost of the reconstruction. If the actual cost is less than the estimated cost the excess shall be returned to the municipality on certification by the Board to the County Auditor of the amount to be returned. If the actual cost of the reconstruction is more than the estimated cost the Board shall certify that fact to the municipality which shall immediately pay the difference in the office of the County Treasurer. When the Board consents to a request made by a municipality under Subsection B the Board shall fix the annual assessment against the municipality for the periodic maintenance of the regulated in accordance. This section does not prohibit a municipality from petitioning the Board for the construction of a new regulated drain." Mr. Birge, "You have damaged me coming and going. You have taken my outlet away. You have raised my outlet three feet. You've done it all under the table. You lied to me at the last Board meeting so my only recourse is through the Court. And you all sit there and say you told me at the last meeting that you would meet with me out there. Okay, five of you came out there. Three Commissioners, the Engineer and Larry Utz. And you said, it was a spur of the moment decision. And I don't think you can get five people together on a spur of the moment decision. Especially when you've got my mobile telephone number." Commissioner McCormick, "Mr. Birge, if I remember right since the first of the year since we first started talking about this drain you have been totally against anything we wanted to do to improve the situation out there."

Mr. Birge, "You haven't done anything to improve it. What have you done to improve it?" Commissioner McCormick, "Wait a minute. I would like to speak. I have asked you, what do you want done." Mr. Birge, "And I have told you." Commissioner McCormick, "I don't believe you have told me. You have just told me what won't work. You have not told me what will work. If you were to tell me what will work and what will relieve this situation and what will put a stop to it, then we will listen to that." Mr. Birge, "I have told you, Bill and you know it but it hasn't been on the record. They need a separate outlet for their drain in town. And I've told you that. I've told you that they needed to lower that surface drain under the railroad. I have told that." Commissioner McCormick, "That I realize you have told me." Mr. Birge, "You have plugged the lower drain. I have told you that. I have showed you that." Commissioner McCormick, "I don't disagree with that. Darrell, I do not disagree with the fact that that other drain is higher. If it's three feet I don't know that for sure, but you know, the naked eye says that it's higher, okay." Mr. Birge, "Did you and Brett Cating or not meet with me out there and I showed you that lower drain and it was plugged." Commissioner McCormick, "You did show us that lower drain and it was plugged." Mr. Birge, "Okay. I rest my case. You plugged... I have property on the other side of the railroad. You have plugged the outlet for it, the surface drainage outlet for it. You have taken out the boundary markers for that piece of property so it needs to be resurveyed and get the boundaries. You have piled brush on that property without my permission. So you tell me who is damaged here." Commissioner McCormick, "Mr. Utz, have we been outside our right-of-way?" Surveyor Utz, "No". Mr. Ayers, "In terms of what should be done, the statute calls for an engineers report to be prepared by the municipality with a study of the receiving regulated drain to do a water flow analysis and I think that's the beginning key to this aside from the places where you're stumbling over each other. It's my understand that it has not been done and the Town of Linden should have an engineer do a study that includes the Hose Drain and if it isn't adequate it needs to be reconstructed and that's what the statute pretty clearly calls for." Mr. Weliever, "This statute doesn't apply to the situation. We are not talking about drains, constructing or reconstructing a drain within the corporate boundaries. I think what we're all talking about is..." Mr. Ayers, "This statute doesn't deal with corporate boundaries. This statute says if the municipality wants to drain out of the corporation into a regulated drain then you do all these things." Mr. Weliever, "That's not what the statute says." Mr. Ayers, "The statute says it in so many words and..." Mr. Weliever, "Well, no, I disagree with that." Mr. Ayers, "Well, if you're going to connect a regulated drain that's what the statute says." Commissioner Coudret, "Larry, was this drain originally hooked up to that drain?" Surveyor Utz, "There was a drain originally hooked up." Commissioner Coudret, "So it's one that we're just connecting that was already there. We had put an additional pipe in is all we did. I don't see how that could cause the property to flood. We put an additional pipe that is higher under the railroad crossing. But we're also, all we're talking about is hooking the drain that was there and these people pay an assessment on that drain and I see no problem with what we've done." Mr. Ayers, "A municipality is an additional watershed and it should be treated just like the next additional watershed." Surveyor Utz, "It's not additional, they pay an assessment." Mr. Birge, "They pay for an outlet." Commissioner Coudret, "Part of this watershed and they pay assessment on it." Mr. Birge, "If the amount is insufficient then they pay to reconstruct the outlet." Commissioner McCormick, "The Town of Linden all is in the James Hose Watershed, is that correct?" Surveyor Utz, "Except for the far east which is in the Nichols Drain, but the majority of the town is in the James Hose Legal Watershed." Commissioner McCormick, "So it's not like we're taking water from someplace else that wouldn't normally be going into the James Hose to put into it." Surveyor Utz, "No." Commissioner McCormick, "So we're really not doing anything that's not legally and suppose to be the way it is." Surveyor Utz, "That's correct." Commissioner McCormick, "Is that what you're saying?" Surveyor Utz, "Yes." County Attorney Harry Siamas, "Correct me if I'm wrong but we've been working on this for the last two years, maybe longer. The Town did have an engineer that came and he did do water studies is my understanding and he shared those with the Board. It was referred to the County Surveyor to see what the impact would be on the lower part of the drain on Linden. My belief is that the Surveyor advised the Board that the drain was adequate to handle whatever flow was coming off of that, is that right?" Surveyor Utz, "Yes." Attorney Siamas, "If that's the Surveyor's finding then that's the end of it. Whether Larry has actually made that into a written report or not I don't know, but he probably should do that and that's the end of. The rest of the statute only comes into play if it's the Surveyor's finding that the drain is inadequate to handle whatever flow would be coming out of the town. So, I mean, I think the Board has gone through this whole process contemplated by the statute whether or not the Board had to or not, the Board has done that. I would suggest that the Surveyor make his report in writing to the Board. That may have already been done. If it's been done, I can't recall because we've been at this for so long. If it hasn't been done I think

Larry should make that report to the Board and then the Board can proceed accordingly." Commissioner Coudret, "Should we hold off our decision until that time?" Attorney Siamas, "I don't know. Larry can speak to that whether he's actually filed anything in writing indicating his opinion on whether the hook-up of the drain is adequate to accommodate this hookup." Surveyor Utz, "I guess I'd have to... I know it's in the minutes but I guess I'd have to go back and check." Commissioner McCormick, "Would he need to file that in writing and get a copy of that to the Town of Linden." Mr. Birge, "As recent as the last Board meeting that the engineer that the County hired said it was inadequate and it should be in the minutes. As recent as the last Board meeting. The Corps Engineers said it was inadequate and the Town of Linden never gave you a written report. They never did any water studies because they weren't paid to and you realize that. If that is a fact they have done that, I want a copy." Commissioner Edmiston, "Darrell, was everything just fine on your property before we started into this really heavy." Mr. Birge, "I was overloaded to begin with and you took out my outlets." Commissioner Coudret, "What outlet did we take out?" Mr. Birge, "You took out a 42" in catch basin, plugged one, and raised on three feet. So when it rains, if we get a tremendous flow of water I'm going to have a lake and then I think you three have problems." Surveyor Utz, "Where did we plug one?" Mr. Birge, "The lower one." Surveyor Utz, "It was... we didn't plug it. It was just silt." Mr. Birge, "Look at the dam you built Larry." Surveyor Utz, "That thing has been silt for 20 years. That's the reason we didn't put it down lower because so much silt gets in there that... and we agreed to put that one that was higher down low. But I won't do anything until we've got everything settled here. We can move that, if he wants it moved we'll take it out there. I don't care. But we did not plug anything. It's been plugged for years." Mr. Birge, "I thought you were smarter than that, Larry." Commissioner McCormick, "Mr. Coudret, I'd like to instruct Larry to issue a report, a little bit of the history and your findings on whether this is adequate or is not adequate and I'd like to have that report at the next Drainage Board meeting so that we can look at it and make our decision at that time. Therefore, I'm asking you, Mr. Coudret, if you would withdraw your motion for today." Commissioner Coudret, "I'm not going to withdraw my motion." Commissioner McCormick, "Okay." Commissioner Coudret, "I've made it. You can withdraw the second, somebody can and I guess it'd die, but I think we should hook it up." Attorney Siamas, "I would suggest that the Surveyor because we have been at this so long and we have had so many starts and stop the Surveyor go back, review all the minutes and make a summary in his report of the action that has been taken in the past meetings, the information that has been presented to us in the past meetings and then make his recommendation based on whatever engineering advice has been given to date and his own knowledge of this drain as to whether it is adequate or not. Once he's done that, he's in complete compliance with the statute and no one should have any complaint." Commissioner Coudret, "Okay, I'll withdraw it then." Commissioner Edmiston, "I'll withdraw my second." Commissioner McCormick, "The motion has been withdrawn and we are going to table this until the next meeting." Commissioner Coudret, "I would like to clarify that we've told everybody that we're getting together and we went out and looked at that drain. And it's not against the law for us to look at that. How would we ever know what's going on if we didn't all go out to look at something. We go all the time as one or two to look at situations. I just wanted to mention that and we went to an open meeting." Mr. Birge, "Shouldn't you contact the landowner who you're meeting on as the first person, first contact." Commissioner Edmiston, "We didn't call the meeting." Commissioner McCormick, "We didn't call the meeting and the other thing was, we weren't there to discuss a specific property. We were there to find out and hear the President and the Board Members from Linden tell us we aren't going to do anything anymore. That's all we wanted to hear. We were in and out of there in 12 or 13 minutes." Mr. Birge, "You told them at that meeting you were going to hook up that drain." Commissioner Coudret, "And I told them the truth, I wanted to do that." Commissioner McCormick, "It says so that we already voted on that." Mr. Birge, "Voted to hook it up." Commissioner McCormick, "We did that at our last meeting." Mr. Birge, "To hook up that drain?" Commissioner McCormick, "Yes, we did." Mr. Birge, "It was after I left. Did you reopen discussion on that drain?" Mr. Ayers, "It was tabled for a month last meeting." Commissioner McCormick, "Yes, what I'm saying, excuse me, Mr. Ayers. This goes back two or three meetings when we said we were going to do it. Then we tabled it and tabled it because he put the stop order on it, okay. So it's tabled for this meeting."

Surveyor Utz reported on the Withe Creek hearing held October 5, 2001 at the Clinton County Courthouse. The reconstruction has been voted down and it was voted to have the monies collected for assessment to remain in Montgomery County instead of being forwarded to Clinton County. Commissioner Coudret requested the any voting on the issue be held off and agree to dissolving the Tri-County Drain.

Building Administrator Jeremy Hester requested that Jiffy Lube Car Wash be removed from the agenda. The storm water plans to not meet specifications.

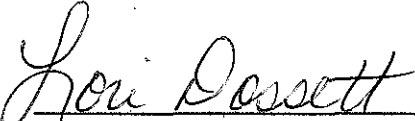
Brian Collum of 2201 Traction Road presented before the Drainage Board and advised the members that he felt that because of the Shelly Ditch problem no buildings should be allowed to be built in that area. He stated that the area cannot take anymore water and he would like to know what can be done. He stated that presently a home is being constructed by Rick McKinney that is being built where water is presently standing. After discussion, the Board directed Building Administrator Jeremy Hester to make sure that the dirt is removed from the building site. The matter was taken under advisement.

Bob Seward appeared before the Drainage Board and inquired if the Habitat for Humanity storm water request would be discussed and Mr. Seward was advised that nothing as of yet has come before the Drainage Board on the issue.


Wendy Pritchett of 632 Sugar Creek Road and advised the Drainage Board that she was concerned with the poor condition of Dry Branch Creek with log jams, litter, etc. coming downstream. Ms. Pritchett was advised that Dry Branch Creek is not a legal drain. The Drainage Board suggested to Ms. Pritchett the possibility of her and her neighbors forming a Dry Branch Creek Association and also that the DNR would have to be involved.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

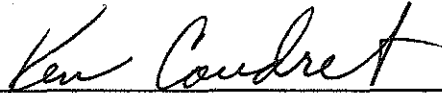
Meeting adjourned.



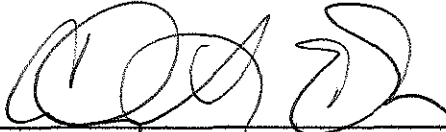
Lori Dossett,
Secretary



William (Bill) McCormick,
President



Ken Coudret,
Vice President



Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, OCTOBER 23, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 23, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Marian Lindow, League of Women Voters; Larry Utz Surveying Department; Jeremy Hester, Building Administrator; Carin Chappelow, Journal-Review; and Lori Dossett, Secretary.

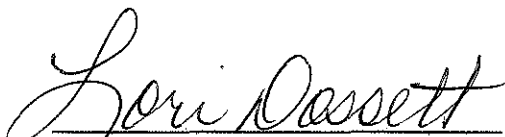
Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner McCormick moved to impose a stop build order in the entire Shelly Drain Watershed encompassing 750 acres for the reasons that the area needs to be defined and presently there is too much storm water run-off. He stated that the stop build order would last until the County consulted with Christopher Burke Engineering. He estimated approximately two months. County Attorney Harry Siamas stated that in 1998 the County designated the Shelly Drain Watershed as a drainage impact area in the Storm Water Drainage Ordinance. Commissioner Edmiston seconded the motion pursuant to the Storm Water Drainage Ordinance. 3-0 vote in favor.

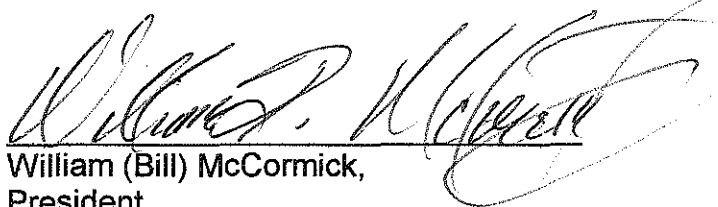
Surveyor Larry Utz presented the Board with a petition to establish a new legal drain according to the December 2000 Resolution regarding any new reconstruction. The petition presented had been signed by adjacent landowners to declare it as a legal drain. Commissioner Coudret moved to take the matter under advisement and refer the matter to County Attorney Harry Siamas and Commissioner Edmiston seconded it. 3-0 vote in favor.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.



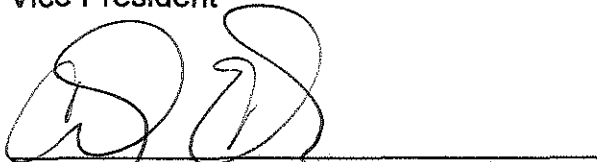
Lori Dossett,
Secretary



William (Bill) McCormick,
President



Ken Coudret,
Vice President



Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, NOVEMBER 13, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 23, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Marian Lindow, League of Women Voters; Larry Utz, Surveying Department; Jeremy Hester, Building Administrator; Carin Chappelow & Jennifer Loesch, Journal-Review; Rob Lee, WIMC/WCVL & WVXI; Norm Reimondo; Darrell Birge, property owner; Jim Ayers representing Mr. Birge; Stuart Weliever representing the Town of Linden; Neil Barclay, City Council member; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM and called for the Pledge of Allegiance.

Commissioner Coudret moved to approve the minutes of the October 8, 2001 and October 23, 2001 Drainage Board meeting and Commissioner Edmiston seconded. 3-0 vote in favor.

Regarding the James Hose Drain, Surveyor Larry Utz reported to the Board that he agreed with Engineer Cheryl Cunningham's report and accept what she has written and proceed from there. If the town is not going to pursue the initial report where they recommend an 18" going all the way out to the open. Ms. Cunningham recommends that if they do not pursue installing the 18" then the County just won't let them do that. Mr. Birge stated that, "he had spoken with Cheryl Cunningham three times and they were both under the opinion now that the town needs to take care of their own drainage outlet. And if they are not going to pursue as Larry says taking care of their water problems she would just drop it and fill the hole. That's the lesser of the two evils because it will damage me less and you know, it will be no significance to them because they are trying to say that five or six houses that flood in a catastrophic storm is more valuable than my house and my house would pay for ten of those houses which they are trying to flood my house to save five that it flooded forever." Commissioner McCormick, "Are you in agreement with what he has just stated?" Mr. Birge, "That if Linden is not going to pursue it to fill the hole?" Surveyor Utz, "Yes." Commissioner McCormick, "That's what he said." Mr. Birge, "I agree with that." Commissioner McCormick questioned Mr. Weliever, attorney for the town of Linden if he had anything to add and he stated, no. Mr. Birge stated, "I will fill the hole for nothing." Commissioner McCormick stated, "So at this point you, Larry and you Darrell are agreeing to not hook on and fill the hole?" Surveyor Utz, "Right." Commissioner Edmiston, "Did we make the hole?" Surveyor Utz, "No." Commissioner Edmiston, "The town did?" Surveyor Utz, "Yeah, the town of Linden did." Mr. Birge, "It is on my property." Commissioner McCormick discussed a list of requests from Mr. Birge. Surveyor Utz, "If I may just before we start, I think we had a meeting we were suppose - me, Ken and yourself were suppose to meet out there on these other and I think we plan on still doing that. You come out one time and it was just inconvenient for us to get out there to go, but I think we still plan on addressing these issues that you have done here other than what we're talking about and..." Mr. Birge, "I just don't like to see things finalized when I'm not here. The meeting I attend we do something but then the meetings I'm absent we do entirely something else. So I would like to address these issues and get them in the minutes right now." Commissioner McCormick, "Fair enough, no problem with that." Surveyor Utz, "I don't disagree with any of it. We agreed to go out there with him and I think we plan on doing that until we got this other straightened I didn't think we was going to do anything." Commissioner McCormick, "Well, I think what we'd like to do to both of you and Mr. Weliever also, we would like to resolve this once and for all and have everything done one shot, okay. One vote and basically we're finished as long as he work gets done. Mr. Coudret, are you agreeable to going out there with Larry and Mr. Birge?" Commissioner Coudret, "Yeah, at his convenience." Commissioner McCormick, "I would like to ask one more time that we postpone this until our Drainage Board meeting in December and at that time you will all have your agreement ready that you agree to." Commissioner Coudret, "I don't see any problem though with going out and cleaning this mess up. If there is a mess that was left it ought to be cleaned up period and I don't see any big deal about it. If there's trash there or if you're talking about sticks and stuff like that we go out and clean it up. That should have been done when that ditch was built."

Commissioner Coudret, "Let's get this all done in one motion so we don't have one today and then have another one the next meeting. Let's have the three of you get together. If you want me to go I would be very happy to. Why don't we table this until next meeting and if you want Mr. Birge to explain it to you right now I'll let him explain it to you." Commissioner Coudret, "I'd like for him to explain it right now. 'Number one, there needs to be a surface drain 48" or lower under the old railroad crossing.' Is that an additional drain?" Mr. Birge, "No, that's replacing the one that they put in there that's three foot too high and two foot too small." Commissioner Coudret, "And then the railroad grade ditches on both sides of the railroad need to be open and graded properly so they will also drain." Mr. Birge, "Okay, I've got ground on the north side of the railroad tracks on the old railroad bin. They filled the old side ditch along side the railroad where the surface water ran and drained before. They filled it up. I've got water standing in the property on the north side." Commissioner Coudret, "So that could all be done when the mess is cleaned up?" Mr. Birge, "Yes, same thing on the south side." Surveyor Utz, "Do you want to table filling in that hole right now too?" Commissioner McCormick, "I want to table everything until the next meeting, get it all done." Mr. Birge, "Do you want me to fill in that hole?" Commissioner McCormick, "No, not until..." Surveyor Utz, "We've got some bad weather coming here that very well could..." Commissioner McCormick, "That's all right. We've had a lot of good weather. We should have had this resolved, okay. Another 30 days is not going to kill anybody, I hope." Mr. Birge, "If we get a five inch rain another 30 days will kill somebody because I don't have an outlet for my surface water and that needs to be addressed right away. That surface water outlet needs to be addressed as soon as possible. It should have already been done because that's what gets in my house." Commissioner Edmiston, "I thought everybody is in agreement on that." Commissioner McCormick, "All we're talking about is filling the hole?" Mr. Birge, "No, that surface drain that goes under the railroad grade to get rid of the surface water out of that field." Commissioner Coudret, "Yeah, we know that's in wrong." Mr. Birge, "We need to get that finished and fixed." Commissioner Coudret, "That needs to be put in properly." Commissioner Coudret, "Right, I don't see why we need to wait on that. It's not in properly." Commissioner McCormick, "I know that. It's not properly, we know that." Commissioner Coudret, "And we need to fix it." Mr. Birge, "That's what hurts me the worse of anything right now because if we get a five inch rain on frozen ground, you know, I've got Lake Linden out there and every intersection in Linden will be flooded." Commissioner Edmiston, "So everybody agrees to fill the hole up, everybody agrees that that particular drain needs to be replaced." Commissioner Coudret, "Clean the mess up and we're done." Commissioner Edmiston, "That only leaves the town needing to install their own outlet which we have nothing to do with and cleaning, so I would..." Commissioner Coudret made a motion to put the town of Linden drain back the way it was as far as the hole is concerned and that we clean the mess up where we worked on the James Hose Drain and that we install the pipe under the railroad crossing at the proper depth, does that take care of it? Mr. Birge, "Clean everything." Commissioner Coudret, and clean the side ditches along the railroad crossing and Commissioner Edmiston seconded it. Commissioner McCormick stated, "that when the drain is repaired, that is at the contractor that did it wrong, correct?" Surveyor Utz, "Correct, he understands that." Commissioner McCormick, "No more tax dollars." Surveyor Utz, "He understands it, he's just been waiting on us to get something resolved and then he'd be glad to go in there and take care of it." Mr. Birge, "The only difference is the increased size of the pipe." Commissioner McCormick, "But as far as the actual labor part of it, that is at Hughes' expense." Mr. Birge, "And I can set elevation stakes for him if that's what he needs." Commissioner Coudret, "I think you should." Commissioner Edmiston stated that in getting this all done I'd also like to have a timeframe put on it that it could all be done within 30 days. Surveyor Utz and Mr. Birge agreed. The motion is to repair what was done wrong and replace the pipe that was too small with a 48" pipe and get it down to the right depth. Clean up the side ditches along that open ditch on the north side of the railroad right of way, is that correct? Mr. Birge, "North and south." And also to clean up the mess of trees that were botched up getting in and out of there, correct? Mr. Birge, "That's correct doing the project the first time." And the motion also includes filling in the hole at the end of Vine Street, do we have everything. 3-0 vote in favor. Commissioner Coudret made a motion that the project completed as soon as possible within the week if it doesn't rain or within 10 days anyway unless the weather turns. He did it wrong, he ought to fix it. Commissioner Edmiston moved that the entire thing be done within 30 days and Commissioner McCormick seconded it. 3-0 vote in favor.

Commissioner McCormick discussed the Shelly Drain. In 1999, the City and the County together on a joint effort hired Christopher Burke Engineering to do a feasibility study, a plan to fix the Shelly Drain and the Shelly Watershed. It came in at about two and a half to three

million dollars to do it and at that time it was dropped. The Drainage Board recently started looking at it and realizing that there were some things that could be done at probably a lot less money. Christopher Burke was asked to meet with Jeremy, Commissioner McCormick and Attorney Harry Siamas to walk the vast majority of the problem area from 136 to 32. At the time of that meeting Christopher Burke was asked how to fix what was looked at that day. They have submitted a proposal of \$17,500 to study area. Commissioner McCormick asked Norm Reimondo asked what the involvement of the City could be and he stated that he was at today's meeting representing the Mayor. He had another obligation that he had to take care of this morning and so consequently he couldn't be here. Unfortunately the Mayor cannot commit to any expenditures of any money. That is a City Council responsibility and authority and as such he has to bow to their wishes. The City can't commit to anything simply because it has to be brought up before Council and they have an idea of what they think is their prerogatives. He stated that he has looked over the contract from Christopher Burke and it seems to be very interesting from the City's end and they are just going to have to wait until they get to Council and inform them as to what's involved and what we're talking about. County Attorney Harry Siamas suggested to the Board to have Christopher Burke check into grant monies to fund the study. Council Member Neil Barclay questioned how the study would be different from the previous study and Commissioner McCormick stated that this study would concentrate on the area from SR136 to SR 32.

County Attorney Harry Siamas presented the Board with a letter from Barnes & Thornburg regarding their representation of the City of Crawfordsville. Commissioner Coudret moved to sign the letter and Commissioner Edmiston seconded it. 3-0 vote in favor.

Commissioner Coudret moved to dissolve Withe Creek from the Tri-County Drain (Montgomery, Boone and Clinton Counties) and Commissioner Edmiston seconded it. 3-0 vote in favor.


Building Administrator Jeremy Hester requested that the Board approve a storm water plan for the Crawfordsville Car Wash to be located at the present Jiffy Lube location. Commissioner Coudret made a motion to approve the storm water plan and Commissioner Edmiston seconded it. 3-0 vote in favor.

County Attorney Harry Siamas advised the Board that the petition to establish a new legal drain, which was to be named the Jim Emerson Drain presented at the last Drainage Board meeting, did not follow the statutory requirements. Commissioner Edmiston moved to send the petition back to the petitioners and request that they submit a new petition, which followed all the statutory requirements, and Commissioner Coudret seconded it. 3-0 vote in favor.


County Attorney Harry Siamas advised the Board that the Morman Church regarding an agreement signed with the County in 1999 had contacted him. At the time of the agreement the County agreed to provide a survey to extend the current 75' strip right-of-way. After the survey is completed a Quit Deed will be prepared, executed and recorded. Commissioner Coudret moved to complete the survey to extend the right-of-way and Commissioner Edmiston seconded it. 3-0 vote in favor.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.


Lori Dossett,
Secretary


William (Bill) McCormick,
President


Ken Coudret,
Vice President



Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, DECEMBER 11, 2001
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 11, 2001 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Marian Lindow, League of Women Voters; Larry Utz, Surveying Department; Jeremy Hester, Building Administrator; Carin Chappelow & Jennifer Loesch, Journal-Review; Rob Lee, WIMC/WCVL & WVXI; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM and called for the Pledge of Allegiance.

Commissioner Coudret moved to approve the minutes of the November 13, 2001 and Drainage Board meeting and Commissioner Edmiston seconded. 3-0 vote in favor.

Surveyor Utz advised the Commissioners that he and Commissioner Coudret had been in contact with Darrell Birge regarding the James Hose Drain. The areas of concern have been addressed with Mr. Birge and he has agreed. Jerry Hughes will start on December 12, 2001 to make the repairs. The hole which Mr. Birge advised he would fill has not been filled as of yet. Two sections of brush will be cleaned up, the ditches on both sides will be repaired.

Surveyor Utz advised that Butler, Fairman and Seufert will be completing their work on the geodetic points next week.

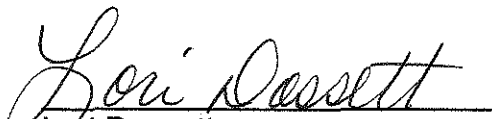
Building Administrator Jeremy Hester requested that the Board approve a storm water plan for the Wabash College Malcolm X Institute. No variances are requested and Building Administrator Hester recommended that the plan be approved. Commissioner Coudret made a motion to approve the storm water plan and Commissioner Edmiston seconded it. 3-0 vote in favor.

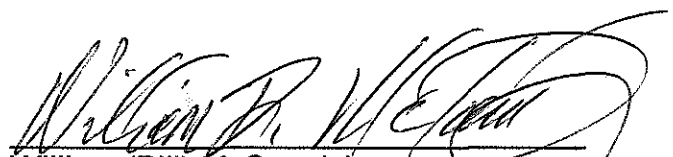
Building Administrator Hester requested that the Board approve a storm water plan for South Derby complex to be located on SR47N and CR625E. The plan includes a private drive and the work will be done in phases. Two variances are being requested and they include a 2.75:1 detention pond that will run along an abandoned railroad right-of-way and an increase in pipe gauge. Building Administrator Hester recommended approval with both variances. Commissioner Coudret moved to table the request and Commissioner Edmiston seconded. 3-0 vote in favor.


Commissioner Edmiston questioned Surveyor Utz on the surveying work for the Morman Church. Surveyor Utz advised that Bill Hudson has advised him that Mr. Hudson could not find where a survey had been completed. Mr. Hudson will complete the survey by the end of the week.

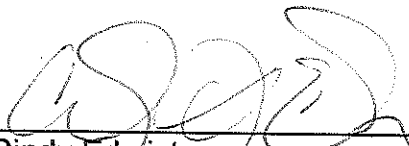
There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.


Lori Dossett,
Secretary


William (Bill) McCormick,
President


Ken Coudret,
Vice President



Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, JANUARY 8, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, January 8, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Marian Lindow, League of Women Voters; Larry Utz, Surveying Department; Jeremy Hester, Building Administrator; Carin Chappelow, Journal-Review; Rob Lee, WIMC/WCVL & WVXI; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM and called for the Pledge of Allegiance.

Commissioner Edmiston moved to approve the minutes of the December 11, 2001 and Drainage Board meeting and Commissioner Coudret seconded. 3-0 vote in favor.

Surveyor Larry Utz reported to the Board regarding the James Hose Drain that the pipe was delivered to the job site on Monday, January 7, 2002. The pipe is a 57 x 38 squash pipe, which is equivalent to 48" that Darrell Birge has requested. The work is expected to be completed next week. He also advised the Commissioners regarding the Joel Tobin Drain. Landowner, Larry Bullerdick had requested work to be done on the open ditch. The ditch is silted in and is full of trees and beaver dams. Mr. Cain has been retained to clean out the ditch. There are enough monies in the fund to pay for the clean up of one side. After Mr. Cain cleaned one side, the beavers had built new dams on the other side. Mr. Cain agreed to clean out the other side and wait until payment next year when the assessment money comes in. Surveyor Utz also reported that dredge work and clearing had been completed on Lye Creek and Carper Crowder by Wilson Construction. Needham Booher and Moses Maxwell drains have had some dredge work and clearing work by Cain's. Surveyor Utz also reported and presented pictures he had taken of the Shoefner property located in Whitesville regarding their complaint of a drainage problem. He advised the Commissioners that he checked out the ditch and it is open. The property is in a low area and is going to be subject to flooding during heavy rains.

Surveyor Utz presented the Drainage Board with a Petition to Establish a New Legal Drain to be called the James Emerson Drain. Surveyor Utz also presented his report regarding the James Emerson Petition. County Attorney Harry Siamas will review the petition. After review of the petition he stated that the petition is in order. Commissioner Edmiston moved to accept the petition on the James Emerson Drain and Commissioner Coudret seconded it. 3-0 vote in favor. An informal hearing has been scheduled for January 29, 2002 @ 7:00 PM in the Montgomery Circuit Court. Surveyor Utz will send out notice of the hearing to all property owners in the watershed.

County Attorney Harry Siamas advised the Board that he has been contacted several times regarding the James Hose Drain along the Evergreen Addition in Linden. Surveyor Utz reported that Bill Hudson has not completed the survey. Mr. Hudson will not return telephone inquires from Surveyor Utz. A survey and legal description are needed to deed 75 feet from the center of the James Hose Drain. After discussion, Commissioner Edmiston moved to instruct Surveyor Utz to hire another surveyor to do the survey on the parcel of real estate running along the James Hose Drain owned by the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints, a Utah Corporation and have the survey completed and presented at the next meeting and Commissioner Coudret seconded it. 3-0 vote in favor.

County Attorney Harry Siamas presented the Commissioners with a Resolution regarding the James Hose Drain as it pertains to the Church of Jesus Christ of Latter-day Saints. Commissioner Coudret moved to approve the Resolution and Commissioner Edmiston seconded it. 3-0 vote in favor. SEE ATTACHED RESOLUTION

County Attorney Harry Siamas presented the Commissioners with a Resolution concerning the James Hose Drain as it pertains to the Evergreen Addition. Commissioner

RESOLUTION OF THE MONTGOMERY COUNTY DRAINAGE BOARD


Edmiston moved to approve the Resolution and Commissioner Coudret seconded it. 3-0 vote in favor. SEE ATTACHED RESOLUTION


Commissioner McCormick advised the Board that Christopher B. Burke Engineering, LTD have completed their report on the Shelly Drain Watershed. They have outlined severe and moderate areas of concern. After discussion, the Board requested that Building Administrator Jeremy Hester encourage the City of Crawfordsville to enact a resolution similar to the County's Storm Water Ordinance and Shelly Drain Resolution.


Building Administrator Jeremy Hester requested that the Board approve a storm water plan for the Ben Hur Village, which is a mobile home park with approximately 56 lots. The lots will be 40 feet by 80 feet with a 14 feet by 70-foot trailer pad. The mobile home park is within the two-mile limit. The request has been idle since November of 2000. The request contains two variances 1) a maximum side slope increased from 8:1 to 6:1. 2) An offset of 20 feet from the detention pond. Building Administrator Hester recommended that the plan be approved. He stated from engineering standpoint the request is sound, but from a safety standpoint he is concerned. Commissioner Edmiston expressed her concern of the closeness proximity of the detention pond to the areas where the trailers will be located. There will be three detention ponds. Commissioner Edmiston stated that she would not agree to the 20-foot request. Commissioner Coudret moved to table the storm water approval request and Commissioner Edmiston seconded it. 3-0 vote in favor.

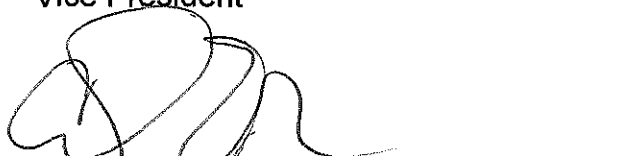
There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.


Lori Dossett,
Secretary


William (Bill) McCormick,
President


Ken Coudret,
Vice President


Cindy Edmiston,
Member

Edmiston moved to approve the Resolution and Commissioner Coudrat seconded it. 3-0 vote in favor. SEE ATTACHED RESOLUTION

Commissioner McCormick advised the Board that Christopher B. Burke Engineering LTD have completed their report on the Shelly Drain Watershed. They have outlined several and moderate areas of concern. After discussion, the Board requested that Building Administrator Jeremy Hester encourage the City of Crawfordsville to enact a resolution similar to the County's Storm Water Ordinance and Shelly Drain Resolution.

Building Administrator Jeremy Hester requested that the Board approve a storm water plan for the Ben Hur Village, which is a mobile home park with approximately 56 lots. The will be 40 feet by 80 feet with a 14 feet by 70-foot trailer pad. The mobile home park is within the two-mile limit. The request has been idle since November of 2000. The request contains two variances (1) a maximum side slope increased from 8:1 to 6:1. (2) An offset of 20 feet from the detention pond. Building Administrator Hester recommended that the plan be approved. He stated from engineering standpoint the request is sound, but from a safety standpoint he is concerned. Commissioner Edmiston expressed her concern of the closeness proximity of detention pond to the areas where the trailers will be located. There will be three detention ponds. Commissioner Edmiston stated that she would not agree to the 20-foot request.

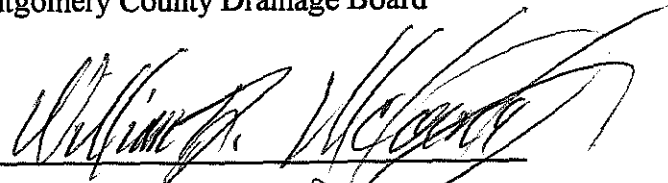
RESOLUTION OF THE MONTGOMERY COUNTY DRAINAGE BOARD


The Montgomery County Drainage Board resolves as follows:

Be It Resolved by the Montgomery County Drainage Board that the right of entry established by IC 36-9-27-33 shall be limited to the parcel of real estate running along the James Hose Drain which the corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints, a Utah Corporation deeds to Montgomery County (i.e. the 75 foot strip of land measured from the ^{CENTER} ~~bank~~ of the James Hose Drain contiguous to the church real estate) and Montgomery County waives and relinquishes any rights of entry and agrees never to use any such right of entry that exceeds the boundaries of said parcel. This resolution and waiver shall be deemed a covenant running with the land.

Dated this 8th day of January, 2002.

Montgomery County Drainage Board

By: 

By: 

By: Ken Coudrat

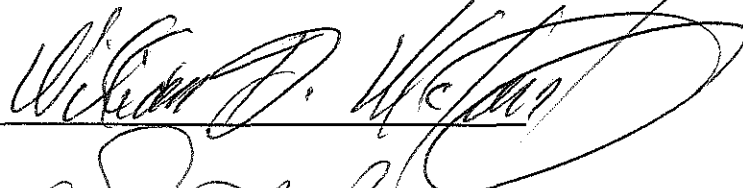
RESOLUTION OF THE MONTGOMERY COUNTY DRAINAGE BOARD

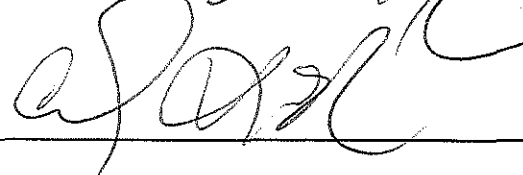
The Montgomery County Drainage Board resolves as follows:


Be It Resolved by the Montgomery County Drainage Board that the right of way established by IC 36-9-27-33 that is adjacent to the property of Gary and Diane Fike, Janet Linton, David Barker, Chris Benner and Brenda Songer in the Evergreen Addition and which attaches to the James Hose Drain shall be reduced to a measurement of forty (40) feet from the bank of the drain adjacent to said property owners.

Dated this 8th day of January, 2002.

Montgomery County Drainage Board

By: 

By: 

By: 

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, FEBRUARY 12, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, February 12, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Marian Lindow, League of Women Voters; Larry Utz, Surveying Department; Jeremy Hester, Building Administrator; Jennifer Loesch, Journal-Review; Rob Lee, WIMC/WCVL & WVXI; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:10 AM.

Commissioner Edmiston moved to approve the minutes of the January 8, 2002 and Drainage Board meeting and Commissioner Coudret seconded. 3-0 vote in favor.

Surveyor Larry Utz presented to the Board a Preliminary Report regarding the petitioned James Emerson Drain. "After several visits to the proposed construction site and after an informational meeting with petitioners it is my opinion that this proposed drain is practical for all parties involved and costs, damages and expenses will be less than the benefits accrued, with the Cost Share Program with Soil & Water being the deciding factor for this project". County Attorney Harry Siamas inquired of Surveyor Utz if the drain will improve public health and then be a public utility in the area and Surveyor Utz answered in the affirmative. Once the drain is established assessments will be established. The drain will encompass an additional 60 more acres than petitioned for. The petitioner's attorney Richard Tulley shall file an amended petition including the additional 60 acres including a legal description of the new area, names and addresses of the land involved which must be added as an attachment. After that time a public hearing will be scheduled. Commissioner Coudret made a motion that the preliminary report has been received and approved subject to receiving the amended petition and he matter will be heard at a special Drainage Board meeting on February 26, 2002 and Commissioner Edmiston seconded it. 3-0 vote in favor.

Surveyor Utz advised the Board that all work has been completed on the James Hose Drain. He advised that "the hole is still open at one end of the street". Mr. Birge has filled in the hole. Commissioner Coudret recommended that Surveyor Utz notify Mr. Birge by letter and request that he complete his portion of the agreement.

Commissioner McCormick advised the Board that the report on the Shelly Drain Watershed has been received from Christopher Burke and will be reported on at the next Drainage Board meeting.

Building Administrator Jeremy Hester advised the Board that he has met with the Ben Hur Partners regarding their proposed trailer park located on the old Ben Hur Drive-In property. The Ben Hur Partners advised him that they were going to start from scratch with a new plan. They will re-work the design to include a large pond in the back of the property and pursue an easement to pipe the water off of the property. Administrator Hester advised the Ben Hur Partners that they will need to present a new storm water plan for approval by the Drainage Board.


Building Administrator Jeremy Hester advised the Board that Rick McKinney has began construction on his new home. The footers and the foundation have been laid. Mr. McKinney has been advised that he cannot move the dirt where he forces water off of the property.

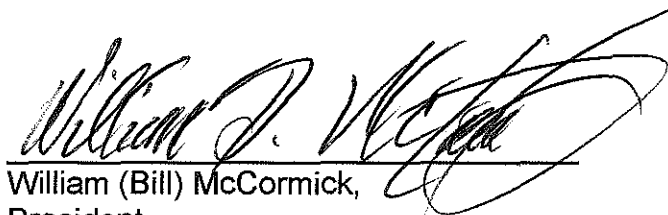
Building Administrator Jeremy Hester presented a storm water plan for the property of Friend for Homeless Animals. He advised that it is a 77 acre tract south of CR200S and 700W located in Ripley Township north of Alamo. Administrator Hester advised that the plan has been reviewed and he recommended approval. Surveyor Utz inquired as to the location of legal drains on the property. Administrator Hester advised that an extensive septic system will be implemented into a five acre septic field which has been approved by the State. Commissioner Coudret made a motion to table the request to the previously scheduled


"Special Drainage Board" meeting on February 26, 2002 and Commissioner Edmiston seconded. 3-0 vote in favor.

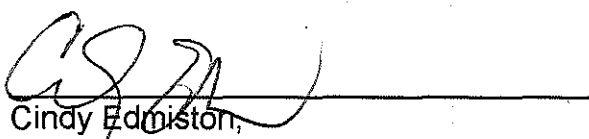
There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.


Lori Dossett,
Secretary


William (Bill) McCormick,
President


Ken Coudret,
Vice President


Cindy Edmiston,
Member

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, FEBRUARY 26, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, February 26, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Nelda Hester, Auditor; Scott Yeager, Surveyor's Office; Jeremy Hester, Building Department.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

February 12, 2002 Drainage Board minutes were approved. 3-0 vote in favor.

Building Administrator Jeremy Hester requested approval for Friends of Homeless Animals storm water plan. Plans approved. 3-0 vote in favor.

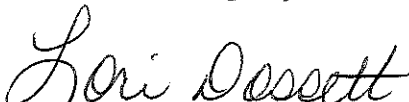
Building Administrator Hester also requested approval for the storm water plan for Bickford Assisted Living Center on 32E & 47N containing 48 units. Retention slope changed 8 to 1 to 3 to 1. He stated the plans called for no more than 1.9 feet of water in the retention pond. He stated there should be no impact on neighbors on SR32 and only the storm water plan is the County's responsibility and he recommended approval. Commissioner Coudret stated an objection to the slope. Commissioner Edmiston recommended approval of the plans as presented and approved by the Building Administrator and Commissioner McCormick seconded it. 2 in favor, 1 opposed. Motion carried.

Scott Yeager of the Surveyor's Office reported on the James Emerson Drain Petition watershed. Everything was taken out north of county road and acreage has been added. No new landowners were added. SEE ATTACHED for information changes. County Attorney Harry Siamas advised that the petition is ready for the next step. A hearing date should be set no less than 30 and no more than 40 days from date of letter sent by attorney for petitioners. Surveyor Utz will set date on hearing at a regular Commissioners meeting.


Commissioner McCormick advised the Board that regarding the Shelly Drain the concern and goal of the city and the County is to get the water out of the area. A lateral detention pond is being discussed. Phase 1 of the project is at a projected cost of \$560,000. Phase 1 & 2 will cost approximately one million dollars to complete. The City and the County are working together to solve the problem in the Shelly Drain Watershed. If the County is able to complete some of the work themselves there would be a cost savings. If dirt can be moved and landscaped it would not have to be hauled away. Attorney Siamas will check into a petition for putting an assessment on this to pay for the project or a bond issue. Commissioner Coudret suggested that perhaps the dirt could be used at the landfill.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.




Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member
Member

Original Acres found in watershed.

Land Owner	Acres inside current watershed	
Moris Davis	66.65 Acres	For
Cheryl A Swank	65.8 Acres	
Jane Wright	19.39 Acres	For
Joe Brent Wilson	21.23 Acres	For
Ronald & Teresa D Madesitt	.702 Acres	
Mennen Family Living Trust (Doris Mennen, Trustee)	59.32 Acres	
Luzadder Peggy Sue (Trustee)	41.48 Acres	
Tyler Nannet	46.06 Acres	For
Michael L & Kae A Patton	37.19 Acres	For
Wayne, Stephen L & Susan	3.72 Acres	For
Bruce & Mark K McClamrock	195.72 Acres	For
Allhands Franklin D & Resina F Allhands JR	16.5 Acres	For
Mary Virginia or Luther L Lofland	54.75 Acres	
	628.512 Total Acres (Old List)	

Revised Acres in watershed

Land Owner	Acres inside current watershed	
Moris Davis	76.45 Acres	For
Cheryl A Swank	39.608 Acres	
Jane Wright	19.39 Acres	For
Joe Brent Wilson	21.61 Acres	For
Ronald & Teresa D Madesitt	.702 Acres	
Mennen Family Living Trust (Doris Mennen, Trustee)	59.32 Acres	
Luzadder Peggy Sue (Trustee)	3 Acres	
Tyler Nannet	74.5 Acres	For
Michael L & Kae A Patton	37.19 Acres	For
Wayne, Stephen L & Susan	3.72 Acres	For
Bruce & Mark K McClamrock	195.72 Acres	For
	531.21 Total Acres (updated list)	

MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, MARCH 12, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, March 12, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Nelda Hester, Auditor; Missy Spencer, Building Department; Tom Adams; Stan Servies, Ben Hur Mobile Home Park partner; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner February 26, 2002 Drainage Board minutes were approved and signed. 3-0 vote in favor.

Missy Spencer of the Building Department appeared for Building Administrator Jeremy Hester who is ill today. She stated that revised plans have been received for the Ben Hur Mobile Home Park and Building Administrator Hester has not reviewed them. Stan Servies representing the Ben Hur Mobile Home Park Partners stated they are negotiation for an easement for drainage. Commissioner McCormick stated that when the easements had been obtained to request to appear before the Drainage Board and a special meeting will be held at the next Commissioner's meeting for approval of the storm water plan.


Surveyor Larry Utz requested a Special Drainage Board for an initial hearing on April 23, 2002 @ 8:00 AM for the James Emerson Petition.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned.




Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member
Member

MONTGOMERY COUNTY DRAINAGE BOARD
SPECIAL MEETING, MONDAY, MARCH 25, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, March 12, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Jeremy Hester Building Administrator; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:30 AM.

Commissioner McCormick called for the Pledge of Allegiance.


Building Administrator Jeremy Hester recommended approval of the storm water plan for Ben Hur Village. He informed the Board that the plans had been updated with a fence added. A drainage easement has been purchased from Dave Price. Commissioner Edmiston moved to recommend approval of the updated plans for the Ben Hur Village and Commissioner McCormick seconded it. 3-0 vote in favor.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.


Meeting adjourned.



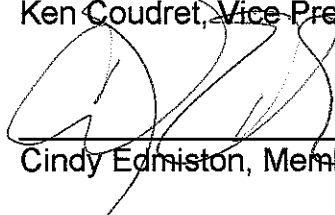
Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD

TUESDAY, APRIL 9, 2002

MINUTES

The Montgomery County Drainage Board met on Tuesday, April 9, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Nelda Hester, Auditor; Jeremy Hester, Building Department; Larry Utz, Surveyor; Raymond Snellenbarger; Jennifer Loesch, Journal-Review; Dave Deckard; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner Edmiston moved to approve the minutes from March 12 and March 25, 2002 and Commissioner Coudret seconded. 3-0 vote in favor.

Surveyor Larry Utz reported to the Drainage Board that he has been working to resolve a problem with the John Martz Legal Drain. Landowner, Bill Crowe has declined efforts to make the necessary repairs to the drain. After discussion, Commissioner McCormick stated he will look over the situation and advise the Commissioners of the next step. Commissioner Coudret moved to table the matter until Commissioner McCormick has been given an opportunity to look over the situation and Commissioner Edmiston seconded. 3-0 vote in favor.

Surveyor Larry Utz stated he has been contacted by Tippecanoe County regarding a drain that runs in Tippecanoe and Montgomery County. He stated that there are holes on the Montgomery County side which need to be repaired. Tippecanoe County has informed him that the account for the repairs is now \$6,000. Surveyor Utz will advise the Board at the next drainage meeting.

Building Administrator Jeremy Hester stated he has been contacted by Karle Enviro Recycling regarding an installation of a pipeline at their facility located on CR250E & CR350E. Building Administrator Hester stated he has contacted IDEM and they are not interested in the project and DNR has stated that they want more information on the project for the reason that the pipeline will be located in the floodplain.


Commissioner McCormick stated that he attended a Crawfordsville Board of Zoning Appeals meeting in which US Aggregates requested a special exception permit. He questioned if the facility would affect the County legal drain. After investigation he has learned that it is not a drain, but is located between two open ditches. Commissioner McCormick recommended approval of the special exception permit. Commissioner Coudret moved to approve the special exception permit and Commissioner Edmiston seconded. 3-0 vote in favor.


Dave Deckard requested an explanation from the Board regarding the not allowing the variance from the ordinance. After discussion, Mr. Deckard was informed that he needs to review with Building Administrator Hester the DLZ report. Commissioner McCormick states that Drainage Board is aware that the ordinance needs to be looked at and is out of date.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.


Meeting adjourned.


Lori Dossett, Secretary


William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

SPECIAL MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, APRIL 16, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 16, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Jeremy Hester, Building Department; Larry Utz, Surveyor; Raymond Snellenbarger; Jennifer Loesch, Journal-Review; Tom Adams; Bill Clarke, Montgomery County Leadership Academy; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Surveyor Larry Utz reported to the Drainage Board that he has been working to resolve a problem with the John Martz Legal Drain. He advised the Board that the headwall is washed out and a legal drain is coming in to it. He requested a hearing to raise assessment for the repair. County Attorney Siamas stated that he will need to review the matter to make certain what steps will need to be taken first. Commissioner Coudret made the motion to table the matter until April 23 when County Attorney Siamas has had an opportunity to review the matter and Commissioner Edmiston seconded it. 3-0 vote in favor.

Building Administrator Jeremy Hester reported to the Board that he has been notified by DNR of a violation by Sam Kessler who has been performing work in the flood plain of Little Raccoon Creek. He advised the Board that Mr. Kessler will have to receive a permit for construction in a floodway.

There being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.

Meeting adjourned @ 8:05 AM




Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

SPECIAL MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, APRIL 23, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 23, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Raymond Snellenbarger; Jennifer Loesch, Journal-Review; Tom Adams; Richard Tulley, petitioners for James Emerson Drain; Tim Nannet, Tyler Nannet, Harold Mennen, Richard Tulley, Mike Patton, Larry Davis, Morris Davis and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

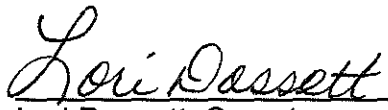
Commissioner Edmiston led the Pledge of Allegiance.

Drainage Board President opened the Public Hearing for the James Emerson Drain Petition. Attorney Richard Tulley presented the Drainage Board an affidavit of mailing notices, proof of publication and the notice sent to all landowners in the proposed watershed of the James Emerson Drain. Surveyor Larry Utz presented a remonstrance letter from Ronald Modesitt. Mr. Modesitt owns 0.72 acres of the proposed watershed. Commissioner Edmiston moved to move forward with the petition for construction of the James Emerson Drain and Commissioner Coudret seconded. 3-0 vote in favor. Tyler Nannet questioned Surveyor Utz if the drain would cross 250W under the road and Surveyor Utz answered in the affirmative.

County Attorney Harry Siamas informed the Board that the next step regarding the John Martz Drain would be a surveyor's report. Surveyor Utz stated he will have the report to the Board in two weeks.

Commissioner Coudret made a motion to recess the Drainage Board @ 8:15 AM and Commissioner Edmiston seconded. 3-0 vote in favor.

Drainage Board President McCormick reconvened the meeting and there being no further business Commissioner Edmiston made a motion to adjourn and Commissioner Coudret seconded it. 3-0 vote in favor.


Lori Dossett, Secretary


William (Bill) McCormick, President


Ken Coudret, Vice President


Cindy Edmiston, Member

IN THE MATTER OF THE PROPOSED
JAMES EMERSON DRAINAGE TILE

AFFIDAVIT

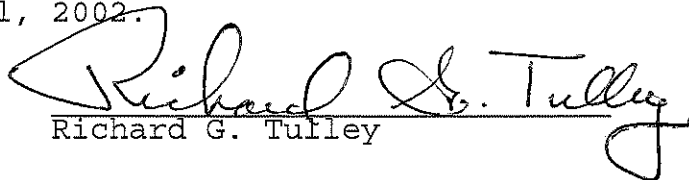
Richard G. Tulley being first sworn upon his oath says.

1. That to March 14, 2002 he as attorney for the Petitioner prepared and mailed the attached notice to each of the owners named as landowners in the proposed watershed of the James Emerson Drain as shown on the attached list. The notice was mailed ordinary first class mail postage affixed.

As of this date none of the notices so mailed have been returned.

2. Further the affiant says he caused said notice to be published in the Crawfordsville Journal Review, a newspaper of general circulation in Montgomery County, Indiana, one time on April 4, 2002.

Dated this 22nd day of April, 2002.


Richard G. Tulley

State of Indiana)
Montgomery County) SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally came RICHARD G. TULLY who witnessed and produced the within AFFIDAVIT and acknowledged the signing and sealing thereof to be a voluntary act and deed for the uses, purposes and objects therein contained and set forth.

WITNESS my hand and Notary Seal, this 22nd day of April, 2002.

Melinda I. Brown
(MELINDA I. BROWN), Notary Public
Residing in Montgomery Co., IN

My Commission Expires:

12.10.08

THIS INSTRUMENT PREPARED BY RICHARD G. TULLY

3\rgt.aff

NOTICE TO WATERSHED LANDOWNERS

Notice is hereby given that a petition was filed with the County Surveyor on December 14, 2001 requesting the establishment of a new legal drain known as the James Emerson Drain, which petition is now pending before the Montgomery County Drain Board.

The new drain would be located in Sections 25, 26, and 35 of Township 20 North Range 5 West. It would begin 800 feet north of County Road 700 North and 2680 feet East of County Road 275 West, continuing Northwest 3280 feet to 80 feet South of the intersection of County Roads 75 North and 275 West.

At least of part of land owned by you is included in the watershed of the proposed new drain.

The Montgomery County Drainage Board will hold a hearing on this petition at 8:00 o'clock a.m. on Tuesday, April 23, 2002 in the Commissioners Room, #100, at the Montgomery County Court House.

BERRY CAPPER & TULLEY
Attorneys for Petitioner

PROOF OF PUBLICATION

State of Indiana,
County of Montgomery

} ss:

Before me, a Notary Public in a County of Montgomery and State of personally appeared **R. G. Dietz**, who t sworn upon his oath, deposes and says, publisher of the Crawfordville Journal f public daily newspaper of general circ Montgomery County, State of Indiana, prin English language and printed and publishe 119 North Green Street in the city of Craw Montgomery County, state of Indiana, and Journal Review has been published contin more than five years last past, in said County; that the notice of Publication, a tru which is hereto annexed was duly published

Notice To Watershed Landowners

Notice is hereby given that a petition was filed with the County Surveyor on December 14, 2001 requesting the establish- ment of a new legal drain known as the James Emerson Drain, which petition is now pending before the Montgomery County Drain Board. The new drain would be located in Sections 25, 26, and 35 of Township

said newspaper, for.....
..... 1..... insertions, succe
which publications were made as follows:

First publication on the..... 4.....
April....., 2002.....
Second publication on the.....
....., 200.....
Third publication on the.....
....., 200.....
Fourth publication on the.....
....., 200.....

20 North Range 5 West.
It would begin 800 feet north of County Road 700 North and 2680 feet East of County Road 275 West, continuing North-west 3280 feet to 80 feet South of the intersection of County Roads 75 North and 275 West.
At least of part of land owned by you is included in the watershed of the proposed new drain.
The Montgomery County Drainage Board will hold a hearing on this petition at 8:00 o'clock a.m. on Tuesday, April 23, 2002 in the Commissioners Room, #100, at the Montgomery County Court House.
BERRY CAPPER & TULLEY
Attorneys for Petitioner
4/4

And that all of said publications were made in compliance with the law.

[Signature]

Subscribed and sworn to before me this 4 day of April, 2002.
Nancy J. Pichel
Notary public

My commission expires 5-8-2008
Publisher's Fee 10.32

PLEASE INCLUDE THIS NUMBER A04022688 WITH YOUR REMITTANCE.

Montgomery County Drainage Board
Larry Utz
110 West Sough Blvd Ste B
Crawfordsville In 47933

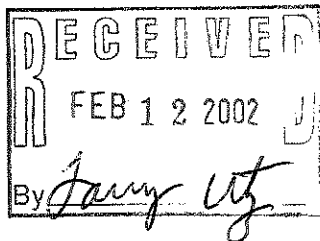
RE: James Emerson petition to make legal drain

Due to my work schedule, I am unable to attend the meeting regarding the above matter, I would, however, like to state that I am opposed to the reconstruction costs, engineering costs, annual assessments or any other fees associated with this project.

Ronald Modesitt

Ronald Modesitt

RR 1 Box 50
New Richmond IN 47967



SPECIAL MONTGOMERY COUNTY DRAINAGE BOARD MEETING
MONDAY, MAY 6, 2002
MINUTES

The Montgomery County Drainage Board met on Monday, May 6, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Raymond Snellenbarger; Jennifer Loesch, Journal-Review; Tom Adams; Tom Mitchell, Crawfordsville Waste Water Treatment; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Surveyor Larry Utz presented his report to the Commissioners regarding the John Martz Legal Drain. Approximately 15 landowners will be affected. Commissioner Coudret moved to accept the Surveyor's report and Commissioner Edmiston seconded. 3-0 vote in favor. Commissioner Coudret moved to set the matter for public hearing on June 11, 2002 @ 8:10 AM and Commissioner Edmiston seconded. 3-0 vote in favor.

Commissioner McCormick questioned Surveyor Utz on the status of the Morman Church survey in Linden. Surveyor Utz advised the Board that he had not been successful in hiring a surveyor to complete the survey. The Board instructed Surveyor Utz to hire Cheryl Cunningham of Cunningham, Parsons & Shartle to prepare the survey.

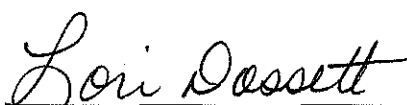
Commissioner McCormick questioned Surveyor Utz on the status of the Rebecca Grimes Ditch/Bi-County Drain with Tippecanoe County. Surveyor Utz stated he has spoken to the Tippecanoe County Surveyor and he informed him that Tippecanoe County would be taking care of the funding of the repairs to the drain. The drain encompasses approximately 10 acres. Commissioner Coudret suggested that Surveyor Utz attend a Tippecanoe County Drainage Board meeting to investigate the status of the drain and Commissioner McCormick stated he will accompany Surveyor Utz to a Tippecanoe County Drainage Board meeting.

Commissioner McCormick questioned Surveyor Utz on the status of the Town of Linden project. Surveyor Utz stated he has contacted Mr. Birge by mailing asking that the work be completed.

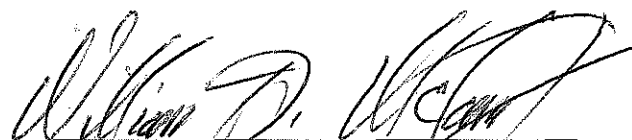
Commissioner McCormick requested permission from the Board to move Health Sanitarian Ron Posthauer from the regular Commissioner's meeting agenda to the Drainage Board agenda. Commissioner Coudret made a motion to approve the move and Commissioner Edmiston seconded. Sanitarian Ron Posthauer reported to the Board the circumstances surrounding the Eastern Acres subdivision and a possible solution to the drainage problems in the area. A list has been compiled of homeowners now on the city sewer and homeowners who can hook on to the city sewer. The sewer is now owned by developer, Dave Price. Sanitarian Posthauer gave a brief history of the sewer system in Eastern Acres. After discussion and possible solutions, Commissioner Coudret moved to grant authority to Commissioner McCormick to proceed with acquiring the sewer system from Dave Price and then turn the system over to the City of Crawfordsville and Commissioner Edmiston seconded. 3-0 vote in favor.

Commissioner Coudret made a motion to adjourn the Drainage Board and Commissioner Edmiston seconded. 3-0 vote in favor.

Meeting adjourned @ 8:50 AM



Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President

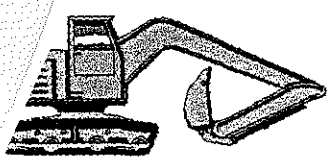


Cindy Edmiston, Member

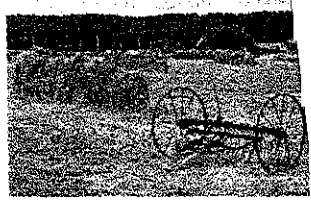
Ditch Number	Land Owner	Address	Aff Acres	Total Amount Due
607-00006-10	Bush, Marvin & Mary	1405 E Main St Crawfordsville, IN 47933	5.00	\$55.04
607-00003-00	Coltrain, Mary Jo Trustee	2435 North Willow Way Crawfordsville, IN 47933	78.07	\$859.43
607-00003-01	Coltrain, Mary Jo Trustee	2435 North Willow Way Crawfordsville, IN 47933	20.00	\$220.17
607-00011-00	Crowe, William	R 1 Box 104 Darlington, IN 47940	167.00	\$1,838.42
607-00012-00	Degitz, William & Rebecca Wray	211 W College St Crawfordsville, IN 47933	89.26	\$982.62
607-00004-00	Fanningam, Carolyn M	R 1 Box 134 Darlington, IN 47940	50.00	\$550.42
607-00003-10	Frazee, James Jr & Deanna Holt	Box 154 Darlington, IN 47940	9.03	\$99.41
607-00006-00	Hadley Associates, INC	694 High St Worthington, Ohio 43085	23.00	\$253.19
607-00005-01	Laverty, Patrick K & Debra S	RR 1 Box 131 Darlington, IN 47940	0.76	\$8.37
607-00005-00	Laverty, Patrick K & Debra S	RR 1 Box 131 Darlington, IN 47940	1.17	\$12.88
607-00009-00	Lough, Patricia A	RR 1 Box 12 Darlington, IN 47940	40.00	\$440.34
607-00007-00	Miller, Gregory & Laura	R 1 Box 324A Darlington, IN 47940	2.48	\$27.30
607-00013-00	Montgomery Co Hwy Dept	818 Whitlock Ave Crawfordsville, IN 47933	4.47	\$49.21
607-00013-10	Newkirk, Michael & Connie	RR 1 Box 132 Darlington, IN 47940	0.73	\$8.04
607-00008-00	Pence, Hugh B	1420 Adams St Lafayette, IN 47905	60.00	\$660.51

Total Acres =	550.97
Total Amount Due =\$	6,065.34
Amount Due Per Acre =\$	11.01

MEETING



CAIN'S HOMELIKE FARMS
R.R. 1 Darlington, In 47940
(765) 794-4688



To: Harry Utz 1/30/02 Fax: 364 3235
Estimate on pipe replacement Martz ditch
Pipe

Pipe Choices

#1 54' x 4' 14 gauge galvanized	\$ 29.94	\$ 1616.76
#2 54' x 4' 14 gauge aluminized	\$ 36.21	\$ 1955.34
#3 54' x 4' 12 gauge galvanized	\$ 40.42	\$ 2182.68
#4 54' x 4' 12 gauge aluminized	\$ 50.24	\$ 2712.96

Equipment, Labor, Material

Band (one needed)		\$ 150.00
6x6' Antiscep collar one needed		\$ 570.00
88 cu yds 2600lb/cu yd 114 ton #53 limestone		\$ 890.00
Excavation Placing & Backfilling Pipe		\$ 1500.00
Labor compacting fill (under & around pipe)		\$ 500.00
Hauling fill		\$ 400.00
Misc. tar, sacrete, etc		\$ 100.00
		\$ 4,110.00

Estimate = pipe of choice + \$4,100 + 15%

Harry keep in mind there will be limited "traffic" over pipe, when making pipe selection. I will have pipe custom made to fit 2' thick concrete box (existing) let me know soon as possible of your choices.

Thank You [Signature]

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MAY 14, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, May 14, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Raymond Snellenbarger; Steve LeJeune Alamo Town Board President & Jim Spence; Jennifer Loesch, Journal-Review; Tom Adams; Rob Lee, WCVL Radio; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner Coudret moved to approve the following minutes: April 9, 2002; April 16, 2002; April 23, 2002, and May 6, 2002 and Commissioner Edmiston seconded. 3-0 votes in favor

Surveyor Larry Utz presented the profile to the Commissioners for the James Emerson Drain. He stated the work has not been completed because of the recent rains. Soil & Water are preparing the plans for the drain and the surveyor's office will be installing the tile. Surveyor Utz informed the Commissioners that he will be meeting with Cheryl Cunningham to discuss the surveying work to be completed for the Mormon Church property in Linden. Commissioner McCormick instructed Surveyor Utz to examine various drainage problems due to the excessive rains that have been received in the County over a brief period of time. He informed the Commissioners that John & Sarah Nevins is not an active drain and William Davis is. It is located on 900 South. It comes into Nevins open drain from the south. Surveyor Utz reported on requests from Commissioner Coudret to examine various drains. He examined the Samuel Remster property on 231 North and stated it is a private drain which enters into Joe Hall which is a legal drain. He will need to clean out the drain or carry a petition to make it a legal drain. A petition had been presented in the past and later withdrawn. The homeowners were requesting to make it into a tributary to the Joe Hall Drain. The drain is normally six feet in height and silt has washed in that it is now about three feet. The State Highway will need to be contacted to have the culvert cleaned out so it will flow into the Joe Hall Drain. He also examined the Gary Scott residence in Linsburg on 550E & 300S. The Board instructed Surveyor Utz to probe and check the tile. Carmen Barger called and complained of high water and when Surveyor Utz went to examine the situation the water had receded. Commissioner Edmiston spoke to Gary Fike of the Linden Town Board and stated that he understands that the Linden elevation is low and reminded her that a referendum had been sent around the town for new drainage and it did not pass. There is nothing the County can do to prevent the drainage problem. Jason Newton on Traction Road is also experiencing water problems and until the Shelly Watershed problem is resolved the County cannot do anything to resolve the problem.


Building Administrator Jeremy Hester presented to the Commissioners a plat for the Ratcliff Subdivision at the corner of 400S & 47S. The storm water plan for the subdivision was approved on August 29, 2000. There was never a plat signed by Commissioners so the developer has not been able to sell of plats. He requested a signature on the plat so it can be recorded. County Attorney Harry Siamas informed the Commissioners that the subdivision should go before the Plan Commission for approval. The Commissioners have not followed the County Ordinance in the past which requires approval of the Plan Commission. After the Plan Commission approves the plan and then should be presented to the Commissioners for approval. After discussion, Administrator Hester is instructed to find out from the City of Crawfordsville if the property in question is within the two-mile limit. If the property is in the two-mile limit then the plat will be presented to the City Plan Commission for their approval. Administrator Hester presented a contract with Christopher Burke to review, update and draft a new storm water ordinance. It has been proposed to work on an hourly basis with a total fee of not more than \$5,000. The \$5,000 will come from the storm water account which now has approximately \$9,000. There are seven items they are agreeing to as part of the contract and one of the topics will include a public meeting with local engineers regarding their input.

Attorney Siamas will need to review the contract. The Commissioners discussed a problem on Ridge Road and Administrator Hester informed the Board that he has looked at the area in question and he placed a call to DNR regarding situation. The County can take action without the DNR. The Board instructed Administrator Hester to instruct the property owners to cease dumping in the area. Commissioner McCormick instructed Administrator Hester and Surveyor Utz to meet with property owner David Todd who resides on 136 East. The Carl Knowling property and the George Washington property. After discussion, Highway Director Brett Cating informed the Board that the fall is as high as it can be. Surveyor Utz informed the Board that Mr. Knowling and Mr. Washington cleared out fence rows along the ditch which is now allowing more water to flow.

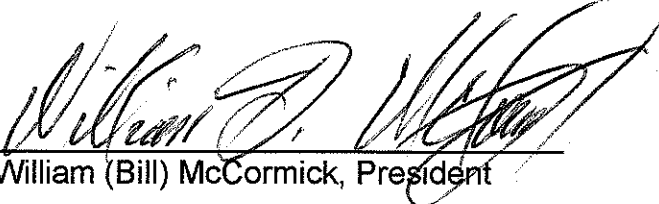
Steve LeJeune, President of the Alamo Town Board questioned the Board on the Jessie Snoddy Ditch. He stated the water is supposed to flow northwest and it flows northeast and it is not helping the flow of water in the town. After discussion, the Board advised Mr. LeJeune as long as the legal drain is not affected the Alamo Town Board can decide whatever course they see fit to correct the drainage problems.

Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 9:00 AM




Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

SPECIAL MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JUNE 4, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, June 4, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry A. Siamas, County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Raymond Snellenbarger; Marian Lindow, League of Women Voters; Anita Hardwick; Larry Frye; Harold Mennen; Robert Seward; Carl Knowling; Charles Cooley; Dave Deckard; R. Needham; Robert A. Smith; Charles O'Dell; Jennifer Loesch, Journal-Review; Rob Lee, WCVL Radio; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner Edmiston moved to approve the Drainage Board minutes of May 14, 2002 and Commissioner Coudret seconded. 3-0 votes in favor

Harold Mennen spoke to the Drainage Board on behalf of Carl Knowling. Mr. Mennen gave a brief history of the area located on SR55 and the problem of flooding. He stated that County cut two tiles during the process. Charles Cooley explained to the Commissioners that he also has flooding on his property. After discussion, Mr. Mennen requested that the Drainage Board investigate the situation and pursue discussions with Rhodes Construction who performed the work and explained the purpose of the project. Commissioner McCormick informed Mr. Mennen, Mr. Knowling and Mr. Cooley that the matter will be investigated. Commissioner McCormick also stated that if the County cut a tile the tile would be repaired. The County will not perform work on private property.

Surveyor Larry Utz provided the profile, elevations and tile sizes for the James Emerson Drain Petition. County Attorney Siamas informed Surveyor Utz that the next step is to prepare assessments and damages and notices of remonstrance. A meeting on the next step for the petition has been scheduled for Tuesday, June 25 @ 8:00 AM.

Commissioner Edmiston questioned Surveyor Utz on the status of the Mormon Church survey. He stated Cheryl Cunningham advised him that she would be in contact with Harry Siamas and Mr. Siamas stated he has not had any conversations with Ms. Cunningham regarding the matter.

Building Administrator Hester informed the Drainage Board that he has not received the recommendations back from DLZ for the storm water plan submitted by Habitat for Humanity. Larry Frye representing Habitat for Humanity read a prepared statement regarding the delays and his feelings of being distraught that the project is not completed. Dave Deckard of Deckard Engineering stated that he feels the design submitted for approval should be accepted. He stated it is a difference of professional opinion. He stated, "This is an organization trying to help people. The issue is a group of citizens who do not want 2nd class citizens in their neighborhood and there is political pressure not to approve the plan. Commissioner McCormick stated that the plans are not in front of the Board and the County's consultant has approved the plans. Commissioner Coudret stated that he has not been approached by anyone not to pass the plans. Mr. Frye stated that it is unfortunate that Mr. Deckard stated that the matter is a political issue. That is strictly the personal opinion of Mr. Deckard, not Habitat for Humanity. Commissioner McCormick stated that he and Building Administrator Hester will speak to Frank Stewart, the DLZ consultant regarding the matter. Bob Seward, 702 Thornwood Drive stated he has not contacted or pressured anyone not to approve the plans. He questioned Mr. Deckard on what the issue is regarding the storm water plans. Mr. Deckard stated that it is the method that they do not agree with.

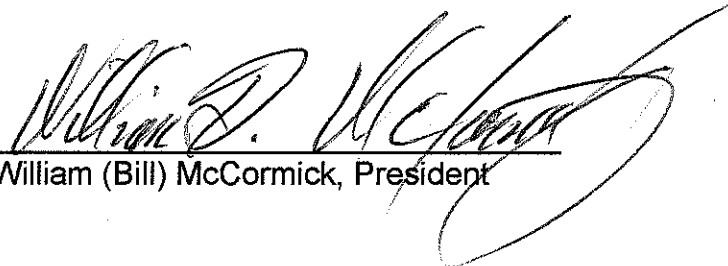
Anita Hardwick, 300S & 900E appeared before the Drainage Board and stated she has the Raymond Weliver Ditch runs through her property. She stated that there are large holes where the water is getting away. She stated she has tried to contact the Surveyor's Office

since April and has not had any response. Surveyor Utz stated Bart Maxwell, Jr. has assured him that he will fix the holes. She stated that the woods are in a mess and Surveyor Utz stated that that also would be cleaned up.

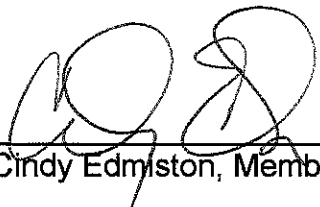
Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 9:15 AM


Lori Dossett, Secretary


William (Bill) McCormick, President


Ken Coudret, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JUNE 11, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, June 11, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Don Schmidt, Deputy County Attorney; Scott Utz, Deputy Surveyor; Jeremy Hester, Building Administrator; Raymond Snellenbarger; Marian Lindow, League of Women Voters; Jennifer Loesch, Journal-Review; Rob Lee, WCVL Radio; Lisa Thomas, property owner; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner Edmiston moved to approve the special Drainage Board minutes of June 4, 2002 and Commissioner Coudret seconded. 3-0 votes in favor.

Commissioner McCormick stated there are topics from the June 4, 2002 Special Drainage Board meeting that the Board should be kept apprised of including: Knowling drainage problem on 55 North; James Emerson hearing & Anita Hardwick property. He also informed the Board that he has spoken to Cheryl Cunningham regarding the Mormon property in Linden and she informed him that it would be approximately two months before her firm could start work on the survey.

Deputy Surveyor Scott Yeager attended the Drainage Board meeting due to the illness of Larry Utz. Commissioner McCormick questioned Deputy Surveyor Yeager on the status of the 900 South project. Deputy Surveyor Yeager stated Surveyor Utz had not given him any information on the subject. Commissioner McCormick stated that the property owner will be starting the process with Soil & Water at the intersection of 231 South & 900 South. The project will encompass approximately 500 yards of tile.

In regards to the Gary Scott property at Linsburg, Deputy Surveyor Yeager advised that Surveyor Utz informed him that the water appeared to be draining well. Commissioner McCormick stated that he understood that there is nothing the County can do for Mr. Scott, but he wanted Surveyor Utz to guide him with suggestions to resolve the water problem.

Deputy Surveyor Yeager advised the Board that his office had received a fax regarding hearing scheduled on June 19 @ 10:00 before the Tippecanoe County Drainage Board regarding the establishment of a new drain to encompass Montgomery and Tippecanoe Counties.

Commissioner McCormick opened the public hearing @ 8:10 AM. Deputy Surveyor Utz informed the Board that all property owners have been notified and the hearing had been properly published. Mr. Webber appeared with no objections, he only questioned what farm the work would be performed on. Commissioner McCormick advised that the work would be performed on the William Crowe property. The Board instructed Deputy Surveyor Utz to proceed to the next step.

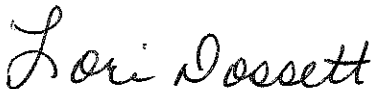
Lisa Thomas appeared before the Board regarding a drainage problem she is experiencing on her property. She stated that she has contacted the Town of Linden for help and has been denied. Deputy Surveyor Yeager presented Ms. Thomas with an accounting of what work had been performed on the James Hose Drain. Ms. Thomas informed the Board that she would like to see a map of where the legal drain ends and the James Hose Drain begins. She was advised by the Board that she should go to the Surveyor's office and Deputy Surveyor Yeager will provide her with a map of the area. She stated that the previous property owners had sued the County and the Town of Linden regarding the flooding problems. Deputy County Attorney Don Schmidt stated to the Board that when he represented Montgomery County in the 80's that they tried at that time to resolve the drainage problems of the Town of Linden. The Town of Linden has advised the Board in the past that they do not have the resources to correct the problems. Commissioner Edmiston stated she has spoken to Mr. Fike

and he understands the matter is a town problem. Ms. Thomas questioned whether the Town of Linden and the County have an agreement to maintain the drain. The responsibility lies with the private landowner to maintain. She stated she has been informed that the Town of Linden has stated that it is a County problem and the County states it is a Town of Linden problem. Commissioner Coudret instructed Deputy Surveyor Yeager to research the Drainage Board minutes where the County accepted the water. He also informed Deputy Surveyor Yeager that his office needed to investigate the recent digging taking place on the James Hose Drain. Deputy Surveyor Yeager stated work is being done to the service road for the new sewage plant. Commissioner Edmiston questioned Ms. Thomas on how many times her home had been flooded. Ms. Thomas stated that in 1998 her home had flooded and in the recent floods on May 12, 2002 she moved out of her home in anticipation of the flood but the waters did not enter her home. She stated that her foundation is crumbling. She stated "we will probably all end up in Court". Ms. Thomas questioned the Board of what course of action would be taken. Commissioner McCormick informed Ms. Thomas that after she has compiled her information and wished to bring the matter back before the Drainage Board she would need to requested to be placed on the agenda.

Commissioner McCormick informed the Board that he and Building Administrator Jeremy Hester will be meeting with representatives from Christopher Burke regarding the Shelly Drain. Building Administrator Hester advised that the surveying on the 14 acres has been completed. He has two appraisers on stand by to appraise the property when the survey maps are completed. The next step in the process will be to contact the landowners. Commissioner McCormick questioned if the list of property owners along the Shelly Ditch had been completed. Deputy Surveyor Yeager stated he has located approximately 487 landowners and anticipates up to 100 landowners to be added to the list.

Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:40 AM



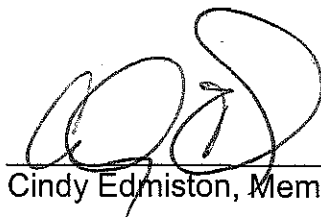
Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, AUGUST 13, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 13, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry Siamas County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Raymond Snellenbarger; Marian Lindow, League of Women Voters; Jennifer Loesch, Journal-Review; Rob Lee, WCVL Radio; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

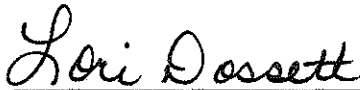
Commissioner Edmiston moved to approve the July 23, 2002 Drainage Board minutes and Commissioner Coudret seconded. 3-0 votes in favor.

Surveyor Larry Utz reported to the Board the various projects he has been working on. The bids for the James Emerson Drain are due August 27, 2002. Work is being done on the Foster/Fletcher ditch. He has received complaints that further work needs to be done on the Sarah Kincaid Ditch. Commissioner Coudret referred a letter received by the Commissioners from Butler Fairman & Seifert regarding section corners.


Building Administrator Jeremy Hester reported he had nothing to report.

Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner McCormick seconded. 3-0 votes in favor.


Meeting adjourned @ 8:15 AM



Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, AUGUST 27, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 27, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Cindy Edmiston; Deputy Surveyor Scott Yeager; Jeremy Hester, Building Administrator; Raymond Snellenbarger; Marian Lindow, League of Women Voters; Jennifer Loesch, Journal-Review; Rob Lee, WCVL Radio; Ed Stephens; Ward Wilkins; Mark & Christina Haderle and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner Edmiston moved to approve the August 13, 2002 Drainage Board minutes and Commissioner McCormick seconded. 2-0 votes in favor.

Commissioner McCormick opened the bids for the Emerson Drain Project @ 8:00 AM. Cain Homelike Farms submitted the only bid. Commissioner Edmiston moved to accept the bid and forward the bid to the Surveyors office and Commissioner McCormick seconded. 2-0 votes in favor.

Ward Wilkins presented the Board with a map of the Sarah Kincaid Ditch and explained to the Commissioners that the tile is in need of repair. He stated that the area from 1000N to the railroad crossing encompassing approximately 4,400 feet which runs parallel to the waterway. He stated that the NRCS has approved the project. After discussion, Mr. Wilkins was advised that the project would be considered a reconstruction and they would need to circulate a petition and obtain signatures from 10% of the landowners. Deputy Surveyor Yeager was instructed to prepare the petition and to guide Mr. Wilkins through the process.

Mark & Christina Haderle advised the Board that they had nothing to bring before the Board at this time.

Building Administrator Jeremy Hester reported he had nothing to report.

Deputy Surveyor Yeager advised the Board that the residence located on 121 East Water Street in Linden which has the James Hose Drain tile running underneath his house. Mr. Yeager advised the Board that Hughes is working on the project.

Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner McCormick seconded. 2-0 votes in favor.

Meeting adjourned @ 8:30 AM.


Lori Dossett, Secretary


William (Bill) McCormick, President


Ken Coudret, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, SEPTEMBER 10, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, September 10, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Surveyor Larry Utz; Jeremy Hester, Building Administrator; Marian Lindow, League of Women Voters; Tina McGrady Journal-Review; Meredith McGrady, job shadowing Tina McGrady; Sam & Mary Remster, property owners; Ed Stephens; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner McCormick requested a motion to approve the August 27, 2002 Drainage Board minutes. Commissioner Edmiston moved to approve the August 27, 2002 Drainage Board minutes and Commissioner Coudret seconded. 3-0 votes in favor.

Surveyor Larry Utz advised the Board that he has examined the Otis Thompson Drain located near Samuel & Mary Remster's property. He stated that the drain is in serious need of repair. The drain needs cleaned out and trees removed. The drain also needs to be put back on maintenance and the drain outlets into the Joe Hall Drain. Surveyor Utz suggested making the Otis Thompson Drain a tributary of the Joe Hall Drain. Surveyor Utz stated that a petition was began in 1991 to have the drain put back on maintenance and was never concluded. Mr. & Mrs. Remster explained that they did not have trouble with flooding until the May 1996 flood. Commissioner McCormick stated he observed the drain during a recent rain and observed the fact that the drain is not deep enough and is filled in. Commissioner Coudret moved to instruct Surveyor Utz to proceed and to assist the Remster's in the petition for maintenance of the drain and Commissioner Edmiston seconded. 3-0 votes in favor.

Surveyor Utz updated the Board of the status of the work being done on the Emerson Drain. He stated that with the recent 9" of rain received in the area of the Emerson Drain that work has not been able to proceed because of the ground being saturated. He stated that he has contacted Soil & Water regarding the delay in proceeding with the work on the drain. The Soil & Water will honor the agreement on the cost share. Commissioner Coudret requested that Surveyor Utz make contact with Lonnie Jones regarding his concern of flooding and Surveyor Utz stated he has spoken to Mr. Jones. Commissioner Coudret stated that the Highway Department will clean out the area near the road which will help slow down the water flow to the Jones property.

Surveyor Utz informed the Board that the work on the McClaskey Drain will most likely need to be put on hold until the ground freezes. Work had been attempted and the trucks marred the ground. He stated he has spoken to the parties involved and they are in agreement that work should wait until the ground freezes.

Surveyor Utz informed the Board that the hole has been filled in where the ground collapsed over the James Hose Drain. Since building has been allowed over the James Hose Drain there is nothing the County can do except to attempt to resolve each problem as it arises. Surveyor Utz stated that if the Town of Linden would clean out the drain grates, it would most likely help the situation. Surveyor Utz supplied a copy of the minutes from June 17, 1985 when the Drainage Board voted to "place the town tile (in Linden) on maintenance assessment with the James Hose Drain and to increase the assessments as proposed; and it will be the towns duty to try and keep the drain grates clear of leaves, ice and debris at all times. Motion passed unanimous."

Building Administrator Jeremy Hester informed the Board that he has been unable to reach Heidtman Steel regarding their upcoming building project. He stated his office has received the State Building permit. The property is located over a County drain. He stated a storm water plan will need to be approved before any building could take place. Commissioner

Coudret suggested contacting John Doyle of Economic Development to inquire the status of the project.

Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner Coudret seconded. 3-0 votes in favor.

Meeting adjourned @ 8:30 AM.



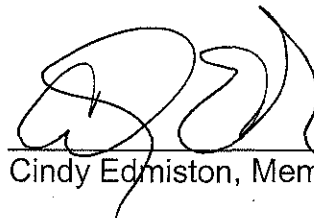
Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

SPECIAL MONTGOMERY COUNTY DRAINAGE BOARD
TUESDAY, SEPTEMBER 17, 2002
MEETING MINUTES

The Montgomery County Drainage Board met for a special meeting on Tuesday, September 17, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; County Attorney Harry Siamas; Jeremy Hester, Building Administrator; Marian Lindow, League of Women Voters; Maria Flora, Journal-Review; Ed Stephens; and Lori Dossett, Secretary.

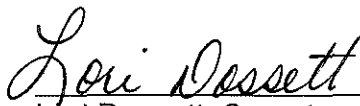
Drainage Board President, William McCormick, called the meeting to order.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner McCormick informed the Board that a loan would need to be obtained to pay for the construction on the James Emerson Drain. Commissioner Coudret moved to authorize Auditor Nelda Hester to put out bids with local banks to obtain a loan in the amount of \$55,000 and Commissioner Edmiston seconded. County Attorney Harry Siamas stated that the statute requires a resolution from the Council giving approval of the loan and the landowners shall be given five (5) years to repay the loan through assessments. Commissioner Edmiston withdrew her second and Commissioner Coudret withdrew his motion. Commissioner Coudret moved to approve a request to Council for a resolution to obtain a loan in the amount of \$55,000 for the construction of the James Emerson Drain and Commissioner Edmiston seconded. 3-0 votes in favor.

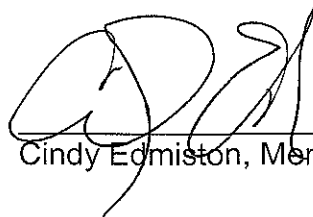
There being no further business, Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner Coudret seconded. 3-0 votes in favor.

Meeting adjourned @ 8:15 AM.


Lori Dossett, Secretary


William (Bill) McCormick, President


Ken Coudret, Vice President


Cindy Edmiston, Member

During the regular Commissioners meeting, September 17, 2002 the Commissioners approved the storm water plan for the North Montgomery Administration building.

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JULY 9, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 9, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Harry Siamas, County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Raymond Snellenbarger; Marian Lindow, League of Women Voters; Jennifer Loesch, Journal-Review; Rob Lee, WCVL Radio; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner Edmiston moved to approve the June 11, 2002 Drainage Board minutes and Commissioner Coudret seconded. 3-0 votes in favor.

Commissioner McCormick asked for a motion to approve a new Drainage Board meeting schedule beginning August, 2002 through December, 2002. The Drainage Board will meet on the 2nd & 4th Tuesday of every month unless otherwise noted. Commissioner Coudret moved to approve the new meeting schedule and Commissioner Edmiston seconded. 3-0 votes in favor.

Surveyor Larry Utz informed the Board that he and Commissioner Coudret met informally with property owners along the proposed Joint Leader/Newton Drain on June 19, 2002. The majority of the drain is located in Tippecanoe County with approximately 72 acres in Montgomery County. On July 3, 2002 Commissioner McCormick and he attended a Tippecanoe County Drainage Board meeting where the Tippecanoe County Drainage Board requested a waiver of the rights of the Montgomery County Drainage Board to be represented on the Leader/Newton Joint Drainage. After discussion, Commissioner McCormick moved to waive the rights of the Montgomery County Drainage Board to the Tippecanoe County Drainage Board and Commissioner Edmiston seconded it. 3-0 votes in favor.

Surveyor Utz reported on repairs to Lye Creek side ditch and an old catch basin are scheduled to begin today. Surveyor Utz reported on a request he had received from Commissioner Coudret to locate drains near a proposed subdivision on New Richmond Road. The closest drain is approximately one-half mile away. Surveyor Utz also informed the Commissioners that Bill Crowe has requested that work on the John Martz Drain not begin until his crops have been harvested. Terry Cain will be performing the work on the drain.

Building Administrator Jeremy Hester discussed with the Board a brief history of the Shelly Drain Watershed and the scope of the proposed project. In 1999, a comprehensive study was prepared by Christopher Burke & Associates to correct the drainage. The cost estimate at that time totaled approximately three million dollars. In December, 2001, Christopher Burke studied the most problematic area being the area located around the Eastern Acres subdivision for the reasons that the area has experienced the most serious flooding problems in the Shelly Drain Watershed; location; easy to add on to to improve the drain; smaller area for a more feasible refined study. Englewood is the dividing line for the two areas for drainage and basins. A proposed detention facility located near Pleasant Run which is located west of the subdivision which would include new underground tile. The detention facility would provide temporary storage and slow the water flow. The land will require a 75' easement and will encompass 14.57 acres and is owned by Kenny Randolph. The property for the detention pond has been appraised. The Shelly Drain Watershed includes approximately 797 property owners covering 328 acres of land. Approximately 1,038 lots could be assessed. The next process will be to involve the landowners with their support and interest in the project with assessment figures. The County will also need to acquire the land for the detention pond and then proceed with the underground installation. Christopher Burke Engineers have estimated the cost of the project to be 1.2 million dollars. After discussion, the area east of Englewood will receive the greatest benefit from the project and will in turn be asked to pay 2/3's of the cost and 1/3 of the cost would be assessed to the west side of

Englewood. The projected estimates per lot/per acre are \$1,380 for the east side of the project and \$643 for the west side of the project. A public meeting will be scheduled in the near future. It will need to be decided how to handle notifying the landowners either by mail or media. Commissioner McCormick stated that the problem all started when building was allowed in an area which was not properly planned for pertaining to drainage.

Building Administrator Jeremy Hester informed the Board that representatives from FEMA and a representative of the DNR will be in Montgomery County on Friday, July 12th to observe damages to individual property as a result of the recent flood. The Highway Department has turned in their damages as a result of the flood.

Surveyor Utz reported to the Board that he will be meeting today @ 12:00 noon with Terry Cain to discuss the needed repairs to the McClaskey Drain on 625 East near the Rocky Ridge Golf Course.

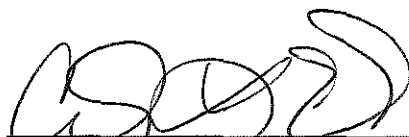
Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:40 AM


Lori Dossett, Secretary


William (Bill) McCormick, President


Ken Coudret, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD
JAMES EMERSON PETITION
TUESDAY, JULY 16, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 16, 2002 in the Superior Court Courtroom at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Assistant County Attorney Don Schmidt; Larry Utz, Surveyor; Attorney Richard Tulley representing the petitioners; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 7:00 PM.

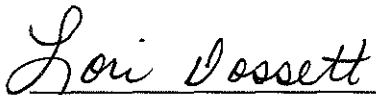
President McCormick questioned whether the proper notices had been sent to all parties. Attorney Richard Tulley stated submitted his Affidavit to the Drainage Board with the proper notices to property owners and the proof of publication. Surveyor Utz stated he has not received any written objections to the petition. Surveyor Utz presented a schedule of estimated costs to each property owner affected. The project will be conducted in conjunction with the Montgomery County Soil & Water.

President McCormick stated that the Board finds the following: "The proposed James Emerson Drain is practicable and will adequately drain the affected land as described in the Surveyor's reports. The costs, damages and expenses of the proposed drain will be less than the benefits accruing to the owners of land benefited by the drain. The proposed drain will be of public utility. Therefore, the Montgomery County Drainage Board does hereby adopt the schedule of damages and assessments, including the annual assessments for periodic maintenance as filed and attached hereto. IT IS THEREFORE ORDERED that the James Emerson Drain is hereby established."

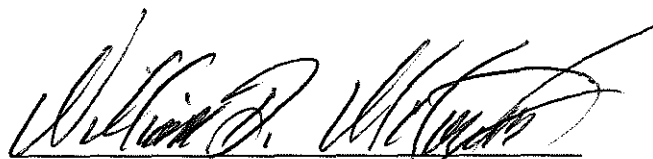
Commissioner Coudret moved to accept the proposed James Emerson Drain and Commissioner McCormick seconded. 2-0 votes in favor.

There being no further business Commissioner Coudret made a motion to adjourn and Commissioner McCormick seconded it. 2-0 vote in favor.

Meeting adjourned.



Lori Dossett, Secretary



William (Bill) McCormick, President



Ken Coudret, Vice President

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JULY 23, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 23, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Bill McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Don Schmidt, Assistant County Attorney; Larry Utz, Surveyor; Jeremy Hester, Building Administrator; Raymond Snellenbarger; Marian Lindow, League of Women Voters; Jennifer Loesch, Journal-Review; Rob Lee, WCVL Radio; Ronald Wharry; Larry Frye; Dave Deckard; Jim Ayers; Robert Seward; and Lori Dossett, Secretary.

Drainage Board President, William McCormick, called the meeting to order at 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner Edmiston moved to approve the July 9 & July 16, 2002 Drainage Board minutes and Commissioner Coudret seconded. 3-0 votes in favor.

Surveyor Larry Utz informed the Commissioners that the bids will be accepted on August 22, 2002 for the Emerson Drain project. He also informed the Commissioners that Bart Maxwell will begin the repair work on the holes on the Hardwick property this week. The work on the Tommy Thompson property has been completed, but is not flowing properly. They will continue to work on it.

Building Administrator Jeremy Hester requested approval of a storm water plan for the Sunset Homes Subdivision. Ronald Wharry spoke on behalf of the developer. He stated they are requesting a variance for a 5:1 side slope and a retention pond 25 feet from the road. After discussion, Commissioner Coudret commented that the Commissioners cannot approve the subdivision and it should be noted that the subdivision is located across the road from an established hog operation. Commissioner Edmiston moved to accept the storm water plan with the variance based on the information and provided on the recommendation of the Jeremy Hester, Building Administrator and Commissioner McCormick seconded. 2 votes in favor, 1 opposed.

Building Administrator Hester advised the Board that he received just before the start of the meeting the final revision of the storm water plan for the Habitat for Humanity project and he has not had time to review the plan. Commissioner McCormick asked Building Administrator Hester if he could review the plans while the Drainage Board recessed and the meeting would reconvened after he has had an opportunity to review the final revision. Larry Frye asked to make a statement regarding the requested revisions. {SEE ATTACHED} After discussion, Commissioner Coudret requested that Building Administrator Hester obtain the advice of Christopher Burke Engineers regarding their opinion on the Huff method.

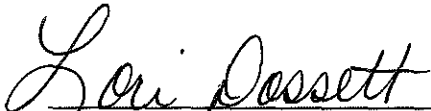
MEETING RECESSED @ 8:30 AM
MEETING RECONVENED @ 9:30 AM


Building Administrator Hester advised the Board that he has had an opportunity to review the storm water plan for the Habitat for Humanity project and stated, "Regarding this revision to the plan you can see that by using the Huff Distribution which is based on actual Midwest rainfall data the required detention is much greater. This method required an additional 4,500 square feet of storage for the same project. As an advisor to the Drainage Board I would always recommend the conservative approach. That way if we are off a little we have too much storage instead of not enough. I recommend approval based on the increase of the storage on the north pond to 3,185 feet and the south pond to 5,778 feet. The inlets have been reduced to roughly four feet by official plats". Commissioner Edmiston moved to accept the drainage plan for Habitat for Humanity and Commissioner McCormick. Jim Ayers and Bob Seward requested that the Board table the matter until they can review the revised plans. After discussion, the storm water plan was approved 3-0 vote in favor.


Dave Deckard presented to the Board an information packet regarding the Huff distribution method and his position on the Storm Water Ordinance. After discussion, Mr. Deckard was informed that the Board is in the process of reviewing the storm water ordinance to make revisions. Mr. Deckard requested public input before the ordinance is revised. Mr. Deckard was informed by the Board that public hearings will be held to discuss the storm water ordinance. Commissioner McCormick commented that the Shelly Drain would have never gotten so out of hand if a storm water ordinance had been in effect.


Commissioner Edmiston made a motion to adjourn the Drainage Board and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 9:50 AM


Lori Dossett, Secretary


William (Bill) McCormick, President


Ken Coudret, Vice President


Cindy Edmiston, Member

the Board an information packet regarding the Huff
ard is in the process of reviewing the storm water ordinance. After discussion, Mr.
requested public input before the ordinance is revised. Mr.
that public hearings will be held to discuss the ordinance.
Mr. commented that

Presentation to the Montgomery County Drainage Board July 22, 2002

I'm Larry Frye and in behalf of the Montgomery County Habitat for Humanity Board of Directors, of which I am a member, I wish to inform you that we reluctantly agreed this past Friday to the latest changes mandated by this Board's consulting firm DLZ for our drainage plan for our proposed housing development at Jennison, Liberty and Russell Streets here in Crawfordsville.

Earlier DLZ performed reviews of our previous plans on November 24, 2001, April 8, 2002, May 9, 2002, and June 6, 2002, the latter one day before we planned to come before this board finally being able, we thought, to perhaps seek approval.

As you know, at that Drainage Board meeting of June 4th our latest drainage plan was not approved based on the recommendation of DLZ, presented by Mr. Hester, that Deckard Engineering and Surveying could only use the Huff method rather than the modified rational method to generate hydrographs, the latter method which apparently Deckard Engineering and Surveying has used for previously approved projects in this county.

At that June 4th board meeting, you suggested to Mr. Hester that he arrange a meeting with Mr. Deckard and DLZ to perhaps work out the problems. No meetings were arranged. It was not until three weeks later, on June 28th that Mr. Hester sent a letter to Mr. Deckard, with copies to you and Habitat, in which quote "DLZ has agreed to work with you (Deckard) to check the proposed design using the Huff Distribution." Mr. Deckard provided the data needed to answer the 4 questions in that letter, with the apparent understanding that the days after July 4th, DLZ could review that data and make a recommendation for this Board's July 9th meeting. That did not happen, thus further delays.

Now we are back again, Mr. Hester informed Mr. Deckard just this past Thursday, July 18th, that based on the data submitted by Deckard Engineering two weeks earlier that DLZ now expects Habitat to increase the underground storage capacity for storm water run-off for the five proposed houses to the north by 1/3 and the underground facility for the storm water run-off of the five houses on the south by 1/2. Thus, at our instruction, Deckard has done so to meet your consultant's latest design change demands. Of course, all these plan redesigns have been expensive and the resulting construction costs increased each time, it is now estimated to cost Habitat the dollars we could have used for constructing two homes.

(over please)

Furthermore, in Mr. Deckard's opinion what DLZ is demanding in increased underground storm water run-off storage perhaps may make sense for a large tract new subdivision but not our little 1.9 acres!

I am not an engineer, and neither are you. We both rely on experts we hire. As you know Mr. Deckard stated at your June 4th meeting, that he and other engineers believe the modified rational method to generate hydrographs is as valid in predicting potential storm water run-off as the Huff method advocated by DLZ.

In behalf of Habitat I would like to know if all other recent projects have had to meet the same Huff distribution analysis system for calculating potential storm water run-off, or is Habitat the first party to come before this Board in which only the Huff calculation method must be used? In Mr. Hester's 28 June letter to Mr. Deckard he stated, quote, "section 6-105-5 of that Ordinance states that Hydrograph techniques and computer modeling methods used to determine storm water run-off shall be proven methods, subject to the approval of the Drainage Board," (quoting from Mr. Hester's 28 June letter to Mr. Deckard). Has the Board approved that only the Huff method must be used and if so when? We respectfully request that either the secretary of this Board or Mr. Hester provide that information in writing to us.

Finally, I respectfully suggest to you that the County Storm Water Ordinance be amended to state that all future projects must use the Huff method of calculation for storm water run-off, if you have so approved only this method of analysis be used, so that any one else coming before the board does not face the difficulties we have had over these past 8 months of costly revisions to our drainage plans to meet a seemingly always changing set of requirements.

Thank you. Mr. Deckard can answer any of your technical questions about our latest revised drainage plan.

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 8, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 8, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Surveyor Larry Utz; Marian Lindow, League of Women Voters; Maria Flora, Journal-Review; Auditor Nelda Hester; Building Administrator, Jeremy Hester; Ed Stephens; Raymond Snellenbarger.

Drainage Board President, William McCormick called the meeting to order @ 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Surveyor Larry Utz presented the Commissioners with a Petition on the Joe Hall Drain. The petition requests the addition of a 3140 foot open ditch combining tributary #2 to Tributary #2 private drain. Landowners are already paying on this drain because it is attached to a legal drain and uses it as an outlet. The monies collected are paid to the Joe Hall Drain. County Attorney Siamas advises the Board there are two avenues that can be taken regarding this matter. Landowners can pay for repair on this as a private drain or it can be brought in as part of the Joe Hall Drain and a hearing date to establish it as a legal drain. Surveyor Utz advises the outlet could be cleaned, but not the private drain. After discussion, Surveyor Utz was instructed to send notice to the landowners on the petition that re located on this strip. The hearing will be held on Tuesday, October 29, 2002 @ 7:00 PM in the Circuit Courtroom. The hearing will also be advertised.

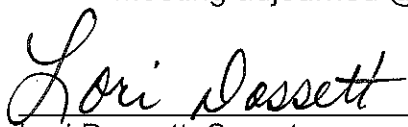
Regarding the James Emerson Drain \$55,000 loan, National City Bank; Linden State Bank; Tri-County Bank; & Bank One submitted loan bids. Commissioner McCormick recommended to accept the bid from National City Bank with an interest rate of 2.93% and Commissioner Edmiston seconded. 3-0 votes in favor.

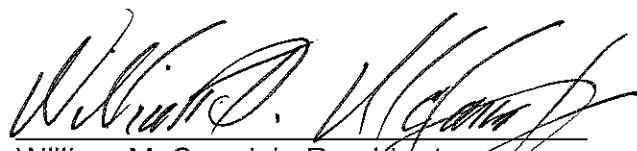
Surveyor Utz informed the Board that Ameritec damaged a tile on the Walthrop Drain. The Board suggested that a bill for the damages be sent to Ameritec.

Building Administrator Jeremy Hester advised the Board that the City Storm Water Ordinance which regulates the city limits and the two-mile corporate boundaries blanket an exemption on storm water if a project is .99 acres. The County Storm Water Ordinance does not red this way. The County Ordinance stated individual case by case basis and does not blanket. Administrator Hester stated that he was concerned it would run into the County's side and cause a problem. He will contact the City stating his disagreement with the ordinance concerning County drains.

Commissioner McCormick informed the Board that there is a possibility of applying to SEMA for a grant for the Shelly Drain Project. A SEMA Grant in the amount of \$40,000 has been awarded to the County. He will be attending a meeting on October 15th with SEMA and representatives from the City to discuss the application for a Hazard Mitigation Grant.

Meeting adjourned @ 8:30 AM.


Lori Dossett, Secretary


William McCormick, President


Ken Coudret, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 22, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 22, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Marian Lindow, League of Women Voters; Building Administrator, Jeremy Hester; Kevin O'Brien, WCVL Radio; Richard Watson and Lori Dossett, Administrative Assistant.

Drainage Board President, William McCormick called the meeting to order @ 8:00 AM.


Commissioner Edmiston led the Pledge of Allegiance.

Commissioner McCormick requested a motion to approve the minutes of October 8, 2002 and Commissioner Edmiston moved to approve the October 8, 2002 minutes and Commissioner Coudret seconded. 3-0 votes in favor.

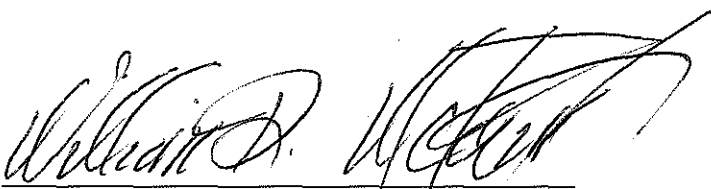
County Attorney Harry Siamas advised the Board that he had received a letter from Larry Fry from the Habitat For Humanity requesting to withdraw their request for the storm water plan. Commissioner Coudret moved to accept the withdrawal of the Habitat for Humanity storm water plan and Commissioner Edmiston seconded. 3-0 votes in favor.

Building Administrator Jeremy Hester withdrew his request for an approval for Heidtman Steel.

Meeting adjourned @ 8:10 AM.



Lori Dossett, Secretary



William McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, NOVEMBER 12, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, November 12, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Marian Lindow, League of Women Voters; Ed Stephens; Raymond Snellenbarger; Gary Livesay; and Lori Dossett, Administrative Assistant.

Drainage Board President, William McCormick called the meeting to order @ 8:00 AM.

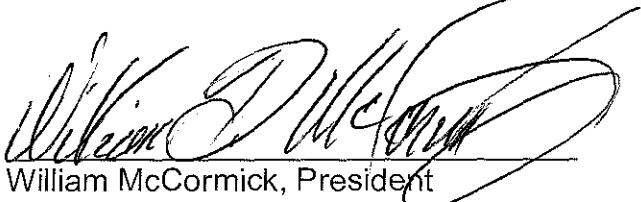
Commissioner Edmiston led the Pledge of Allegiance.

Commissioner McCormick requested a motion to approve the minutes of October 22, 2002 and Commissioner Edmiston moved to approve the October 22, 2002 minutes and Commissioner Coudret seconded. 3-0 votes in favor.

There being no further business Commissioner Edmiston moved to adjourn and Commissioner Coudret seconded. 3-0 votes in favor.

Meeting adjourned @ 8:05 AM.


Lori Dossett, Secretary


William McCormick, President


Ken Coudret, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, NOVEMBER 26, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, November 26, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Marian Lindow, League of Women Voters; Surveyor Larry Utz; Ed Stephens; Raymond Snellenbarger; and Lori Dossett, Administrative Assistant.

Drainage Board President, William McCormick called the meeting to order @ 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.


Commissioner McCormick requested a motion to approve the minutes of November 12, 2002 and Commissioner Edmiston moved to approve the November 12, 2002 minutes and Commissioner Coudret seconded. 3-0 votes in favor.

Surveyor Larry Utz advised the Board that the Remster Petition is scheduled for hearing on December 10, 2002 @ 8:30 AM.

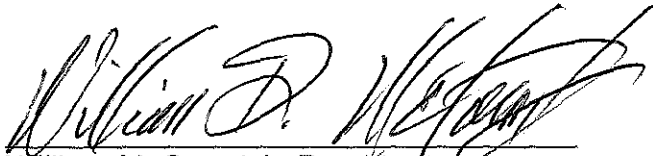
Commissioner McCormick advised the Board that Building Administrator Hester, Surveyor Utz and himself attended a meeting with representatives from the City with FEMA. A plan will need to be compiled in the event of possible disasters to apply for grant monies. He advised that three public meetings will be scheduled to devise a plan. The meetings will be held in January.

There being no further business Commissioner Edmiston moved to adjourn and Commissioner Coudret seconded. 3-0 votes in favor.

Meeting adjourned @ 8:15 AM.



Lori Dossett, Secretary



William McCormick, President



Ken Coudret, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, DECEMBER 10, 2002
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 10, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick, President; Commissioner Ken Coudret, Vice President; Commissioner Cindy Edmiston; Marian Lindow, League of Women Voters; Surveyor Larry Utz; Ed Stephens; Jane Hartwick, Walt Hartwick, David Layton, Matt Powell, Wayne Lasley, Frederick D. Crum, Stan Hatke, David Rush, Gary Remster, Rocky Kobel, Joe Fry, Raymond Snellenbarger; and Lori Dossett, Administrative Assistant.

Drainage Board President, William McCormick called the meeting to order @ 8:00 AM.

Commissioner McCormick requested a motion to approve the minutes of November 26, 2002 and Commissioner Edmiston moved to approve the November 26, 2002 minutes and Commissioner Coudret seconded. 3-0 votes in favor.

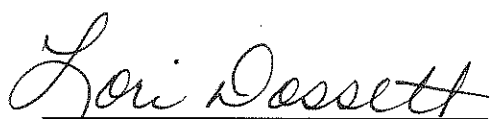
Surveyor Larry Utz advised the Board that the James Sanders Ditch is in need of repair. He presented an estimate from Dave Foster. After discussion, Commissioner McCormick recommended that Surveyor Utz advise Mr. Campbell that his next step should be a reconstruction petition.


Commissioner Coudret moved to recess the Drainage Board until 8:30 AM to re-open the meeting for the Joe Hall Tributary Drain Petition and Commissioner Edmiston seconded. 3-0 votes in favor.

Commissioner McCormick reconvened the Drainage Board meeting. The petition before the Board is to incorporate the tributary to the Joe Hall Legal Drain. Surveyor Utz advised that no one has filed against the petition. After discussion, Commissioner Coudret moved to approve a resolution to add the tributary as defined by the Surveyor to the Joe Hall Drain and Commissioner Edmiston seconded. 3-0 votes in favor.


There being no further business before the Drainage Board, Commissioner Coudret moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:35 AM.


Lori Dossett, Secretary


William McCormick, President

Ken Coudret, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
MONDAY, DECEMBER 30, 2002
MINUTES

The Montgomery County Drainage Board met on Monday, December 30, 2002 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick, President; Commissioner Cindy Edmiston; Marian Lindow, League of Women Voters; Ed Stephens; and Drainage Board Secretary, Lori Dossett.

Drainage Board President, William McCormick called the meeting to order @ 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner McCormick requested a motion to approve the minutes of December 10, 2002 and Commissioner Edmiston moved to approve the December 10, 2002 minutes and Commissioner McCormick seconded. 2-0 votes in favor.

Commissioner McCormick requested that the status of the James Sanders Ditch be reported to the Drainage Board at the next scheduled Drainage Board meeting on January 7, 2003.


Commissioner McCormick read a thank you letter from Samuel & Mary Remster regarding their appreciation of the Drainage Board's prompt attention in resolving the flooding problem on their property.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 2-0 votes in favor.

Meeting adjourned @ 8:05 AM.




Lori Dossett, Secretary



William McCormick, President

Ken Coudret, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JANUARY 14, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, January 14, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick; Commissioner Cindy Edmiston; Commissioner Ed Stephens; Marian Lindow, League of Women Voters; Surveyor Larry Utz; Building Administrator Jeremy Hester; Phil Campbell, landowner; David Lynch, WIMC Radio; Raymond Snellenbarger; Joanna Hammer, Journal-Review; and Drainage Board Secretary, Lori Dossett.

Drainage Board President, William McCormick called the meeting to order @ 8:00 AM.

Commissioner Edmiston led the Pledge of Allegiance.

Commissioner McCormick requested a motion to approve the minutes of December 30, 2002 and Commissioner Edmiston moved to approve the December 30, 2002 minutes and Commissioner McCormick seconded. 2-0 votes in favor.

Commissioner McCormick opened the floor for nominations for the office of President. Commissioner Edmiston nominated Commissioner Stephens for Drainage Board President and Commissioner McCormick seconded. Commissioner Edmiston moved that the nominations be closed and Commissioner McCormick seconded. 3-0 votes in favor.

Commissioner McCormick opened the floor for nominations for the office of Vice President. Commissioner Stephens nominated Commissioner McCormick for Drainage Board Vice President and Commissioner Edmiston seconded. Commissioner Stephens moved that the nominations be closed and Commissioner McCormick seconded. 3-0 votes in favor.

Surveyor Utz advised the Board on the status of the James Sanders Ditch. Dave Foster previously presented a proposal to relocate the outlet 850 feet across the road. Mr. Phil Campbell stated he would like to see the ditch reconstructed. He has been unable to contact the property owners to date. He stated most of the adjacent property owners are out of town for the winter. Surveyor Utz stated that Dave Foster plans to fix the tile holes. Commissioner McCormick moved to table the matter.

Surveyor Utz presented the Board with a reconstruction petition on the Sarah Kincaid Ditch. Surveyor Utz stated the tile is too shallow and too small. Mr. Wilkins denied the request to carry the petition for the reason that he owns a majority of the land in the watershed. There are only 3 or 4 property owners on the watershed. Soil & Water has been contacted and have stated their interest in the project. Mr. Wilkins would like to convert the ditch to a grass waterway. After discussion, the matter was set for informational hearing on Tuesday, February 11, 2003 @ 8:00 AM.

Surveyor Utz advised the Board that Tipmont REMC have requested to reduce the County right-of-way by 25' along the north & east side of the James Hose Drain for a distance of 60' in both directions along the ditch from the part of the tower base nearest the ditch. This will reduce the County right-of-way to 50' from the present 75'. Surveyor Utz recommended that the Board grant the easement. Building Administrator Hester presented site plans for the tower construction. After discussion, Commissioner McCormick moved to grant the easement 60' in either direction of the base of the tower with Tipmont REMC to provide a legal description of the area therefore reducing the easement 25' and Commissioner Edmiston seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:30 AM.

Lori Dossett
Lori Dossett, Secretary

Edward A. Stephens
Edward Stephens, President

William McCormick
William McCormick, Vice President

Cindy Edmiston
Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JANUARY 28, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, January 28, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick; Commissioner Cindy Edmiston; Commissioner Ed Stephens; Marian Lindow, League of Women Voters; Surveyor Larry Utz; Dan Lynch, WIMC Radio; Raymond Snellenbarger; Joanna Hammer, Journal-Review; and Drainage Board Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens requested that Lori Dossett lead the Pledge of Allegiance.

Commissioner Stephens requested a motion to approve the minutes of January 14, 2002 and Commissioner Edmiston moved to approve the January 14, 2002 minutes and Commissioner McCormick seconded. 2-0 votes in favor.

Commissioner Stephens advised the Board that the informational hearing on the Sarah Kincaid Ditch will need to be rescheduled due to a scheduling conflict of the Board. The matter is set for hearing February 25, 2003 @ 8:00 am.

Surveyor Utz discussed with the Board the contract with Butler Fairman & Seifert for section corners and informed the Commissioners that he will pay for the services out of his contract surveying account.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

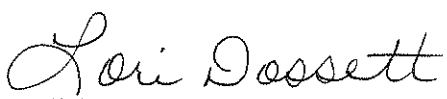
Meeting adjourned @ 8:05 AM.

Meeting re-adjourned @ 9:24 AM.

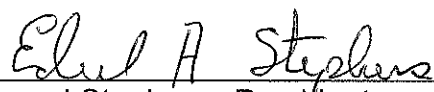
Commissioner Stephens re-adjourned the Drainage Board for the purpose of rescheduling the February 11, 2003 Drainage Board meeting. Commissioner McCormick moved to cancel the February 11, 2003 Drainage Board meeting and Commissioner Edmiston seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 9:26 AM.



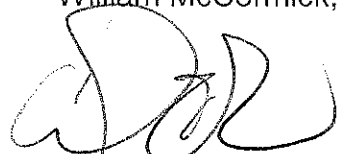
Lori Dossett, Secretary



Edward Stephens, President



William McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, FEBRUARY 25, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, February 25, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick; Commissioner Cindy Edmiston; Commissioner Ed Stephens; Marian Lindow, League of Women Voters; Surveyor Larry Utz; Building Administrator Jeremy Hester; Dan Lynch, WIMC Radio; Raymond Snellenbarger; Darrell Birge; Ward Wilkins; Claude Wilkins; Glen Bymaster; Phil Springer; Dave Stanley, Soil & Water; Joanna Hammer, Journal-Review; and Drainage Board Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens led the Pledge of Allegiance.

Commissioner Stephens requested a motion to approve the minutes of January 28, 2003 and Commissioner Edmiston moved to approve the January 28, 2003 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Commissioner Stephens opened the informational hearing on the Sarah Kincaid Ditch. The petition requests tile to reconstruct: Starting 4092' west of the intersection of 1000 North and 100 West. The 18 inch tile runs for 1000' north; 1287' north east; 396' north, north east, 198' north east. 20" tile runs for 396' east north east; 330' north east. The length of the area to reconstruct is 3,607 feet. Surveyor Utz stated a rough cost estimate is \$14.50 per feet, which would be \$49,300 for the tile to be installed. Dave Stanley representing Soil & Water expressed their position regarding reconstruction of the drain. He stated Soil & Water would like to see the reconstruction work done to the drain in order to comply with the work being planned on the proposed waterway. Attorney Siamas explained the next step in the petition process. Surveyor Utz stated the present maintenance costs on the drain were set in 1966. Mr. Wilkins informed the Board that the tile is in bad shape. It is clay tile which was reconstructed in 1909. After discussion, Commissioner Edmiston moved to instruct Surveyor Utz to provide a written report with cost estimates and Commissioner McCormick seconded. 3-0 votes in favor.

Surveyor Utz presented the Commissioners with assessment figures for the Newton/Leader Drain. County Attorney Siamas will review the assessment figures and report back to the Board.

Surveyor Utz reported to the Commissioners that John Rusk has requested a variance to the easement for the Basil VanCleave Drain. Mr. Rusk would like to construct a garage in the right-of-way. Building Administrator Hester stated he has visited the site and would recommend that the floor of the proposed garage be elevated to the highest point. He estimated 3' above existing grade. Surveyor Utz advised Mr. Rusk wishes to settle the easement issue before applying for a building permit. Surveyor Utz stated if Mr. Rusk were to construct the garage elevated there would still be room for work to be performed on the drain. The drain is new now so it should be quite some time before any maintenance will need to be done to the drain. Commissioner McCormick moved to grant the 32' variance on the VanCleave Drain and Commissioner Edmiston seconded. 3-0 votes in favor.

After review of the Newton/Leader assessment County Attorney Siamas found it to be in order. Commissioner McCormick moved that the Board accept the assessment of an additional \$5.00 per acre and direct the Auditor to add the assessment to the property taxes and Commissioner Edmiston seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:45 AM.

Lori Dossett
Lori Dossett, Secretary

Edward A. Stephens
Edward Stephens, President

William P. McCormick
William McCormick, Vice President

Cindy Edmiston
Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MARCH 11, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, March 11, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William McCormick; Commissioner Cindy Edmiston; Commissioner Ed Stephens; Surveyor Larry Utz; Marian Lindow, League of Women Voters; Dan Lynch, WIMC Radio; Raymond Snellenbarger; Joanna Hammer, Journal-Review; and Drainage Board Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens led the Pledge of Allegiance.

Commissioner Stephens requested a motion to approve the minutes of February 25, 2003 and Commissioner McCormick moved to approve the February 25, 2003 minutes and Commissioner Edmiston seconded. 3-0 votes in favor.


Surveyor Utz advised the Board that he will have the information on the Sarah Kincaid Ditch ready to present at the next Drainage Board meeting. Surveyor Utz stated that there is opposition against the reconstruction. He stated presently there are 63% of the landowners against the petition.

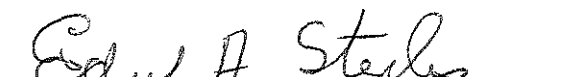
Commissioner McCormick questioned if a representative from the Drainage Board and Surveyor Utz planned to attend the hearing on the Elijah Fugate John Drain which has been scheduled for hearing @ 10:00 AM on April 2, 2003. The matter will be discussed at the next Drainage Board meeting.


Surveyor Utz advised that the Tipmont survey is in order for their tower project.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:05 AM.


Lori Dossett, Secretary


Edward Stephens, President


William McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
MONDAY, MARCH 24, 2003
MINUTES

The Montgomery County Drainage Board met on Monday, March 24, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Cindy Edmiston; Commissioner Ed Stephens; Dan Lynch, WIMC Radio; Ralph Blankenship, Joe Clark, Tim Young, Roger Chapman, Leadership Academy; and Drainage Board Secretary, Lori Dossett.


Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Auditor Nelda Hester led the Pledge of Allegiance.

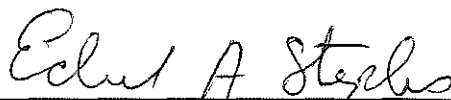
Commissioner Stephens requested a motion to approve the minutes of March 11, 2003 and Commissioner Edmiston moved to approve the March 11, 2003 minutes and Commissioner Stephens seconded. 2-0 votes in favor.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner Stephens seconded. 2-0 votes in favor.

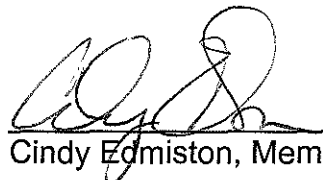
Meeting adjourned @ 8:05 AM.



Lori Dossett, Secretary



Edward Stephens, President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, APRIL 8, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 8, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens; Commissioner Cindy Edmiston; Commissioner William D. McCormick; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Ward Wilkin; Wilkins; Glen Bymaster; Marion Kiger; Darrell Birge; Ed Chenowith; and Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens led the Pledge of Allegiance.

Commissioner Stephens requested a motion to approve the minutes of March 24, 2003 and Commissioner Edmiston moved to approve the March 24, 2003 minutes and Commissioner Stephens seconded. 2-0 votes in favor.

Commissioner Stephens advised that Surveyor Utz would not be attending the Drainage Board meeting for medical reasons.


The Sarah Kincaid Petition for Reconstruction Informational hearing began @ 8:05 AM. Mr. Wilkins advised that they are seeking to reconstruction the Sarah Kincaid Drain on 1000N one-half mile to railroad crossing turning 1000 feet east. He stated the tile is old and the condition of the tile is not good. He advised the reconstruction of the waterway that is currently being done will damage the tile further if the drain is not reconstructed. The water will jump out of the waterway if the drain is not reconstructed. The outlet to the drain has been redone with 24". After discussion, it is unknown if the cost estimate includes the cost share from Soil & Water. Darrell Birge advised the Commissioners in his opinion there is not enough information on the estimate and the estimate is excessive. The matter will be brought before the Drainage Board on April 22nd to include the Soil & Water figures.

Other Business: The Tippecanoe County Drainage Board will present assessment figures on the Fugate Joint Drain on April 29th. Commissioner McCormick advised Commissioner Stephens of a drainage problem on Old 55 and 6 Mt. Zion Court.

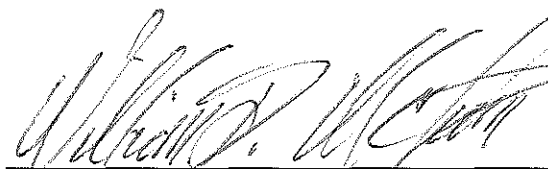
Marion Kiger advised the Commissioners that the property he owns at 414 East Plum Street, Linden is experience excessive water in the basement. He stated some digging occurred at the 503 East Plum Street property. During the digging they hit water and the hole was flooded, it is assumed they hit a spring. Since that time Mr. Kiger has been pumping water from the basement at 414 East Plum Street. Mr. Kiger advised that Jeremy Hester, Scott Yeager, After discussion, Mr. Kiger was advised by Commissioner Stephens that he will look into the matter.

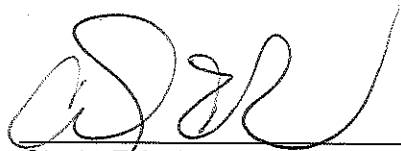
There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:25 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, APRIL 22, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 22, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens; Commissioner Cindy Edmiston; Commissioner William D. McCormick; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Jim Spence & Chris Torp; Marion and Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens led the Pledge of Allegiance.

Commissioner Stephens requested a motion to approve the minutes of April 8, 2003 and Commissioner Edmiston moved to approve the April 8, 2003 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Jim Spence of Pheasants Forever explained to the Drainage Board the importance of water filtering strips for open drains and ditches. The NRCS supports the program and Chris Torp further explained to the Board the different cost share programs that are available when landowners are willing to participate in the various available filtering strip programs. The filter strips help wildlife and the filtering of farm chemicals into drainage ditches and drains. Mr. Torp expressed the importance of the Surveyor promoting the program. The NRCS is willing to handle contacting landowners and advise them of the various programs if they could be apprised of when ditches or drains are being cleaned or improvements planned.

Old Business: Marion Kiger advised the Board he is still having water problems with his property on 414 East Plum Street, Linden. After discussion, Commissioner Stephens advised Mr. Kiger that he and the Building Administrator will look into the problem.

Commissioner Stephens advised the Board that he and Surveyor Utz are in the process of finding a solution to the problems on Old 55 and at the Old Mount Zion School.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:30 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
MONDAY, MAY 12, 2003
MINUTES

The Montgomery County Drainage Board met on Monday, May 12, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens; Commissioner Cindy Edmiston; Commissioner William D. McCormick; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Rhonda Springer, Mary Rose Martin Duncan, Ward Wilkins, Darrell Burge, Clint Wilkins, Gene Farrow, Glen Bymaster, Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens led the Pledge of Allegiance.

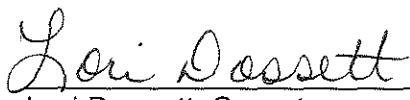
Commissioner Stephens requested a motion to approve the minutes of April 22, 2003 and Commissioner McCormick moved to approve the April 22, 2003 minutes and Commissioner Edmiston seconded. 3-0 votes in favor.

The Sarah Kincaid Drain informational hearing began @ 8:00 AM. Surveyor Larry Utz advised that Soil & Water would be contributing \$1.45 per foot for up to a 6" tile which would total \$3,400.90 towards the project and they would contribute \$2.20 per foot for pea gravel on the 16' waterway. Leaving a total cost for reassessment in the amount of \$66,267.56 with a per acre estimate of \$120.33. Ward Wilkins questioned whether the price included work under 1000N. Surveyor Utz stated that Highway Director Brett Cating informed him that he did not believe it was necessary to go under the road. After discussion, Surveyor Utz filed his preliminary report with the Board. Commissioner Edmiston moved to accept the report filed by Surveyor Utz and to set the matter for public hearing on June 24, 2003 @ 8:00 AM and Commissioner McCormick seconded. After discussion, Commissioner Stephens called for a vote on the motion. 3-0 votes in favor.

Gene Farrow appeared before the Board requesting that the Marion Conner Drain be placed on maintenance. He stated the drain is an 18" tile in Walnut Township running into Boone County. Surveyor Utz advised that there are 868.78 acres in Montgomery County and 604.17 acres in Boone County. The drain was constructed in 1880 and it has never been assessed. The drain has a 3,600 foot open ditch. Mr. Farrow stated he has spoken to a majority of the landowners who are not opposed to the ditch being put on maintenance assessment. Surveyor Utz will speak to the Boone County Surveyor and report back to the Board at the next scheduled meeting.


There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:38 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

Sarah Kincaid Drain

Landowner (Sarah Kincaid) #530	Address	City, State, Zip	Aff Acres	Percent in WS	Estimate Cost	Ditch #
Bymaster, Rosemary Living Trust	R 1 Box 26	New Richmond, IN 47969	10	1.72%	\$1,203.28	530-00001-00
Bymaster, Rosemary Living Trust	R 1 Box 26	New Richmond, IN 47969	27.92	4.82%	\$3,359.55	530-00001-01
Chenoweth, Edwin & Thelma M	RR 1 Box 21	Linden, IN 47955	40	6.90%	\$4,813.11	53000002-00
Chenoweth, Edwin & Thelma M	RR 1 Box 21	Linden, IN 47955	40	6.90%	\$4,813.11	530-00002-10
Chenoweth, Edwin & Thelma M	RR 1 Box 21	Linden, IN 47955	20	3.45%	\$2,406.56	530-00002-11
Chenoweth, Edwin & Thelma M	RR 1 Box 21	Linden, IN 47955	20	3.45%	\$2,406.56	530-00002-01
Duncan, Mary Rose ETAL	8 Glenway Dr.	Crawfordsville, IN 47933	150	25.87%	\$18,049.17	530-00004-00
Duncan, Mary Rose ETAL	8 Glenway Dr.	Crawfordsville, IN 47933	49.65	8.56%	\$5,974.28	530-00004-04
McClamroch, W. Tobin	1006 Chamber Corn	Indianapolis, IN 46204	5	0.86%	\$601.64	530-00001-10
Montgomery County Highway Dept.	818 Whitlock Ave	Crawfordsville, IN 47933	2.9	0.50%	\$348.95	530-00008-00
Nickel Plate Railroad OR Norfolk & Western	110 Franklin Rd SE	Roanoke, VA 24012	4.3	0.74%	\$517.41	530-00007-00
Wilkins Farms INC an IN Corp	R 1 Box 26	Linden, IN 47955	110	18.97%	\$13,236.06	530-00004-00
Wilkins, Harold Ward Life	R 1 Box 26	Linden, IN 47955	100	17.25%	\$12,032.78	530-00005-04

Total Acres in Watershed = 579.77

Total Project Estimated Cost = \$69,762.47

Estimate Soil & Water Contribution = \$3,494.90

Estimate Cost With Soil & Water = \$66,267.56

Price per Acre Estimate = \$120.33

The only part of the reconstruction the Soil & Water will help with, is on the Wilkins Property.

Sarah Kincaid Lengths

X	Y	Distance
198	132	237.9663842
792		792
264	264	373.3523805
2574		2574
198	99	221.3707298
198	396	442.7414595
462	660	805.6326706
231	190	299.1003176
165	198	257.7382393
165	762	779.6595411
349	363	503.5573453
1452		1452
1339	430	1406.350241
430		430
132	132	186.6761902
363	100	376.5222437
100	300	316.227766

Total Length =	11454.89551
Length from 1000 N =	3963.776441
Distance Soil and Water will contribute to =	2410.27685
Soil and Water contribution (\$1.45 ft) =	\$3,494.90
Cost of 24" installed per ft with pea gravel =	\$16.00
Total Estimate Cost With 10% Cont. =	\$69,762.47
Cost with Soil & Water Contribution =	\$66,267.56

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MAY 27, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, May 27, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens; Commissioner Cindy Edmiston; Commissioner William D. McCormick; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Building Administrator Jeremy Hester; Raymond Snellenbarger; Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner McCormick led the Pledge of Allegiance.


Commissioner Stephens requested a motion to approve the minutes of May 12, 2003 and Commissioner McCormick moved to approve the May 12, 2003 minutes and Commissioner Edmiston seconded. 3-0 votes in favor.


Marion Conner Drain: Commissioner McCormick moved to table the Marion Conner Drain to the next Drainage Board meeting to be held on Tuesday, June 10, 2003 and Commissioner Edmiston seconded. 3-0 votes in favor.

Building Administrator Jeremy Hester presented a storm water plan for the proposed construction of the New Market Volunteer Fire Department. The site is 1.1 acres and is located on the corner of 4th & Main Street. The fire house is proposed to be a 64 x 120 foot structure with 19,300 square feet of concrete drive and parking area. Two small detention ponds with a maximum depth of three feet will be located on the site with a 12" outlet pipe to the west/south-west corner into the Basil VanCleave County Ditch. Surveyor Utz advised Administrator Hester that the project has permission to use the ditch as an outlet. The two ponds will be connected with a pipe. The storm water plan is requesting two variances being the detention pond location 50 feet from the property lines and the buildings themselves. Administrator Hester stated with the lot size this requirement is impossible. Administrator Hester advised that Frank Stewart from DLZ has reviewed the storm water plans. Administrator Hester recommends approval of the storm water plan. Commissioner Edmiston moved to approve the storm water plan for the New Market Volunteer Fire Department based on the recommendations of the Building Administrator with the understanding that he will receive written documentation from Surveyor Utz and the use of the Basil VanCleave County Ditch and Commissioner McCormick seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:15 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President

Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JUNE 10, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, June 10, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens; Commissioner William D. McCormick; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Building Administrator Jeremy Hester; Raymond Snellenbarger; Linda Chesterson; Ed Morris, Morris & Associates; Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner McCormick led the Pledge of Allegiance.

Commissioner Stephens requested a motion to approve the minutes of May 27, 2003 and Commissioner McCormick moved to approve the May 27, 2003 minutes and Commissioner Stephens seconded. 2-0 votes in favor.

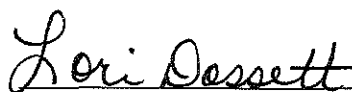
Marion Conner Drain tabled and to remain on the agenda under Old Business.


Building Administrator Jeremy Hester presented a storm water plan for the proposed Krazy D's Truck Stop site located at SR 32 East and Nucor Road. The building site is 15.5 acres which will hold three detention ponds with a runoff to Little Sugar Creek. Ninety percent of the site will be blacktop. Administrator Hester advised that the storm water plan meets the Building Department's requirements. Commissioner McCormick questioned the runoff to Little Sugar Creek and the possibility of water contamination. Ed Morris of Morris & Associates advised the Board that safety stop valves on the detention ponds' outfalls could be installed as a precaution. After discussion, Commissioner McCormick moved to take the storm water plan under advisement until such time that documentation could be received from Ed Morris stating the shut off valves on the detention ponds would be installed. After discussion, Commissioner McCormick withdrew his motion and moved to approve the storm water plan subject to receiving documentation from Morris & Associates that the shut off valves would be installed and Commissioner Stephens seconded. 2-0 votes in favor.

Other Business: Linda Chesterson appeared before the Board requesting approval of a Sanitary Sewer Line Easement. Residents residing in Eastern Acres are requesting to hook on to the City of Crawfordsville sewer system. In order to allow the connection of the sewer system, an easement from the County is needed to cross Pleasant Run, a public street. Commissioner McCormick moved to approve the Sanitary Sewer Line Easement and Commissioner Stephens seconded. 2-0 votes in favor.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 2-0 votes in favor.

Meeting adjourned @ 8:25 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

Jun 10 2003 10:03

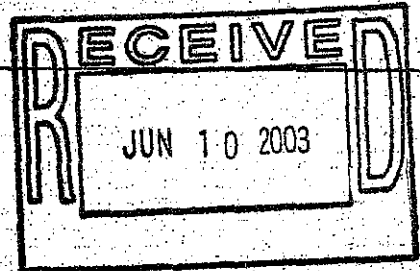
HAAS

219-872-9489

P.



Ed



VIA FACSIMILE 317-776-2078, 765-361-3238

June 10, 2003

Mr. Ed Morris
Morris and Associates, Inc.
853 Conner Street
Noblesville, IN 46060

Mr. Jeremy Hester
Montgomery County Building Commission
100 E. Main Street
Crawfordsville, IN 47933

Re: Krazy D's Travel Center, Crawfordsville, IN
Outfall Pipe Emergency Shut-off Valve

Gentlemen:

In order to eliminate any contamination entering the adjoining properties of the above listed project, Mr. Ken Ford, owner of Krazy D's Travel Center, has approved installing emergency shut-off valves on each of the two detention basin outfall pipes. The valves shall be a DeZurik Eccentric Plug Valve, series 100, or equal. This type of valve is a 90° turn on-off.

Each valve shall be installed in line with the outfall pipe with a push-on joint and gasket type joint, and shall have a standard 2" nut operator, with cast iron valve box and cover over the nut for buried operation. The valve has a cast iron body, stainless steel bearings, nickel seats and all metal plug.

An 8" plug valve will be installed on the south basin, and a 10" valve will be installed on the north basin. If you have any additional questions, please contact me immediately.

Very truly yours,

HAAS & ASSOCIATES, L.L.C.

Warren P. Thiede

Cc: Mr. Ken Ford

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JUNE 24, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, June 24, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens; Commissioner William D. McCormick; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Surveyor Larry Utz; Raymond Snellenbarger; Andrea Campbell; Glen Bymaster; Clint Wilkins; Ward Wilkins; Jack Klepfer; Mary Rose Duncan; Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

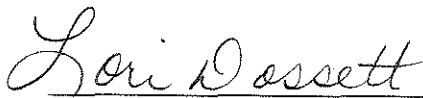
Commissioner McCormick led the Pledge of Allegiance.

Commissioner Stephens requested a motion to approve the minutes of June 10, 2003 and Commissioner Edmiston moved to approve the June 10, 2003 minutes and Commissioner McCormick seconded. 3-0 votes in favor.


Commissioner Stephens opened the Sarah Kincaid Formal Hearing @ 8:05 AM. County Attorney Harry Siamas explained the procedures for the formal hearing. Surveyor Utz stated no parties had filed written objections in his office and no written objections have been received from the Board. Surveyor Utz stated that Clint Wilkins had advised his office that they are requesting to have the monies pledged from Soil & Water to be removed from the Sarah Kincaid Drain reconstruction project and they are requesting to have the estimate include pea gravel. After discussion, the Surveyor Utz confirmed that the notices stated \$61,042.16 for the total project estimated cost with an estimated price of \$105.29 per acre. Commissioner McCormick moved to take the matter under advisement to consider the changed schedule of cost to the property owners. After further discussion, Commissioner McCormick moved to withdraw his motion. Commissioner McCormick moved to proceed with the \$61,042.16 Sarah Kincaid Drain reconstruction project and Commissioner Edmiston seconded. Commissioner McCormick further moved to amend his motion to include the cost for construction and maintenance and to accept the schedule of assessment for the reason that the benefits to the landowners exceeds the cost of the project and the report of the Surveyor is accepted and Commissioner Edmiston seconded. 3-0 votes in favor. The decision of the Board will be published. The bids for the project will be opened on August 12, 2003 @ 8:00 AM.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.


Meeting adjourned @ 8:50 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



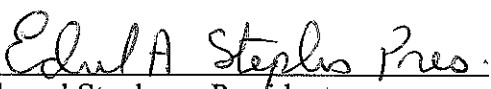
Cindy Edmiston, Member

RESOLUTION OF MONTGOMERY COUNTY DRAINAGE BOARD
REGARDING THE RECONSTRUCTION OF THE SARAH KINCAID DRAIN

The Montgomery County Drainage Board having met in its regular session on June 24, 2003 for consideration of the Surveyor's report on the reconstruction of the Sarah Kincaid Drain as well as any objections thereto and the Board specifically finds:

- 1) Notice of the hearing and assessments was mailed to all affected landowners.
- 2) Notice of the hearing was published pursuant to statute.
- 3) No written objections to the reconstruction project have been filed with the Board.
- 4) No objections were offered into evidence at the hearing.
- 5) The total cost of the project will be \$66,682. \$64,731 will be assessed and paid by landowners with assessments over a 5 year period. Approximately \$1950 will be paid from maintenance funds when those assessments are received. The total bid cost of \$66,682 is within the statutory parameters of the Surveyor's original estimated project cost of \$61,042.16.
- 6) The costs, damages, and expenses of the proposed reconstruction will be less than the benefits accruing to the owners of land benefited by the construction.
- 7) The Surveyor's reconstruction report and the schedule of damages and assessments, including annual assessments for periodic maintenance as amended by the Board in paragraph 5 are adopted by the Board.

IT IS THEREFORE ORDERED BY THE MONTGOMERY COUNTY
DRAINAGE BOARD THE PROPOSED RECONSTRUCTION OF THE SARAH
KINCAID DRAIN IS ESTABLISHED THIS 24TH DAY OF JUNE 2003.


Edward Stephens, President

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JULY 8, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 8, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens; Commissioner William D. McCormick; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Deputy Surveyor Scott Yeager; Raymond Snellenbarger; Kenny Cain, Darrell Birge, Richard Inskeep, John McCorkle, Andrew McCorkle, Ron Foxworthy; Building Administrator Jeremy Hester; and Secretary, Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner McCormick led the Pledge of Allegiance.

Commissioner Stephens requested a motion to approve the minutes of June 24, 2003 and Commissioner Edmiston moved to approve the June 24, 2003 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Richard Inskeep appeared before the Board with Kenny Cain. Mr. Inskeep is requesting that approximately 300 feet of tile be replaced on the Alan Lewis Drain. Kenny Cain advised the Board that in his opinion more surveying is needed on the drain. Darrell Birge stated the drain is a twin tile. Commissioner McCormick asked Deputy Surveyor Scott Yeager how many property owners were in the watershed. Deputy Surveyor Yeager said he did not know. After discussion, Commissioner McCormick moved to take the matter under advisement and instructed Mr. Inskeep to work with the Surveyor's office and instructed the Surveyor's office to report back to the Drainage Board on July 22nd and Commissioner Edmiston seconded. 3-0 votes in favor.

Building Administrator Jeremy Hester advised that the Town of New Market is in the process of applying for grant monies to fund a drainage system improvement project for the four block area of downtown New Market. After discussion, Commissioner Edmiston moved to sign the letter in support of the grant application and Commissioner McCormick seconded. 3-0 votes in favor.

Other Business: John McCorkle appeared before the Drainage Board asking that a private drain located one-half mile east of 25 running approximately three-quarters of a mile from Coal Creek to Tippecanoe County be established as a regulated drain. Mr. McCorkle was advised that both the Montgomery County Surveyor and the Tippecanoe County Surveyor will be involved in the decision on what County will carry the load. Mr. McCorkle asked if he could carry a petition now to expedite the process and he was informed that he could.


Other Business: Darrell Birge requested permission from the Drainage Board to install a perimeter drain at his residence. He stated he wishes to run a feeder into the James Hose Drain. Mr. Birge was advised that he will need to contact Surveyor Utz.


There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:50 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JULY 22, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 22, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Raymond Snellenbarger; Richard Inskeep; Elizabeth Justus; Stuart Weliever; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens led the Pledge of Allegiance.

Commissioner McCormick moved to approve the minutes of the July 8, 2003 meeting at the next scheduled Drainage Board meeting and Commissioner Edmiston seconded. 3-0 votes in favor.


Old Business: Richard Inskeep appeared before the Drainage Board. Mr. Inskeep stated he had not been contacted by the Surveyor's Office since he appeared before the Drainage Board on July 8, 2003. Surveyor Utz did not attend the meeting. Commissioner Stephens questioned Mr. Inskeep if he had contacted the Surveyor's office and he stated he has tried in the past unsuccessfully. Commissioner Stephens stated he will contact the Surveyor's office and be in touch with Mr. Inskeep.

Other Business: Elizabeth Justus appeared before the Drainage Board and stated she is representing P.J. & Faith Gentry regarding the proposed site of the New Market Fire Department. She stated she attempted to meet with Surveyor Utz on July 21st and was informed he was ill. Ms. Justus requested permission from the Drainage Board to contact DLZ who performed the engineering work on the site. She stated in her opinion the site is too small and there will be too much water run-off. The Drainage Board members informed her that she can contact Building Administrator Jeremy Hester and Mr. Hester will get her a name and a telephone number for DLZ. Ms. Justus added in her opinion the Drainage Board should notify adjoining landowners. The Drainage Board is not required to notify adjoining property owners but should consider amending the ordinance.

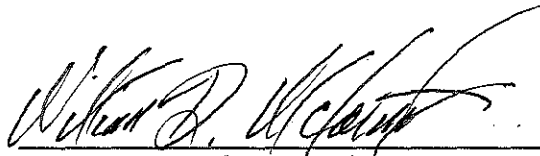
Stuart Weliver appeared before the Drainage Board and stated he has been contacted by George Cox regarding the tile running underneath CR625E which was recently replaced. He stated the name of the tile is the Anna Campbell Ditch. He questioned if it was assessed as a County ditch. He stated no assessments are being paid on the ditch now. He questioned that if the tile was abandoned what parties would be responsible to repair the tile and should it be petitioned for reconstruction. He questioned if the tile is owned to the middle of the road then the property owners opposite should be responsible for half of the costs to repair the tile. The County dug out the road, Cain Excavating replaced the tile and compacted the gravel to road level and at a later date the County will come back and re-black top that section of road. The Cain's are holding the invoice for the work until it can be established who is responsible to pay for the replacement of the tile. Commissioner Stephens will be in touch with the Surveyor's office to discuss the status of the tile.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

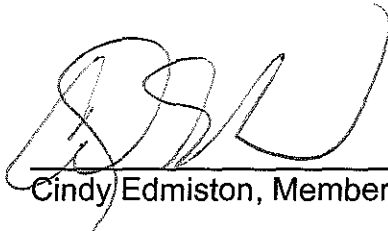
Meeting adjourned @ 8:21 AM.


Lori Dossett, Secretary


Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, AUGUST 12, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 12, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Surveyor Larry Utz; Raymond Snellenbarger; Glen Bymaster; Rex Collom; Ward Wilkins; Clint Wilkins; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Lori Dossett led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the July 8, 2003 minutes. Commissioner Edmiston moved to approve the minutes of the July 8, 2003 and Commissioner McCormick seconded. 3-0 votes in favor.

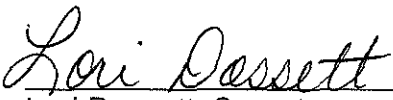
Commissioner Stephens called for a motion to approve the July 22, 2003 minutes. Commissioner Edmiston moved to approve the minutes of July 22, 2003 and Commissioner McCormick seconded. Commissioner McCormick questioned whether the old business from July 22nd, Dick Inskeep's drainage concerns had been addressed. Surveyor Utz advised he has spoken to Mr. Inskeep and the plans are to replace 500' of tile. 3-0 votes in favor.

Surveyor Utz presented one bid for the Sarah Kincaid Drain project. Attorney Harry Siamas opened the bid from Darrell Birge @ 8:00 a.m. Surveyor Utz provided the proof of publication for the Notice to Bidders which was published on July 8, 2003. The bid is for 24" perforated tile - \$14.85 per foot; locate & destroy existing tile \$1.00 per foot; 10% contingencies cost - \$5,800 for a total bid of \$68,613.55. The estimated cost of project previously submitted is: \$61,042.16. After discussion, Commissioner McCormick moved to turn the bid back to Surveyor Utz after speaking to Mr. Birge about his bid and report back to the Drainage Board at the next scheduled meeting on August 26, 2003.

Other Business: Commissioner McCormick questioned if Surveyor Utz had been contacted by anyone regarding the McCorkle drainage problems. Surveyor Utz stated no one has contacted his office.

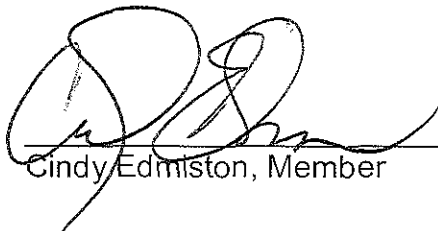
There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:26 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, AUGUST 26, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 26, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Surveyor Larry Utz; Raymond Snellenbarger; Ward Wilkins; Clint Wilkins; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:05 AM.

Auditor-Elect Carole Barton led the Pledge of Allegiance.


Commissioner Stephens called for a motion to approve the August 12, 2003 minutes. Commissioner McCormick moved to approve the minutes of the August 12, 2003 and Commissioner Stephens seconded. 3-0 votes in favor.

Sarah Kincaid Drain Reconstruction Project: Surveyor Utz advised the Board that he has spoken to Darrell Birge regarding the bid he submitted. Surveyor Utz stated Mr. Birge is willing to decrease his bid to \$66,682.05. The original bid totaled \$68,633.55. Mr. Birge will receive \$1,951.50 from the maintenance fund for the remainder of the fee of tearing out the old tile. Surveyor Utz will prepare an agreement with Mr. Birge and provide a copy to the Board. Commissioner McCormick moved to use the \$1,951.50 out of the maintenance fund in order to get the reconstruction project started and Commissioner Edmiston seconded. Attorney Siamas cautioned that the money should be spent for maintenance and Surveyor Utz stated it is maintenance. 3-0 votes in favor.


Commissioner Stephens called for a motion to accept the bid from Birge Drainage for the reconstruction project of the Sarah Kincaid Drain. Commissioner McCormick moved to accept the bid of \$66,682.05 from Birge Drainage for the reconstruction of the Sarah Kincaid Drain and Commissioner Edmiston seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.


Meeting adjourned @ 8:15 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, SEPTEMBER 9, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, September 9, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Surveyor Larry Utz; Building Administrator Jeremy Hester; Raymond Snellenbarger; Rex Collom; Charlie Alvey, Bernardin & Lochmeuller; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:05 AM.

Commissioner Stephens led the Pledge of Allegiance and a silent prayer for Governor Frank O'Bannon for a fast recovery from the recent stroke that he suffered on Monday, September 8, 2003.

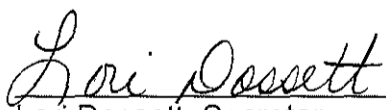
Commissioner Stephens called for a motion to approve the August 26, 2003 minutes. Commissioner McCormick moved to approve the minutes of the August 26, 2003 and Commissioner Edmiston seconded. 3-0 votes in favor.

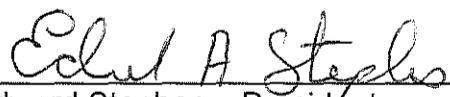
Surveyor Larry Utz advised the Board that interest rate quotes for the loan for the Sarah Kincaid Drain have been received from the Auditor. Linden State Bank offered the lowest interest rate @ 3.0 percent. Commissioner McCormick moved to sign a resolution to the Montgomery County Council to obtain a loan in an appropriate amount to finance the reconstruction of the Sarah Kincaid Drain and that the loan shall be repaid from installments collected from assessments of the assessed landowners over a five (5) year period and Commissioner Edmiston seconded. Discussion: Attorney Siamas advised that the Auditor will present the request to the Council to obtain the loan for the reconstruction. 3-0 votes in favor. {SEE ATTACHED RESOLUTION}

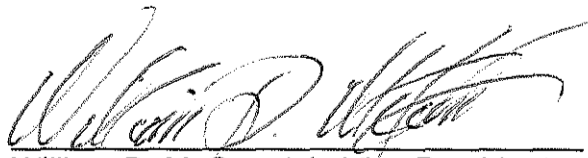
Building Administrator Jeremy Hester presented a storm water plan for a bag house and stack facility for Nucor Steel. Administrator Hester advised that the consulting firm DLZ has reviewed the storm water plan and had advised that it meets the required specifications. The storm water plan is not requesting any variances. Commissioner McCormick moved to accept the storm water plan for Nucor Steel and Commissioner Edmiston seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:12 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

RESOLUTION OF MONTGOMERY COUNTY
DRAINAGE BOARD

BE IT RESOLVED THIS 9TH DAY OF SEPTEMBER, 2003 BY THE
MONTGOMERY COUNTY DRAINAGE BOARD:

The cost of reconstructing the Sarah Kincaid Drain is an amount that the owners of land to be assessed for the reconstruction may pay in installments over a five (5) year period; and

It is necessary to obtain a loan pursuant to IC 36-9-27-97.5 in order to pay for the reconstruction of this drain; and

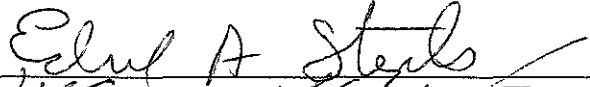


The Board requests that the Montgomery County Council obtain a loan in an appropriate amount in order to finance this reconstruction project and that the loan shall be repaid from installments collected from assessments of the assessed landowners over a five (5) year period; and

Interest on the loan is to be a part of the final assessment taxed to the affected landowners of this reconstruction project; and

The proceeds of the loan obtained under this section shall be deposited in the general drain improvement fund for payment of the previously authorized Sarah Kincaid Drain reconstruction.

APPROVED THIS 9TH DAY OF SEPTEMBER 2003

MONTGOMERY COUNTY DRAINAGE BOARD

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, SEPTEMBER 23, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, September 23, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Raymond Snellenbarger; Rex Collom; Herbert Cox; and Drainage Board Secretary Lori Dossett.

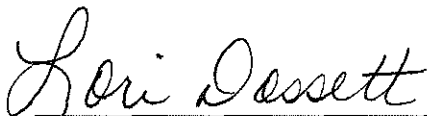
Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens requested that Lori Dossett lead the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the September 9, 2003 minutes. Commissioner McCormick moved to approve the minutes of the September 9, 2003 and Commissioner Edmiston seconded. 3-0 votes in favor.

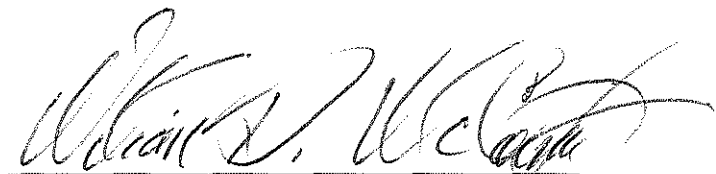
There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:03 AM.



Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President

Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 14, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 14, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Raymond Snellenbarger; Surveyor Larry Utz; Rex Collom; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Marian Lindow led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the September 23, 2003 minutes. Commissioner McCormick moved to approve the minutes of the September 23, 2003 and Commissioner Stephens seconded. 2-0 votes in favor.

Other Business: Surveyor Utz advised that Darrell Birge is ready with the machine to start on the Sarah Kincaid Drain when the crops are harvested and the weather improves.

Surveyor Utz advised that he will be contacting Curt Hudson regarding his request on the Joe Hall Drain. The repairs to the drain are estimated to be more than Mr. Hudson anticipated.

Surveyor Utz advised that he and Building Administrator Jeremy Hester met with owners of the condo at Montgomery Place II and church representatives regarding surface water. Surveyor Utz explained the problem is in the Shelly Drain and as soon as funding becomes available the surface water will be addressed.

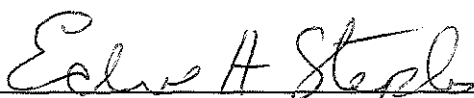
Surveyor Utz explained that the radar equipment still is not working properly and Sanitarian Ron Posthauer is discussing the problem with the manufacturer.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.


Meeting adjourned @ 8:10 AM.



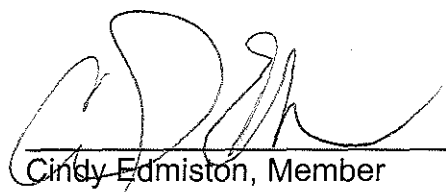
Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 28, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 28, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Curt Hudson; Carl Halsapple & Todd Graves, Leadership Academy; Raymond Snellenbarger; Surveyor Larry Utz; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

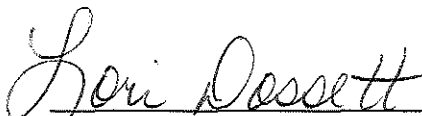
Commissioner Stephens led the Pledge of Allegiance.

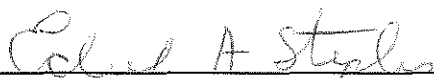
Commissioner Stephens called for a motion to approve the October 14, 2003 minutes. Commissioner Edmiston moved to approve the minutes of the October 14, 2003 and Commissioner McCormick seconded. 3-0 votes in favor.

Joe Hall Drain. Surveyor Larry Utz advised the Board that the Joe Hall Drain located in North Union Township starting at CR650N to west of CR100E which encompasses 6,000 acres has approximately 2,000 acres of the drain that is in need of extensive work. He stated that portions of the drain are silted in; the banks now have a 10:1 slope; and beaver dams continue to be a problem. Curt Hudson questioned why the maintenance funds which were to be used for maintenance and some portions of the drain have had complete reconstruction. Mr. Hudson stated that he offered to loan money to the drain fund for the work which needs to be done on the drain but his opinion is that the monies for the maintenance should be used to maintain the 2,000 acres which are currently in need of extensive work. After discussion, Mr. Hudson agreed that the 2,000 acres is in need of reconstruction, not maintenance. Mr. Hudson was advised that he would need to circulate a reconstruction petition. He will need to obtain 51% of the acreage in order to proceed. The maintenance fund currently takes in approximately \$7,200 per year.

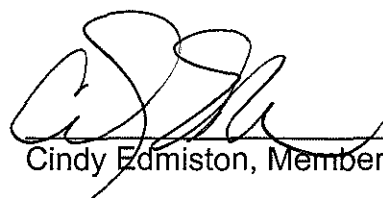
There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:18 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
MONDAY, NOVEMBER 10, 2003
MINUTES

The Montgomery County Drainage Board met on Monday, November 10, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marion Lindow, League of Women Voters; Health Sanitarian Ron Posthauer; Highway Director Brett Cating; Louis Lauderbaugh; Jeffrey F. Larkin; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

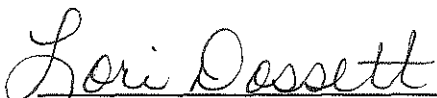
Commissioner Stephens led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the October 28, 2003 minutes. Commissioner Edmiston moved to approve the minutes of the October 28, 2003 and Commissioner McCormick seconded. 3-0 votes in favor.


Health Sanitarian Ron Posthauer advised the Board that the culvert located at CR540E was plugged at the request of Bob Walters and the Drainage Board a few years ago. Art Gordon the property owner at the intersection of CR540E and SR136 East has advised Sanitarian Posthauer of a flooding problem as a result of the culvert being plugged. Since it is a private drain the Board has not authority to order repairs to the drain. Highway Director Cating advised that Mrs. Reynolds owns the land to the west and had expressed concern that sewage from Mace is draining on her property through the culvert and by way of a second drain. Director Cating advised that the tile that has been recently replaced was completely rotted out because of the sewage. Sanitarian Posthauer will speak with Mrs. Reynolds and advise her of the situation and will continue testing the area homes for sewage running into the drain. The Board requested that the Highway Department remove the cement plugging the culvert.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:10 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, NOVEMBER 25, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, November 25, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Rex Collom; Surveyor Larry Utz; Curt Hudson; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.


Commissioner Stephens led the Pledge of Allegiance.


Commissioner Stephens called for a motion to approve the November 10, 2003 minutes. Commissioner Edmiston moved to approve the minutes of the November 10, 2003 and Commissioner McCormick seconded. 3-0 votes in favor.

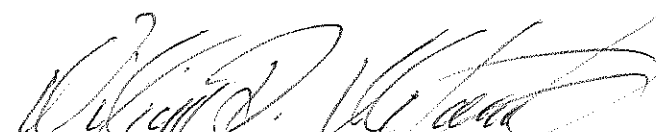
Surveyor Larry Utz presented to the Board a Petition to Reconstruct the Joe Hall Drain. Surveyor Utz advised that 70% of the property owners signed the petition. The matter is set for informational hearing on Tuesday, December 9, 2003 @ 7:00 p.m. in the Circuit Courtroom.


There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:11 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, DECEMBER 9, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 9, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Rex Collom; Louis Louderbaugh; Surveyor Larry Utz; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens led the Pledge of Allegiance.


Commissioner Stephens called for a motion to approve the November 25, 2003 minutes. Commissioner McCormick moved to approve the minutes of the November 25, 2003 and Commissioner Stephens seconded. 3-0 votes in favor.


Surveyor Larry Utz handed out cost figures for the Joe Hall Drain informational hearing to be held this evening. Surveyor Utz advised that the project has been downsized from 9,037 feet to 5,500 feet. He said the majority of the work needs to be done on the outlet. He will be providing aerials and maps of the areas of the drain.


There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:08 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD
JOE HALL RECONSTRUCTION PETITION
INFORMAL HEARING
TUESDAY, DECEMBER 9, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 9, 2003 in the Circuit Court Courtroom at the Montgomery County Courthouse.


Those present were as follows: Commissioner Ed Stephens, President; Commissioner Bill McCormick, Vice-President; Commissioner Cindy Edmiston; County Attorney Harry Siamas; Larry Utz, Surveyor; Wayne E. Lashley; Gary E. Remster; Sam Remster; Donald Redden; Jaren & Walter Hartwich; Dale Crum; Curt Hudson; Ken Bullerdick; Clyde Bullerdick; JT Fry; Bob Stwalley; David Shelton; David Taylor; Beth & Monty Eldridge; Steve Hatke; Hobart Mennen; Ed Chenoweth; J.A. Taylor; Jerry Taylor; Ron Foxworthy; Joe B. Wilson and Lori Dossett, Secretary.

Drainage Board President, Ed Stephens called the meeting to order at 7:00 PM and led the Pledge of Allegiance. President Stephens turned the meeting over to Vice President McCormick.


County Surveyor Larry Utz presented his preliminary report on the Joe Hall Drain and estimated assessments and damages for property owners. The total distance for the proposed reconstruction of the drain is 5,514 feet and a cost of \$5.00 per foot; other costs including rip-wrap totaling \$47,570 covering 6,013.05 acres at a cost of \$7.91 per acre. Surveyor Utz presented an aerial of the drain for review. Property owners expressed their concerns over the beaver dams now clogging up the drain and a culvert on CR150E which is installed 12" to 18" above grade. After discussion, Commissioner Edmiston moved to go forward on the Joe Hall Reconstruction Petition and set the petition for legal hearing and Commissioner Stephens seconded. 3-0 votes in favor.

There being no further business Commissioner Stephens made a motion to adjourn and Commissioner Edmiston seconded it. 3-0 vote in favor.

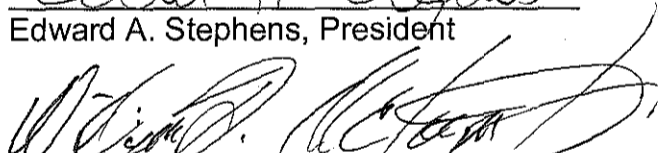
Meeting adjourned @ 8:00 p.m.



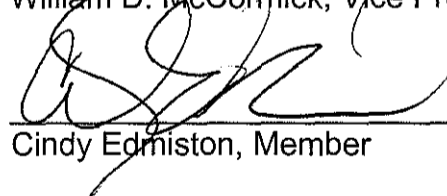
Lori Dossett, Secretary



Edward A. Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, DECEMBER 23, 2003
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 23, 2003 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Surveyor Larry Utz; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM.

Commissioner Stephens led the Pledge of Allegiance.

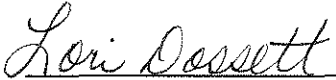
Commissioner Stephens called for a motion to approve the December 9, 2003 minutes. Commissioner Edmiston moved to approve the minutes of the December 9, 2003 and Commissioner McCormick seconded. 3-0 votes in favor.

Commissioner Stephens called for a motion to approve the Informal Hearing held on December 9, 2003 @ 7:00 p.m. on the Joe Hall Drain. Commissioner McCormick moved to approve the minutes and Commissioner Edmiston seconded. 3-0 votes in favor.

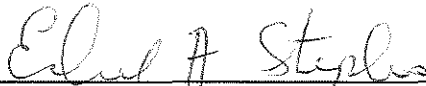
Surveyor Larry Utz advised the Board that he has been contacted by several landowners regarding who is and should be a part of the watershed of the Joe Hall Drain. He will present the completed list to the Board as soon as possible.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

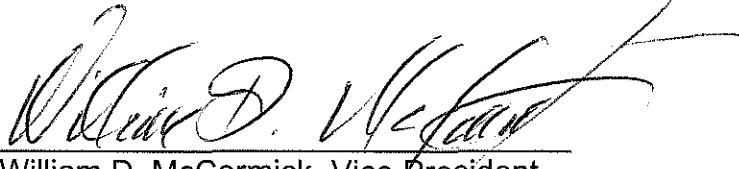
Meeting adjourned @ 8:05 AM.



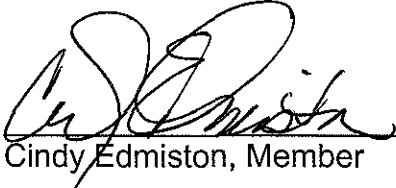
Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JANUARY 13, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, January 13, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Surveyor Larry Utz; Louis Louderbaugh; Rex Collom; Raymond Snellenbarger; and Drainage Board Secretary Lori Dossett.

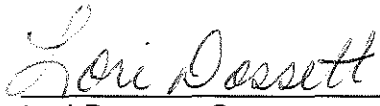
Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and called for the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the December 23, 2003 minutes. Commissioner Edmiston moved to approve the minutes of the December 23, 2003 and Commissioner McCormick seconded. 3-0 votes in favor.

Surveyor Larry Utz advised the Board that he has met with Terry & Kenny Cain and Jim Harper to discuss the Joe Hall Drain. He stated there are several uncertainties regarding reconstruction of the drain including bank stabilizations; the beaver dams; and the concern of the position of the culvert on CR150. He stated on Thursday, January 15th he will be meeting with Roger Renske of the NRCS. Mr. Renske is an open ditch specialist and will render an opinion free of charge. Commissioner Stephens will attend the meeting with Surveyor Utz. Surveyor Utz stated there are several things that will need to be considered before proceeding with the formal hearing. Attorney Siamas stated that if there are dramatic changes to the reconstruction plan of the drain another informal hearing should be scheduled.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:21 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JANUARY 27, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, January 27, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Surveyor Larry Utz; Deputy Surveyor Scott Yeager; Darrell Birge; Ward Wilkins; Clint Wilkins; Brett Cating; Louis Louderbaugh; Rex Collom; Raymond Snellenbarger; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and called for the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the January 13, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the January 13, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

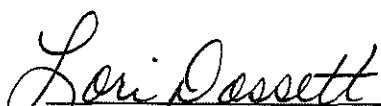
Ward Wilkins & Clint Wilkins appeared before the Drainage Board requesting approximately 1,800 feet of the Sarah Kincaid Watershed be cleaned of brush currently obstructing the flow. The section is not a legal drain. Mr. Wilkins requested that the monies be taken from the Thomas Wilkins Drain and the Sarah Kincaid Drain maintenance funds. He was advised that maintenance funds are allocated for the specific legal drains that the funds are paid into. Darrell Birge advised the Board that he felt since cleaning the drain would benefit the Wilkins drain and allow for an outlet the funds could be used. Surveyor Utz stated he would have to look at the drain to make a determination. Commissioner McCormick moved to instruct Surveyor Utz to look at the drain and in the meantime the Board will review the Drainage laws and conduct a Special Drainage Board meeting on Tuesday, February 3rd and Commissioner Edmiston seconded. 3-0 votes in favor.

Darrell Birge advised the Board of a new mapping system known as Geovision which uses high intensity digital cameras and infrared to detect locations of tile. He stated the process would benefit locating drains in the County. They are planning to fly the Wilkins/Gwinn drain in the spring which is the best time to detect tile since it is more likely that water will be flowing through the tiles. Commissioner McCormick suggested that Surveyor Utz work with Mr. Birge and determine which drains would benefit from the photography.


Surveyor Utz advised that on January 15th he met with Mr. Renske from NRCS, property owners and Commissioner Stephens on the Joe Hall Drain. Approximately 4,600 feet of the drain has been dredged and has opened up the drain immensely. Water that had stood approximately 4½ feet is currently flowing and now that area is only 6 inches deep. It has also been discovered that the pipe on CR150 is on grade with 1.3 feet of fall. Surveyor Utz suggested that the area be dredged every four or five years. He stated the importance of being notified by the property owners of any future problems of flow in the drain. He stated Chris Tork from Soil & Water will be giving a filter strip presentation on February 10th @ 8:30 explaining the filter strip program.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

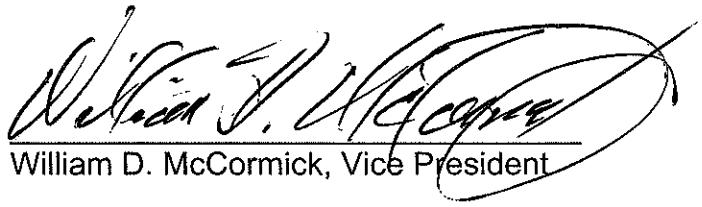
Meeting adjourned @ 8:38 AM.



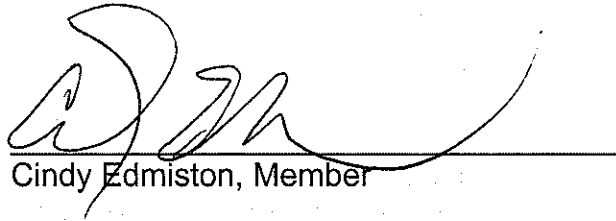
Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

SPECIAL MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, FEBRUARY 3, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, February 3, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marian Lindow; Ward Wilkins; Clint Wilkins; Louis Louderbaugh; Rex Collom; Raymond Snellenbarger; and Drainage Board Secretary Lori Dossett.

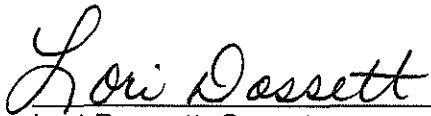
Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and called for the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the January 27, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the January 27, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.


Surveyor Larry Utz was unable to attend the Special Drainage Board meeting to discuss the Wilkins request to clean out the outlet of the Sarah Kincaid & Thomas Wilkins drain. Commissioner Edmiston moved to table the issue of the Wilkins request and instruct the Surveyor to prepare a written report of his findings regarding the request and Commissioner McCormick seconded. 2 in favor 1 opposed. Motion carried.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:18 AM.



Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, FEBRUARY 10, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, February 10, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marian Lindow; Ward Wilkins; Bart Maxwell, Jr.; Russell Ruby; Darrell Birge; Louis Louderbaugh; Rex Collom; Raymond Snellenbarger; and Drainage Board Secretary Lori Dossett.


Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the February 3, 2004 minutes. Commissioner McCormick moved to approve the minutes of the February 3, 2004 and Commissioner Stephens seconded. 3-0 votes in favor.

Surveyor Larry Utz submitted a report on the Sara Kincaid/Thomas Wilkins Drain outlets to the Board. The report reads as follows: "The open portion of the drain where the Kincaid & Wilkins drain outlets is not a regulated drain; therefore, work that has been done so far, is as far as we can go. It will be up to the Landowners to first petition to make the open drain a legal drain. Then a reconstruction and maintenance petition can follow." Surveyor Utz stated with the approval of the landowner the beaver dams and debris will be removed and paid for out of the maintenance fund until this portion is made a part of the regulated drain and at that time, the fund will be reimbursed.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

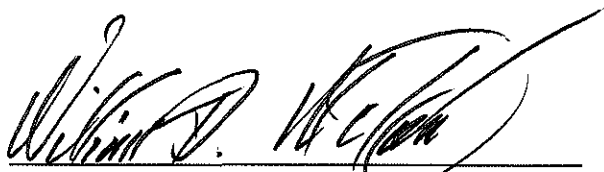
Meeting adjourned @ 8:07 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, FEBRUARY 24, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, February 24, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Surveyor Larry Utz; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marian Lindow; Russell Ruby; Louis Louderbaugh; Rex Collom; Raymond Snellenbarger; Russ Nelson; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the February 10, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the February 10, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

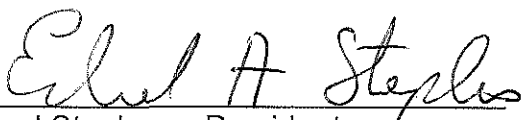
Surveyor Larry Utz advised that dredge work will continue to the east through Marsh Jones property during the weather break on the Joe Hall drain. He also advised that the filter strip meeting held recently was well attended and well received. Eight of the six property owners expressed interest in the program.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:05 AM.



Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MARCH 9, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, March 9, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Deputy Auditor Jean Bramble; Building Administrator Jeremy Hester; Dan Lynch, WIMC Radio; Maria Flora, Journal-Review; Marian Lindow; Russell Ruby; Louis Louderbaugh; Russ Nelson; and Drainage Board Secretary Lori Dossett.

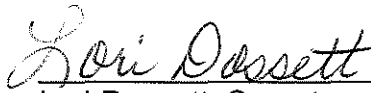
Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the February 24, 2004 minutes. Commissioner McCormick moved to approve the minutes of the February 24, 2004 and Commissioner Edmiston seconded. 3-0 votes in favor.

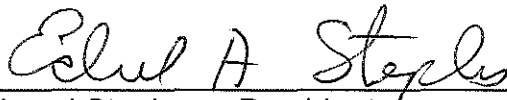
Building Administrator Jeremy Hester presented a storm water plan for the Southmont Jr. Sr. High School construction/remodeling project. Hester advised that Frank Stewart, DLZ has reviewed the proposed plans and stated that the plans meet the storm water requirements. Commissioner McCormick moved to approve the proposed storm water plan for the Southmont Jr. Sr. High School construction/remodeling project and Commissioner Edmiston seconded. Commissioner Stephens questioned if a fence should be located around the proposed detention pond. Hester recommended approval of the plans regardless of a fence for the reason it has no bearing on the function of the plan. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.


Meeting adjourned @ 8:15 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MARCH 23, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, March 23, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Auditor Carole Barton; Building Administrator Jeremy Hester; Dan Lynch, WIMC Radio; Joanne Hammer, Journal-Review; Marian Lindow; Louis Louderbaugh; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the March 9, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the March 9, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

Other Business: Commissioner Stephens announced the Surveyor Larry Utz is recovery at home from surgery removing two blood clots from his leg.

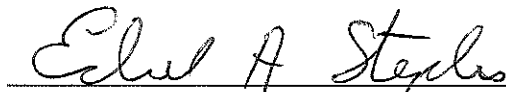
Commissioner McCormick questioned Commissioner Stephens on the status of the discussed fly over Montgomery County for aerial maps that Darrell Birge had suggested to the County several months ago. Commissioner Stephens advised that Surveyor Utz has stated that the machine recently purchased is no more reliable than the fly over.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

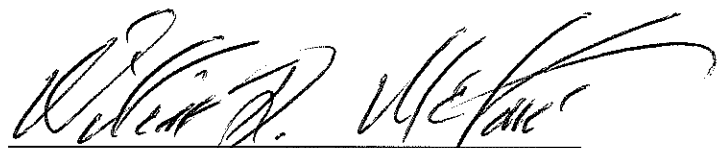
Meeting adjourned @ 8:05 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, APRIL 13, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 13, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; Auditor Carole Barton; Surveyor Larry Utz; Joanne Hammer, Journal-Review; Marian Lindow; Louis Lauderbaugh; and Drainage Board Secretary Lori Dossett.


Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

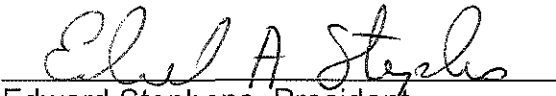
Commissioner Stephens called for a motion to approve the March 23, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the March 23, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

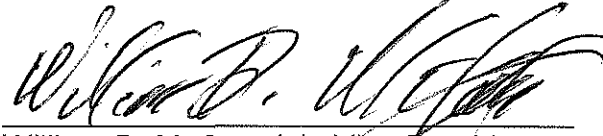
Surveyor Utz advised that his office has received 45 to 50 calls regarding tile repair. Those repairs are being addressed.


There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:05 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, APRIL 27, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 27, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; County Attorney Harry Siamas; Auditor Carole Barton; Surveyor Larry Utz; Building Administrator Jeremy Hester; Joanne Hammer, Journal-Review; Sabina Contractor, WIMC Radio; Marian Lindow; Rex Collom; Louis Lauderbaugh; Russell Ruby; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

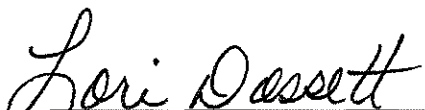
Commissioner Stephens called for a motion to approve the April 13, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the April 13, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

Surveyor Utz advised the Board that there are two petitions being carried at this time. One petition is for the Joe Tobin Drain in Union Township which is being carried by Wayne Kessler and it is a petition for reconstruction. John McCorkle is carrying a petition for the construction of a new drain in Coal Creek Township and the drain will also encompass into Tippecanoe County.

Building Administrator Jeremy Hester advised the Board that he has received an update from the Army Corps of Engineers for the Shelly Drain Project. The Army Corps of Engineers are in the process of putting a team together and are planning to return to the site in mid-May. One question has surfaced to the County so far from the Army Corps of Engineers in regards to the septic problem on Traction Road and if the County has the capabilities to remedy the problem. Administrator Hester advised that the local Health Department will deal with any contamination issues.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.


Meeting adjourned @ 8:05 AM.




Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MAY 11, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, May 11, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; County Attorney Harry Siamas; Auditor Carole Barton; Surveyor Larry Utz; Building Administrator Jeremy Hester; Highway Director Brett Cating; Attorney Stuart Weliever representing George Cox; Joanne Hammer, Journal-Review; Sabina Contractor, WIMC Radio; Marian Lindow; Russell Ruby; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the April 27, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the April 27, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

George Cox/Anna Campbell Ditch: Attorney Stuart Weliever appeared before the Board requesting information from the Drainage Board for his client, George Cox. Mr. Cox was advised by the Highway Department that it was his responsibility to repair a culvert collapse on CR625E. Mr. Weliever advised the Board that four or five years ago the culvert was repaired by the County and Mr. Cox is questioning why now it his responsibility to pay for the entire repair cost of \$9,000. Surveyor Utz advised that the ditch was abandoned in 1967. No assessments have been collected since that time. Mr. Weliever questioned who did perform the work four or five years ago where a sink hole had occurred and a warning flag and a cone where placed by some agency. Surveyor Utz stated that his office did not authorize any work on the drain during that time. Commissioner McCormick stated that in Surveyor Beason in 1967 removed 200 drains from assessment and therefore no monies are collected for maintenance of the drains until property owners come forward and petition to have the drains put back on assessment. Surveyor Utz questioned if Mr. Cox requested that Cain's do the work on the drain and Mr. Weliever advised that he did and subsequently Mr. Cox was informed that the repairs were his responsibility not the Counties. Mr. Weliever questioned if Mr. Cox owns to the middle of the road, then does the landowner on the other side have a responsibility to pay? Mr. Weliever stated that Mr. Cox has discussed a petition to re-establish the drain but he felt he could not get 51% of the landowners to agree.

Director Cating advised that he received a call that there was a hole in the road on CR625E. He discovered that it was a private tile, not an assessed ditch after conferring with Surveyor Utz. He requested that Mr. Cox repair the tile since it was subsurface and a private tile. Mr. Cox did not fix the tile in a timely manner and a big rain occurred and the rest of the roadway collapsed. The County put up road closed signs and after Cains replaced the tile the County put on the asphalt over the road.

Mr. Weliever questioned if he could receive some information from the Surveyor's and the Highway Department as far as exactly when the drain was taken off of assessment; who repaired CR625E four or five; why was it repaired; when was it repaired. Mr. Weliever is requesting on behalf of Mr. Cox that the County pay for half of the repair costs that he incurred. The Highway Department will provide the costs the County incurred for the replacement of the asphalt.

Commissioner McCormick moved to take the matter under advisement until the information requested by Mr. Weliever from the Surveyor and the Highway Department can be obtained and Commissioner Edmiston seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:19 AM.

Lori Dossett
Lori Dossett, Secretary

Edward H. Stephens
Edward Stephens, President

William D. McCormick
William D. McCormick, Vice President

Cindy Edmiston
Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MAY 25, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, May 25, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Commissioner Cindy Edmiston, Member; County Attorney Harry Siamas; Auditor Carole Barton; Joanne Hammer, Journal-Review; Dan Lynch, WIMC Radio; Marian Lindow; Russell Ruby; and Drainage Board Secretary Lori Dossett.


Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the May 11, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the May 11, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

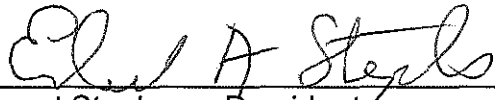
Old Business: George Cox/Anna Campbell Ditch. No one came forward to speak to the issue. Commissioner McCormick advised that Stu Weliever has stated to him that he has not yet received the information from the Surveyor's office. The matter will remain on the agenda.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.


Meeting adjourned @ 8:02 AM.



Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President

Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JUNE 8, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, June 8, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; County Attorney Harry Siamas; Auditor Carole Barton; Joanne Hammer, Journal-Review; Sabina Contractor, WIMC Radio; Marian Lindow; Surveyor Larry Utz; Andy Sinclair; Curt Hudson; Frank Holt; Wade Bennett; Bob & Judy Hayes; Building Administrator Jeremy Hester; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance and observed a moment of silence in memory of the passing of Former President Ronald Reagan.

Commissioner Stephens called for a motion to approve the May 25, 2004 minutes. Commissioner McCormick moved to approve the minutes of the May 25, 2004 and Commissioner Stephens seconded. 2-0 votes in favor.

Old Business: George Cox/Anna Campbell Ditch. Stuart Weliever representing Mr. Cox had requested to be placed on the June 8, 2004 Drainage Board agenda. Attorney Schmidt handling the issue for the County has recently undergone knee surgery and is not able to attend the meeting today. All parties have been informed that the matter will be heard by the Board on Tuesday, June 22, 2004.

Frank Hall representing the Linden Methodist Church appeared before the Board regarding problems with drainage on the John Gobin Drain. The church has concerns of the foundation stability as a result of the drainage. Curt Hudson addressed the Board and stated that the 15" tile tributary off of the John Gobin drain is not running water. He stated that he has spoken to Surveyor Larry Utz about the drainage problem and Surveyor Utz advised to wait until fall when the crops have been harvested to see where the failure in the tile is. Mr. Hudson stated that for the reasons that there are concerns regarding the foundation of the Linden Methodist Church in his opinion the tile needs to be dug up now to find where the tile is failing. He stated it was be more efficient to find out the problem today. Surveyor Utz stated he has spoken to Jeff Myers who farms the land and the west side of the Linden Methodist Church where the blocked tile is located and he was informed by Mr. Myers that he did not want crop damage. Surveyor Utz also stated he did not know Mr. Hudson would be coming to the Drainage Board meeting so he was not prepared to discuss the matter. Surveyor Utz stated the County does have an easement surrounding the tile and the tile could be checked now. Mr. Myers farms the west side of the RR Crossing and Mr. Bennett & Mr. Hudson farm the east side. Surveyor Utz stated that he feels the blockage is at the railroad or close to it. Currently there are no visible holes or sink holes. Commissioner McCormick stated it is not a problem to fix if Mr. Myers would give his permission. After discussion, the Board requested that Surveyor Utz meet with representatives from the railroad and Mr. Myers and then report back to the Commissioners at the next Drainage Board meeting.

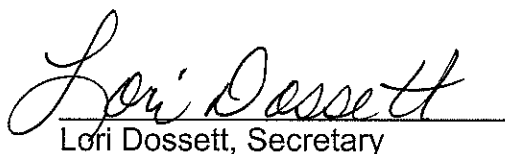
Other Business: Bob Hayes appeared before the Board to discuss the Alvin P. Sparks Ditch. Mr. Hayes stated he is representing his wife, Judy Hayes and Patsy Dusy. Jeff Linn also appeared before the Board representing his mothers' acreage on the ditch. He stated at CR500 South, on the Whitesville/New Ross road a light pole was recently installed by Cinergy which has apparently been placed either in the tile or beside the tile causing a blockage. Mr. Linn stated in the spring around the middle of April the County Highway Department dipped out the area around the pole and packed around the pole to level the ground. The tile is old and cracked on the top and each side. Surveyor Utz stated that a backhoe to dig up the area and a Cinergy rep had been scheduled recently but had to be postponed because of a death in the family. The backhoe and Cinergy rep have not been rescheduled and he stated he is in the process of getting that done. Cinergy has indicated to Surveyor Utz that the pole has been there 25 years and they disagree that the pole is causing the blockage. Mark Patton probed the area and according to his findings the pole is one-third of the way into the tile. The County Highway Department had been working on a pond slopping to go west to Cornstalk Creek to

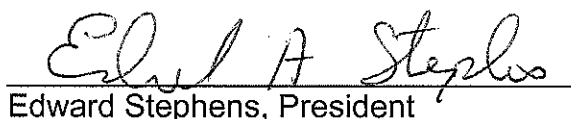
solve the problem of water over the roadway on CR700 South. The culvert was reinstalled at the proper height and graded from the pond to Cornstalk Creek. Mr. Linn and Mr. Hayes acknowledged that the utility pole was wobbling when the County Highway filled in around the pole and it did help the surface water on the road, but it will hinder trying to find the break in the tile around the pole.

Building Administrator Jeremy Hester advised the Board that two weeks ago a group from the Army Corps of Engineers visited the Shelly Drain Watershed. No one representing the County were included in the tour. Representatives indicated to Administrator Hester that the group had accomplished what they had intended. The information from the CD's and auto cad with the elevations on the culverts and tile were used to arrive at some cheaper alternatives. The first suggestion to leave the tile alone to minimize the water at SR136E and not configure in the old tile to Administrator Hester was not a good alternative. The suggestion of a detention pond is not acceptable. Commissioner McCormick stated the sink holes are big enough for two people and there are several children whom reside around the watershed and a detention pond would not be a safe solution.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 2-0 votes in favor.

Meeting adjourned @ 8:26 AM.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JUNE 22, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, June 22, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; County Attorney Harry Siamas; Auditor Carole Barton; Joanne Hammer, Journal-Review; Sabina Contractor, WIMC Radio; Marian Lindow; Russell Ruby; Surveyor Larry Utz; Highway Director Brett Cating; Attorney Don Schmidt; Raymond Snellenbarger; Gayle Lough; Attorney Stuart Weliever; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the June 8, 2004 minutes. Commissioner McCormick moved to approve the minutes of the June 8, 2004 and Commissioner Edmiston seconded. 3-0 votes in favor.

Old Business: George Cox/Anna Campbell Ditch. Stuart Weliever representing Mr. Cox advised the Board that he did receive the information he previously requested on the Anna Campbell Ditch. However, he did not receive the information regarding if any action was taken as a result of Carol Beason's report in 1967. Mr. Weliever advised the Board that he had spoken with Jim Branstetter, the largest land owner on the Anna Campbell Ditch and Mr. Branstetter informed him that he feels it is the County's responsibility to pay half of the \$9,000 repair bill to the tile. Mr. Branstetter also informed Mr. Weliever that if the County pays part of the \$9,000 bill, he would be willing to join in a reconstruction petition, but he believes the County should pay half. Five years ago a sink hole was repaired by the County and the tile was replaced and cleaned out. There is no documentation that the County did the work and no one on the Board or Highway Director Brett Cating were involved in the project. Mr. Weliever questioned if the tile at the time was fixed properly.

Commissioner McCormick advised Mr. Weliever that the work allegedly to have been performed five years cannot be verified. The County did although repair the road and culvert as a result of the collapse of the tile when it was not repaired by Mr. Cox when requested. The County spent \$1,900.54 in labor and materials and hot mix. There are not funds available to the County to cover half of the expenses of the repair and there is no way for the County to re-coop any costs.

Mr. Weliever was informed that the Board's hands are tied and Director Cating stated the County in actuality did help with the repairs. The question was raised if the County could pay half of the expenses of incurred by Mr. Cox and then re-coop the expenses from the reconstruction. Attorney Schmidt advised that there is no way to set up a fund after the fund under the Drainage Board laws. Commissioner Edmiston questioned if the work has been completed and Mr. Weliever advised that he believed that it had but the bill has not been paid. Mr. Weliever stated that if the County is not going to do anything, he cannot tell what Mr. Branstetter will do. Attorney Schmidt advised that if the repairs had to be made anyway, then the landowners should share in this expense of the \$9,000 worth of work completed by Cains.

Mr. Weliever stated the Anna Campbell Drain is a County drain and the County should have responsibility for it. He stated the landowners can't plead poverty and it is an unfortunate situation. Attorney Siamas explained that there is a general improvement fund that has to be paid back to the ditch in case of an emergency, this situation is not an emergency.

Gayle Lough appeared before the Board regarding the Dwight Valentine Ditch/Chad Woodrow Farm. Mr. Lough stated that Soil & Water has agreed to pay 80% of the installation of an aluminum toe wall. This is a 700 acre Buchanan watershed. He stated Soil & Water will install a 6" tile, but is recommending the installation of a 12" to lay next to the existing tile. Currently the 18" tile is overloaded. Surveyor Utz stated the Soil & Water program is a good program and he will investigate if there is enough maintenance money to cover the costs of the larger tile. Commissioner Edmiston moved to take the request under advisement and Commissioner Stephens seconded. 3-0 votes in favor.

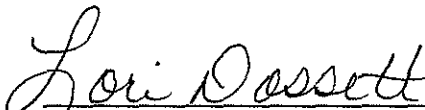
Other Business: Commissioner McCormick advised Surveyor Utz and Director Brett Cating that he has been contacted by a realtor regarding a small modular home on the south side of road west of SR231, west of CR900 South. The home is flooding. He stated that he visited the property and discovered there is no legal drain. There is a possibility of field tile, but there would be no way to track its existence. He stated Building Administrator Hester is aware of the situation. He stated the realtor has advised the seller did not disclose the fact that the property floods. He asked that the Surveyor & Highway Director take a look at the property and distinguish if there is anything their departments could do to solve it. The home was built in 1997. There are no signs of perimeter drains.

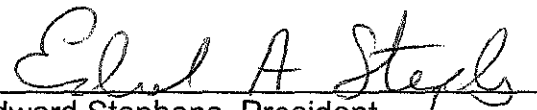
Other Business: Surveyor Utz advised that a problem has arisen in the Joe Hall Drain in the Cherry Grove Elevator area with flooding as a result of opening up the drain to the north. The landowners up the drain have agreed to slow down the flow. Mr. Mennen has lost 40 acres of crops due to the flooding. The problem could also be at the railroad. Surveyor Utz is working on the situation.

Other Business: Surveyor Utz advised that the problem at the John Gobin Drain has been solved. It was fixed on June 16th and in the fall the tile will be moved out of the side drain.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:50 A.M.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President

Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JULY 13, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 13, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Assistant County Attorney Don Schmidt; Auditor Carole Barton; Joanne Hammer, Journal-Review; Russell Ruby; Surveyor Larry Utz; Highway Director Brett Cating; Raymond Snellenbarger; Gayle Lough; Chris Torp, NRCS; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Edward Stephens called the meeting to order @ 8:05 AM and led the Pledge of Allegiance.


Commissioner Stephens called for a motion to approve the June 22, 2004 minutes. Commissioner McCormick moved to approve the minutes of the June 22, 2004 and Commissioner Stephens seconded. 2-0 votes in favor.

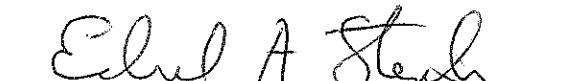
Chris Torp of the NRCS presented to the Board a cost estimate for a grass waterway and grade stabilization structure on the McClaskey Drain. Mr. Torp explained the project proposed will be funded 90% by the NRCS. This area is a 600 acre watershed. NRCS is proposing to install a 12" tile along the grass waterway to handle the flow of water. Mr. Torp advised that the NRCS will fund 90% of the cost of installation of a 6" tile and the grade stabilization structure. The headwall structure has been designed and is ready for installation. Mr. Torp requested that the County and the landowners share the cost of \$1,650 which is 10% of the \$16,500 for the headwall. The drain is currently on assessment. Surveyor Utz stated that the County has never paid on structures with assessment funds. The County only pays for structures on federal jobs. He stated there is work on the other side of the road which will need to be paid for out of maintenance funds. Gayle Lough stated that the work needs to be done to handle the drainage and this is the time to do the work with the financial assistance of the NRCS. Commissioner McCormick moved to authorize the whole project on the McClaskey Drain and Commissioner Edmiston seconded. Chris Torp advised that the estimated cost to the landowners and the County at this time is \$12,000. Commissioner McCormick advised that it is not County funds, the project will be paid for out of ditch assessments paid by the landowners. Soil & Water supports the decision and the benefits of installation of a headwall on this waterway. If the farmers will agree to reduce tillage along the waterway to ensure that the topsoil stays in place the waterway will operate more efficiently. Surveyor Utz stated may be necessary to raise the assessments for the maintenance fund for the McClaskey Drain in the future. 3-0 votes in favor.

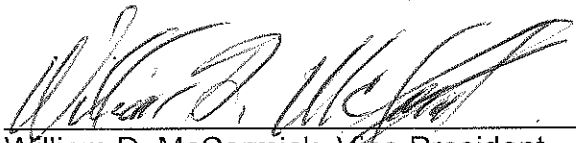
Chris Torp spoke to the Commissioners regarding a matter west of Alamo wherein Soil & Water is recommending placing a new 6" tile along the 850' waterway and to install a larger culvert. Chris Torp was advised by the Board that they would like to put a hold on a decision to replace the culvert and in the meantime contact the property Marvin Rhode to inquire if he is willing to clean out the ditch of the tree and brush obstructions. Highway Director Cating advised that the Highway Department has not had to place any "high water" signs in the area. Commissioner McCormick moves to take the matter until advisement until Chris Torp has had an opportunity to speak to the property owner and Commissioner Edmiston seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

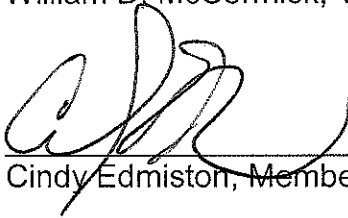
Meeting adjourned @ 8:35 A.M.


Lori Dossett, Secretary


Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JULY 27, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 27, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Auditor Carole Barton; Joanne Hammer, Journal-Review; Surveyor Larry Utz.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the July 13, 2004 minutes. Commissioner McCormick moved to approve the minutes of the June 13, 2004 and Commissioner Edmiston seconded. 3-0 votes in favor.

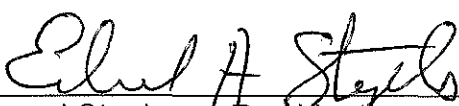
Old Business: Chris Torp, Soil & Water - CR400 South west of Alamo. Commissioner McCormick stated he has spoken to Chris Torp and he requested to be removed from the agenda at this time.

Surveyor Larry Utz stated that Mr. Maxwell has ordered the tile for the project near the Rocky Ridge Golf Course.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:05 a.m.

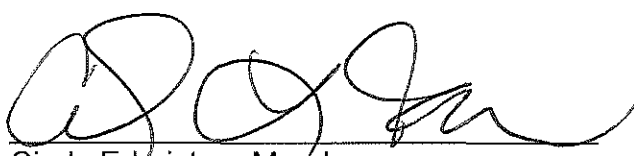
Minutes taken by Auditor Carole Barton.



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, AUGUST 10, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 10, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Councilman Phil Boots; Joanne Hammer, Journal-Review; Surveyor Larry Utz and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and Phil Boots led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the July 27, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the July 27, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.


Old Business: Chris Torp, Soil & Water - CR400 South west of Alamo. Commissioner McCormick stated that Mr. Torp has requested that this matter be removed from the agenda until further notice.

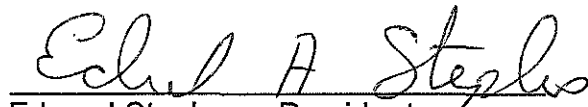
Surveyor Larry Utz stated he had nothing to report at this time.


Commissioner McCormick inquired as to whether Surveyor Utz knew if the Sarah Kincaid Drainage project has been started. Surveyor Utz stated he was not aware if the project has started.


There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:05 a.m.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, AUGUST 24, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 24, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Surveyor Larry Utz; Amanda Fitzsimmons, Leadership Academy; and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the August 10, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the August 10, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

Surveyor Larry Utz stated he had nothing to report at this time.


Commissioner Stephens advised that he and Surveyor Utz attended a Drainage 101 seminar presented by Indiana Farm Bureau and stated the seminar was very informative.

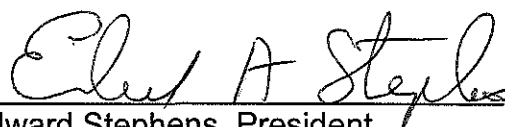
Marian Lindow representing the League of Women Voters advised that she also attended the one day seminar and agreed that it was the best ran seminar she had ever attended. She reviewed with the Board some of the points covered in the seminar and advised the League of Women Voters will be studying drainage for the next couple of years.

Commissioner McCormick inquired as to whether Surveyor Utz knew the status of the Servies Drain and Surveyor Utz responded that he had no new information. Commissioner McCormick also inquired as to whether Surveyor Utz was aware that the Sarah Kincaid project started yesterday. Surveyor Utz stated he was not aware of the project starting because the Bymaster crops have not been harvested yet. He will look into the matter.


There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:10 a.m.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, SEPTEMBER 14, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, September 14, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Surveyor Larry Utz; and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the August 24, 2004 minutes. Commissioner McCormick moved to approve the minutes of the August 24, 2004 and Commissioner Stephens seconded. 3-0 votes in favor.

Surveyor Larry Utz advised that he has been approach by the Tippecanoe County Surveyor's office regarding the John McGlaughlin Drain. Surveyor Utz advised that this is a tri-county drain involving: Montgomery, Tippecanoe and Clinton Counties. He stated approximately 3000 acres of the drain is located in Montgomery County.

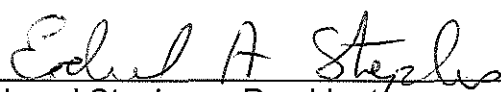
Surveyor Utz advised that the work on the Sarah Kincaid Drain is complete. He will turn in the final bill to Auditor Barton who will in turn start the loan process.

Commissioner Stephens advised that he has spoken to Jonathon Hester who has advised that he is still working on the Servies Drain.

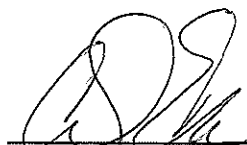
There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:07 a.m.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, SEPTEMBER 28, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, September 28, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Surveyor Larry Utz; Attorney Randy Williams; Sue Sams; Robert Walters; and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the September 14, 2004 minutes. Commissioner McCormick moved to approve the minutes of the September 14, 2004 and Commissioner Stephens seconded. Commissioner McCormick questioned the progress of the McGlaughlin Drain. Surveyor Utz stated he has compiled the list of property owners and forwarded them to Tippecanoe County and has not had any correspondence since that time. 3-0 votes in favor.

Attorney Randy Williams representing the Cornette Family presented an issue to the Drainage Board regarding water run-off from an adjacent property owners' property. Mr. Williams briefly explained a diagram and photographs that he handed out to the Board. He stated the adjacent property owner had placed a pipe through an abandoned railroad thereby flooding at times his clients property. He was advised by the Board that due to the fact that cause of the problem is not a legal drain or an assessed drain it is outside of the parameters of the Drainage Board. Attorney Williams advised he will research the currently drainage laws and report back to the Board if he finds any statutes regarding a situation like this one.


Sarah Kincaid Ditch Loan: Commissioner Edmiston moved to approve the Drainage Board loan for the Sarah Kincaid Ditch in the amount of \$66,882.05 to be paid back two times per year over a five-year period beginning May 15, 2005 at an interest rate of three-percent with Linden State Bank.

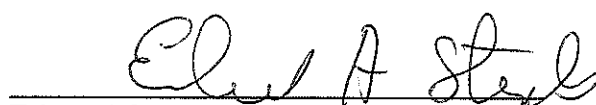
Other Business: Robert Walters presented to the Board a handwritten estimate of monies he believes he is due as the result of work done on the Lynn Ditch in Walnut Township. Mr. Walters advised the Board that he has not received a response from Surveyor Utz on the requested compensation. Surveyor Utz advised that the handwritten bill is not itemized and some of the items are excessive. Commissioner Stephens stated that it is his position that Surveyor Utz and Mr. Walters need to communicate and work out the disagreement in the amount. Commissioner Stephens will attend the meeting between Surveyor Utz and Mr. Walters.

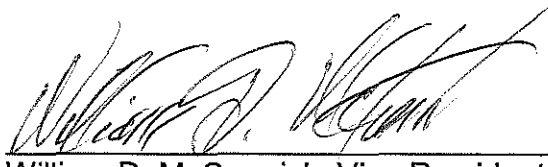
Surveyor Utz reported that the McClaskey Drain work is nearly completed and the area of the waterway will prove to be a great benefit for everyone involved. Surveyor Utz advised that he has not heard anything further from John McCorkle.

There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:32 a.m.


Lori Dossett, Secretary


Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 12, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 12, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Surveyor Larry Utz; Sue Sams; Russell Ruby; Marian Lindow, League of Women Voters; and Lori Dossett, Drainage Board Secretary.

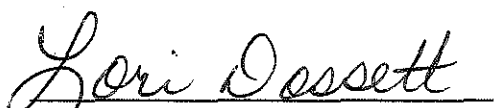
Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the September 28, 2004 minutes. Commissioner McCormick moved to approve the minutes of the September 28, 2004 and Commissioner Edmiston seconded. Commissioner McCormick questioned Surveyor Utz on the situation with Robert Walters. Surveyor Utz stated they are waiting on an itemized statement from Mr. Walters. 3-0 votes in favor.

Surveyor Utz advised that he spoke to Surveyor Steve Murray at the AIC Conference and was advised that he has had no further contact with the petitioners on the McGlaughlin Drain.


There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:10 a.m.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 26, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 26, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Surveyor Larry Utz; Marian Lindow, League of Women Voters; Larry Gentry & Merlin Cox, Town of New Market; and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

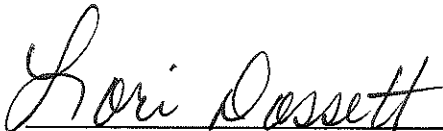
Commissioner Stephens called for a motion to approve the October 12, 2004 minutes. Commissioner McCormick moved to approve the minutes of the October 12, 2004 and Commissioner Edmiston seconded. 3-0 votes in favor

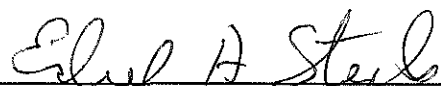
Merlin Cox appeared before the Board advising that the Town of New Market is involved in a major renovation to the storm sewer. The storm sewer is dumping into the VanCleave Ditch which is an assessed drain. Mr. Cox stated the private drain is obstructed and needs to be cleaned out. He stated the drain is under DNR control. He advised the Town of New Market is out of money and requested that the County pay to have the drain beyond the VanCleave Ditch cleaned out. Mr. Cox was advised that the County has no authority to clean out beyond the legal drain. The property owners could petition for construction. Mr. Cox and Mr. Gentry advised they are looking for a quick fix. Commissioner McCormick requested an opportunity to look at the drain. The parties will meeting at 5:30 on Wednesday, October 27th.

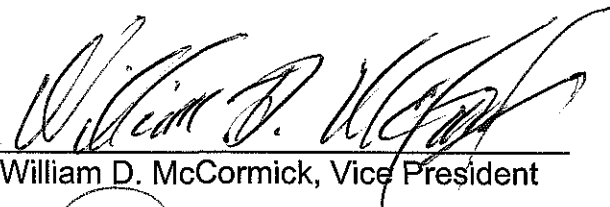
Other Business: Surveyor Utz advised that the clean out work of the beaver dams and blockage on the Joe Hall Drain at the Mennen farm will be started at the end of this week or next week weather permitting.

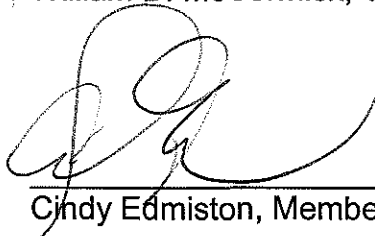
There being no further business before the Drainage Board, Commissioner Edmiston moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:20 a.m.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, NOVEMBER 9, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, November 9, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Phillip Bane; Mike Keeven; Surveyor Larry Utz; Marian Lindow, League of Women Voters; Russell Ruby; Raymond Snellenbarger; and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

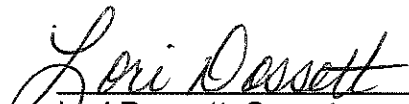
Commissioner Stephens called for a motion to approve the October 26, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the October 26, 2004 and Commissioner McCormick seconded. 3-0 votes in favor

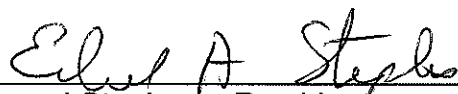
Board President Stephens advised that the Drainage Board has been contacted by the Fountain County Drainage Board requesting approval to operate as the Drainage Board for a reconstruction project on the Kerr Ditch which continues upstream to the Fountain-Tippecanoe-Montgomery County line junction. Surveyor Utz recommended that the Drainage Board waive rights to be represented on a joint board. Commissioner McCormick moved to grant the Fountain County Drainage Board's request to operate as the Drainage Board for the Kerr Ditch Reconstruction Project and Commissioner Edmiston seconded. 3-0 votes in favor.

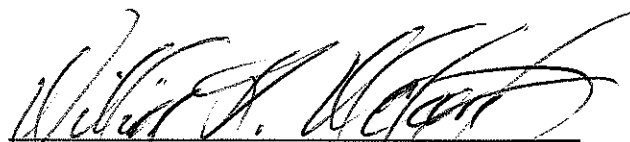
Other Business: Surveyor Utz advised that he has been in contact with Butler Fairman & Seufert regarding continuing work on section corners in which perpetuation funds will be used. He also advised that the clean out work of the beaver dams and blockage on the Joe Hall Drain at the Mennen farm will be completed soon.


There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:05 a.m.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, NOVEMBER 23, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, November 23, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Sandy Brown, The Paper; Lowell Barnett; Phil Bane; Surveyor Larry Utz; Marian Lindow, League of Women Voters; Russell Ruby; Raymond Snellenbarger; and Lori Dossett, Drainage Board Secretary.


Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the November 16, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the November 16, 2004 and Commissioner McCormick seconded. 3-0 votes in favor


Other Business: Surveyor Utz advised that he had nothing to report at this time. Commissioner McCormick requested the status of the Servies Drain. Surveyor Utz stated the petition is in the hands of Jonathon Hester and to his knowledge nothing else has been done up to this point.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:07 a.m.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President


Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, DECEMBER 14, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 14, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Rob Lee, The Paper; Lowell Barnett; Phil Bane; Surveyor Larry Utz; Marian Lindow, League of Women Voters; Russell Ruby; Raymond Snellenbarger; Missy Spencer; George W. Spence; Bret Lewis; Paul Pfledderer; Don Peterson; Phil Boots; and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Edward Stephens called the meeting to order @ 8:00 AM and led the Pledge of Allegiance.


Commissioner Stephens called for a motion to approve the November 23, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the November 23, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

Community Action Program (CAP) Subdivision. Missy Spencer, Montgomery County Building Department presented a subdivision request to the Board. The subdivision consists of 7.72 acres and 19 lots. Frank Stewart of DLZ has reviewed the drainage plan and has approved the plan with the requested variances. The Town of Waynetown has also approved the drainage plan which includes variances of: 1) Reduction in pipe cover from 2' to 1'; 2) Using city of Crawfordsville construction standards; and 3) The selection of the pipe size for the detention period pond outlet and conveyance to the existing town system. The subdivision will have to be approved by the Plan Commission. Commissioner McCormick moved to accept the drainage plans with the variances requested for the Waynetown CAP Subdivision and Commissioner Edmiston seconded. 3-0 votes in favor.


Surveyor Utz stated two petitions will be coming soon to the Board in regards to reconstruction of the Basil VanCleave Drain and the William Buchanan Ditch. Work will be beginning soon on the Joe B. Hall Drain now that the ground has frozen.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

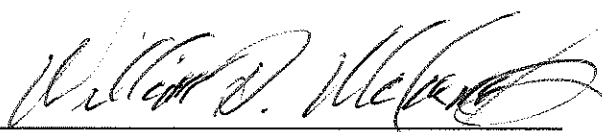
Meeting adjourned @ 8:09 a.m.



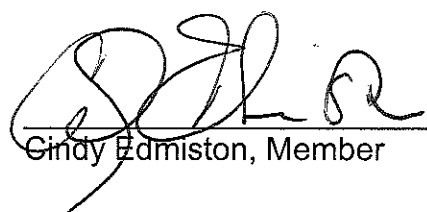
Lori Dossett, Secretary



Edward Stephens, President



William D. McCormick, Vice President



Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, DECEMBER 28, 2004
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 28, 2004 in the Commissioner's Room at the Montgomery County Courthouse.

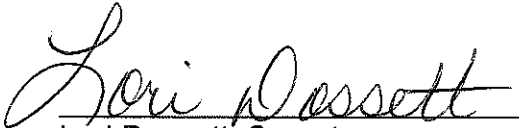
Those present were as follows: Commissioner Ed Stephens, President; Commissioner William D. McCormick, Vice President; Cindy Edmiston, Member; Drainage Board Attorney Harry Siamas; Joanne Hammer, Journal-Review; Rob Lee, The Paper; Phil Bane; Marian Lindow, League of Women Voters; Russell Ruby; Raymond Snellenbarger; Don Peterson; Dan Taylor; and Lori Dossett, Drainage Board Secretary.

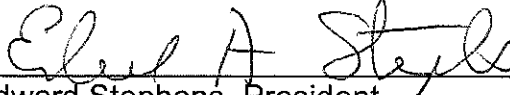
Drainage Board President, Edward Stephens called the meeting to order @ 8:04 AM and led the Pledge of Allegiance.

Commissioner Stephens called for a motion to approve the December 14, 2004 minutes. Commissioner Edmiston moved to approve the minutes of the December 14, 2004 and Commissioner McCormick seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Edmiston seconded. 3-0 votes in favor.

Meeting adjourned @ 8:05 a.m.


Lori Dossett, Secretary


Edward Stephens, President


William D. McCormick, Vice President

Cindy Edmiston, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JANUARY 11, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, January 11, 2005 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Drainage Board Attorney Daniel Taylor ; Maria Flora, Journal-Review; Rob Lee, The Paper; Phil Bane; Marian Lindow, League of Women Voters; Russell Ruby; Raymond Snellenbarger; Jim Capehart; and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance and Father Alexis Miller led the prayer.

Commissioner Bane called for a motion to approve the December 28, 2004 minutes. Commissioner McCormick moved to approve the minutes of the December 28, 2004 and Commissioner Stephens seconded. 2-0 votes in favor.

2005 Meeting Schedule.

Commissioner McCormick moved to open the 2005 Meeting Schedule up for discussion and Commissioner Stephens seconded. Commissioner McCormick stated last year was a dry year so there was not a need for two Drainage Board meetings per month. A special meeting can be scheduled with 72 hours notice to the media. Commissioner Stephens moved to schedule the 2005 Drainage Board meetings on the first Tuesday of the month and any additional meetings to be scheduled on an as needed basis and Commissioner McCormick seconded. 3-0 votes in favor.

Shelly Drain.

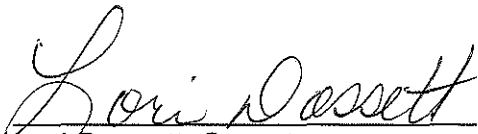
Commissioner McCormick advised that he is having a lunch meeting with John Zimmerman from the Army Corps of Engineers on Friday, January 14th to discuss the Shelly Drain.

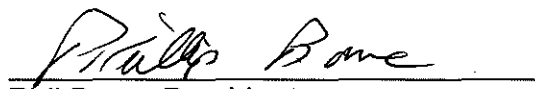
Other Business.

The Commissioners have over the past week visited drainage problems in Whitesville, Mace and Linden. In some of the areas photographs were taken and some of the drainage concerns can be solved with the County's help. The Board recognizes where the problems are and will attempt to help solve them.

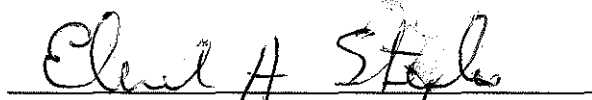
There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

Meeting adjourned @ 8:10 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, FEBRUARY 1, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, February 1, 2005 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Drainage Board Attorney Daniel Taylor; Surveyor Larry Utz; Joanne Hammer, Journal-Review; Rob Lee, The Paper; Marian Lindow, League of Women Voters; Russell Ruby; Rex Collom; Laura Miller; Elizabeth Justice; Tami Barreto; Ronnie Breaks; Lowell Barnett; Raymond Snellenbarger; Jim Capehart; and Lori Dossett, Drainage Board Secretary.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance and Reverend Hatley led the prayer.

Commissioner Bane called for a motion to approve the January 11, 2005 minutes. Commissioner McCormick moved to approve the minutes of the January 11, 2005 and Commissioner Stephens seconded. 3-0 votes in favor.

Surveyor Larry Utz reported to the Board on the Gobin Drain. He stated that he has met with Wade Bennett and Curt Hudson and it was decided that 675 feet of the tile needs to be replaced. The tile to be replaced is a tributary to the Gobin Drain. He stated the Mr. Myers is in agreement to the repair of the tile. He is requesting that the repairs be made when he does not have crops in his field. Surveyor Utz informed the Board that there is a private tile that belongs to Curt Hudson with a huge hole that Mr. Hudson plans to fix. Surveyor Utz advised a bid was received from Hughes and Hughes will be paid out of the maintenance fund.

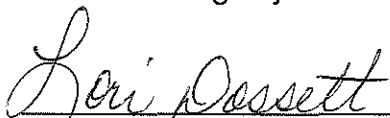
Commissioner Stephens inquired as to the status of the Joe Hall Drain. Surveyor Utz stated the beaver dams have been taken out.


Commissioner McCormick advised Surveyor Utz that within the next few weeks he will need to meet with him and Highway Director Brett Cating to discuss a flooding problem on CR900 North.


Commissioner Bane questioned Commissioner McCormick if there has been any new developments regarding the Shelly Drain. Commissioner McCormick advised there has not been any change.

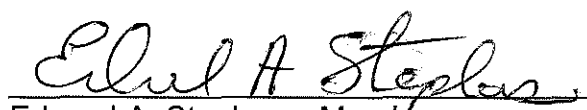
There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

Meeting adjourned @ 8:10 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MARCH 1, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, March 1, 2005 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Drainage Board Attorney Daniel Taylor; Surveyor Larry Utz; Joanne Hammer, Journal-Review; Rob Lee, The Paper; Marian Lindow, League of Women Voters; Lowell Barnett; Raymond Snellenbarger; Darren Chad; Building Administrator Marc Bonwell; Doug Mills, Soil & Water; Don Hester; and Jim Swift, Darrell Birge; Lori Dossett, Drainage Board Secretary.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance and Dave Deckard led the prayer.

Commissioner Bane called for a motion to approve the February 1, 2005 minutes. Commissioner McCormick moved to approve the minutes of the February 1, 2005 and Commissioner Stephens seconded. 3-0 votes in favor.

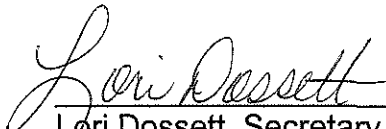
Doug Mills representing Soil & Water proposed to the Board that the Drainage Board should be reorganized and set up as a five member Board instead of the three County Commissioners serving as Board members. He proposed that the Commissioners appoint two members, the Council appoint two members and a member should be from Soil & Water. He stated it was his opinion that each ditch needs to be re-examined for the reason that there is no continuity in the system and Soil & Water has the capabilities to help with preliminary watershed designs. A five member Board would allow for more independent views and drainage is as important as roads and it would provide for greater economic growth in agriculture. If a drain is a legal drain it needs to be assessed. Most research has shown that with adequate tile drainage yields will increase 30%. It is an educational process and it affects residential areas as much as agricultural areas. Commissioner Bane stated residential areas and businesses affect can feel the affect of inadequate drainage for example with a 10 to 15 acre parking lot. Mr. Mills mentioned for the "common good". In the past if 51% of the landowners did not agree to reconstruction then the issue was dropped. In the 1960's the surveyor at that time removed several drains from assessment which should be assessed. Surveyor Utz cannot arbitrarily put the drains back on, it would take a petition. Mr. Mills stressed that Soil & Water's opinion is that all of the drains need to be looked at and determined if they should be assessed or if they should be removed from assessment. Some drains do not need to be legal drains. A DIP (Ditch Improvement Plan) has been discussed. Surveyor Utz added that he has six drains currently that he has prioritized wherein every year the drains experience problems, "so we are a little ahead of the game". Currently there is \$213,000 in the maintenance fund and \$33,000 in replacement. Mr. Mills stated a user tax on the drains would be a way to generate funds. Commissioner Bane stated that the public needs to be educated on where the water ends up and it is for the common good of the whole community. The tiles in the County are more of a problem than open ditches. Don Hester added that due to time constraints of the Commissioners' time, a stand alone Drainage Board could free up Commissioners' time for other responsibilities. County Attorney Taylor stated to change the make up of the Drainage Board it would have to be done by resolution wherein the Commissioners would define who appoints who. It was agreed it will take a couple of years to evaluate where we are. Mr. Mills advised that you have to take out April & May and September, October & November for the farmers. He stated the meetings need to be held when people can be there. Mr. Mills was invited by the Commissioners to attend the evening informational Commissioners meeting on March 22nd at North Montgomery High School. Jim Swift stated he agreed with Soil & Water's concept. Darrell Birge stated there are certain aspects to a legal drain and stated that not all farmers are a part of Soil & Water and drains should be prioritized. Currently legal right-of-ways are not recorded and it would help in development if drains were more well-defined. Commissioner Stephens moved to take the matter under advisement of the proposal to change the make-up of the Drainage Board from a three-member Board to a five-member Board and Commissioner McCormick seconded. 3-0 votes in favor. Commissioner McCormick thanked Mr. Mills for opening the topic up for discussion.

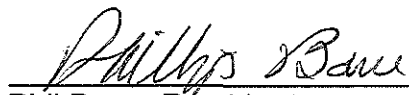
Jim Swift advised the Drainage Board it was his understanding that the Rolling Meadows Subdivision would be on the agenda for today. Building Administrator Marc Bonwell advised that the plans were submitted to Frank Stewart at DLZ on February 24 and the results of his review have not been received as of yet. The Board will call a special meeting when the results have been received.

Other Business: DLZ submitted a Request for Fee Increase of \$64/hr to \$80/hr on permit reviews for development. Commissioner McCormick moved to approve the fee increase request and Commissioner Stephens seconded. 3-0 votes in favor.

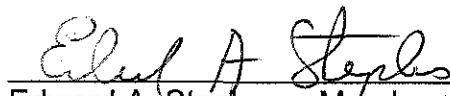
There being no further business before the Drainage Board, Commissioner Stephens moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:50 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MARCH 22, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, March 22, 2005 in North Montgomery High School's auditorium.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Drainage Board Attorney Daniel Taylor; Surveyor Larry Utz; Joanne Hammer, Journal-Review; Rob Lee, The Paper; Marian Lindow, League of Women Voters; Raymond Snellenbarger; William D. Fell; Sam Shelton; Dick and Doralas Howden; J. Shannon Kessler; Chris Merritt; Dave Nash, Raoul Moore; Gail Pebworth; Don Young; Andy Oppy; Gayle & Debbie Lough; John Cowan; Building Administrator Marc Bonwell; Doug Mills, Soil & Water; Lori Dossett, Drainage Board Secretary.

Drainage Board President, Phil Bane called the meeting to order @ 7:00 PM and led the Pledge of Allegiance and Alan Sparks led the prayer.

Commissioner Bane called for a motion to approve the March 1, 2005 minutes. Commissioner McCormick moved to approve the minutes of the March 1, 2005 and Commissioner Stephens seconded. 3-0 votes in favor.

Building Administrator Marc Bonwell requested that the Board approve a storm water review plan for Rolling Meadows subdivision. The subdivision will be located on the NE corner of CR500 East and CR300 North with one variance of the five minute storm calculations. The subdivision will consist of nine lots and will be single-family dwellings. Commissioner Stephens moved to approve the storm water plan as presented and Commissioner McCormick seconded. Commissioner McCormick inquired as to how many acres of farmland were being used for the subdivision; Administrator Bonwell advised 31 acres will encompass the subdivision. Commissioner McCormick also questioned if the Highway Department had been contacted regarding the subdivision and the fact that no roads were planned to be constructed through the subdivision, instead all of the driveways will be off of the County Road. Commissioner McCormick inquired if the developer was aware that the culverts installed at the driveways are to meet the Highway Departments specifications. Administrator Bonwell replied that the developer was aware of that fact. The subdivision will not disrupt the flow and the neighbors have expressed any concerns. 3-0 votes in favor.

Doug Mills representing Soil & Water presented to the Board their concern of problems with the current systems. He advised the drainage network is an important part of infrastructure. Some of the tiles are 50 to 100 years old and not sufficient to handle the water flow. The system should be reviewed watershed by watershed. He stated with the importance the drainage network system that the Drainage Board should be reorganized and set up as a five member Board instead of the three County Commissioners serving as Board members. He proposed that the Commissioners appoint two members, the Council appoint two members and a member should be from Soil & Water. A five member Board would allow for more independent views and to ensure the highest level of productivity. Commissioner McCormick stated that the Board is interested in Soil & Water's proposal. Commissioner McCormick advised that he will be attending the next Soil & Water meeting to discuss ideas and bring those ideas back to the Board. He stated it is true that the Board does not have the time to devote to the drainage issues. Mr. Mills stated that state statute allows for a five member board and drainage is not primarily for agriculture. Drainage needs to be looked at as a whole. It would be easier to take care of the issues now.


Surveyor Larry Utz stated to the Board that he is totally against the involvement of Soil & Water as a member of the Drainage Board. He stated, "this is the federal government coming in and that's what I'm elected to do". He stated he has six drains that he has placed on a priority list and will be bringing to the drainage board. He stated all six drains are assessed. He stated there are 57 drains in the County which are not assessed. He stated the figure of 300 drains being thrown around by Soil & Water is not true. He stated currently there are 140 drains that are assessed and some of those drains are joint drains. Shelly Drain is a large drain with problems that are being looked into. He stated that Soil & Water has several good

programs including filter strips and rock chutes which the Counties utilize. He stated in order for a drain to be put back on assessment that a landowner must step forward and petition to put the drain back on assessment. If no one comes forward this cannot be accomplished.

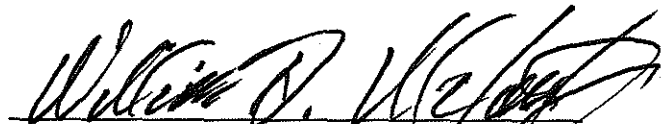
Board President Bane questioned if anyone in the audience had any questions concerning drainage. Jack Klepfer came forward and advised that he has a drain running through his farm and he just spent \$750 on repairs and he asked for help from the adjoining property owners and he was advised that it was his problem. If property owners do not cooperate that is where it ends. He stated he is in favor of a five member board.

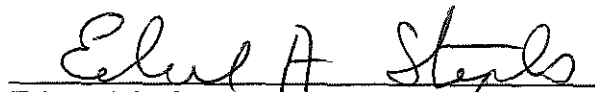
There being no further business before the Drainage Board, Commissioner Stephens moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 7:16 p.m.


Lori Dossett, Secretary

Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, APRIL 5, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, April 5, 2005 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Drainage Board Attorney Daniel Taylor; Surveyor Larry Utz; Joanne Hammer, Journal-Review; Rob Lee, The Paper; Marian Lindow, League of Women Voters.

Drainage Board Vice President, William D. McCormick called the meeting to order @ 8:00 AM and led the Pledge of Allegiance and prayer.

Commissioner McCormick called for a motion to approve the March 22, 2005 minutes. Commissioner McCormick moved to approve the minutes of the March 22, 2005 and Commissioner Stephens seconded. 2-0 votes in favor.

The Drainage Board discussed increasing the number of board members from 3 to 5. The County Commissioners would make all the appointments. The statute states, "persons that qualify would have to know something about drainage", etc. The Board members would be paid. The matter would have to be discussed with the County and could not become effective until 2006 which will allow for the matter to have further discussion.

Commissioner Stephens discussed a couple of farm drainage issues with the Board.

The Board will request a printout from the Auditor and from Surveyor Utz to be presented at the next meeting on the balances in the drainage accounts.


There being no further business before the Drainage Board, Commissioner Stephens moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Minutes taken by Jean Bramble.
Meeting adjourned.

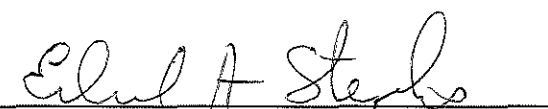


Lori Dossett, Secretary

Phil Bane, President



William D. McCormick, Vice President



Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, MAY 3, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, May 3, 2005 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Drainage Board Attorney Daniel Taylor; Surveyor Larry Utz; Maria Flora, Journal-Review; Anne Harvey & Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Building Administrator Marc Bonwell; Peter Schram, Cargill AgHorizons; Charles R. Akers; Lowell Barnett; Assessor Peg Hudson; Union Township Assessor Sue Sams; and Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance and prayer was give by Glen McFarland.

Commissioner Bane called for a motion to approve the April 5, 2005 minutes. Commissioner Stephens moved to approve the minutes of the April 5, 2005 and Commissioner McCormick seconded. 2-0 votes in favor.

Surveyor Larry Utz advised the Board that he was approached by Peter Schram of Cargill AgHorizons regarding the John Gobin #2 open drain. Mr. Schram stated that Cargill is seeking approval to move the John Gobin #2 open drain for the reason that Cargill is planning an expansion. Surveyor Utz stated it is feasible to move the drain and there is also room. Relocating the drain would help the drain itself. The drain now ends at CR1100. Commissioner McCormick questioned if moving the drain will result in additional water and Mr. Schram and Surveyor Utz advised it would not. Commissioner Stephens moved to approve the relocation request of the John Gobin #2 open drain due to Cargill's plans for further expansion and Commissioner McCormick seconded. Commissioner Stephens questioned if filter strips will be used on the project and Surveyor Utz stated that they will be contacting Soil & Water regarding the use of filter strips. Cargill has 120 acres within which the drain will be re-routed. 3-0 votes in favor.

Surveyor Utz stated approximately 40 tiles have been repaired so far this spring and several headwall repairs with most of the work expected to be finished this week.

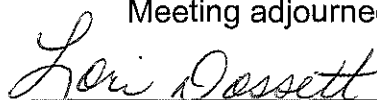
Commissioner McCormick advised Surveyor Utz that the County will be installing wing-walls on the culvert on CR625E at the new waterway at Rocky Ridge.

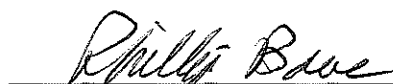
Commissioner McCormick requested a list of the six priority drains Surveyor Utz had decided upon. Surveyor Utz stated: 1) Stanford/Elmore; 2) John Galey; 3) Smith/Elmore; 4) Carper Crowder; 5) James Sanders; and 6) Swearingen/Runyon.

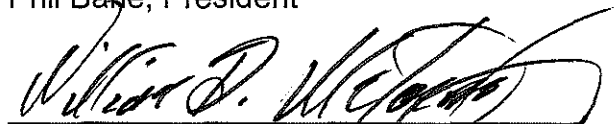
Surveyor Utz presented a printout to the Board regarding the balances of the assessed county ditches as of May 2, 2005.


There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

Meeting adjourned @ 8:15 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JUNE 7, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, June 7, 2005 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Drainage Board Attorney Daniel Taylor; Surveyor Larry Utz; Maria Flora, Journal-Review; Anne Harvey, The Paper; Marian Lindow, League of Women Voters; Councilman Jim Fulwider; Highway Director Brett Cating; Paul Johnson; and Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM called for the Pledge of Allegiance and prayer was give by Paul Johnson.

Commissioner Bane called for a motion to approve the May 3, 2005 minutes. Commissioner McCormick moved to approve the minutes of the May 3, 2005 and Commissioner Stephens seconded. 3-0 votes in favor.

Surveyor Utz advised he had nothing to report at this time.

Commissioner Stephens questioned Surveyor Utz on the progress on the James Hose Drain. Surveyor Utz advised that the property owners have been unsuccessful in contacting a company in Lafayette to run a jet through the tile to find the blockage.

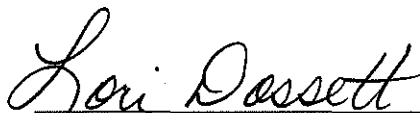
Surveyor Utz stated he is working on the six priority ditches and they will soon be presented to the Board to be set for hearing.

Commissioner Stephens stated he had been approached recently by Dennis Bonwell regarding the Servies Ditch. Mr. Bonwell is aware of the history of the ditch and invited the Board to look at the ditch to see what could be done.

Commissioner Bane advised he will contact the company in Lafayette to get an answer regarding the James Hose Drain.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

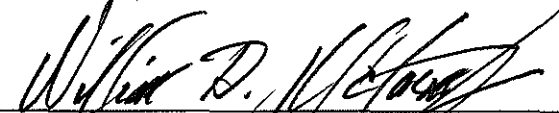
Meeting adjourned @ 8:10 a.m.



Lori Dossett, Secretary



Phil Bane, President



William D. McCormick, Vice President



Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, JULY 5, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 5, 2005 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Drainage Board Attorney Daniel Taylor; Crystal Beckett, Journal-Review; Anne Harvey, The Paper; Marian Lindow, League of Women Voters; Wade Bennett; and Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM called for the Pledge of Allegiance and prayer was give by Reverend Alan Goff.

Commissioner Bane called for a motion to approve the June 7, 2005 minutes. Commissioner McCormick moved to approve the minutes of the June 7, 2005 and Commissioner Stephens seconded. Commissioner Bane stated there was an error in the June 7th minutes. The minutes state: "Commissioner Bane advised he will contact the company in Lafayette to get an answer regarding the James Hose Drain." He advised the minutes should read, "He would contact Wade Bennett". 3-0 votes in favor.

New Business: Kerr Ditch – Joint Montgomery/Fountain County.

Commissioner McCormick moved to recess @ 8:05 a.m. and Commissioner Stephens seconded. Commissioner McCormick requested that Board Secretary Lori Dossett contact Surveyor Utz who was not present at the meeting.

Meeting reconvened @ 8:10 a.m. Surveyor Utz was not able to be reached.

Wade Bennett addressed the Board regarding the James Hose Ditch. He stated that there has not been any progress by the Surveyor's office on the James Hose Ditch. Commissioner Bane stated that Mr. Bennett had called him and requested that he look into the matter. Commissioner Bane presented digital photographs that he took of the James Hose Ditch in January, 2005 and most recently on July 2nd. There is still a hole in the ground with standing water. Commissioner McCormick added that over a year ago he and Commissioner Stephens met with Jeff Myers and Surveyor Utz and Mr. Bennett to observe the drain. At that time they were informed by Surveyor Utz that after the crops were harvested the project could begin. Commissioner McCormick commented, "This shows how the Surveyor is not doing his job. If the money is there, he should be able to do it." Surveyor Utz had indicated earlier that he had not been able to make arrangements for Claude Barker to do the job. Mr. Bennett stated that the ditch goes under the railroad and the process of getting permission from the railroad to do this could take at least 90 days and with time running short, the project may have to wait another year. He stated that he and Mr. Hutson have replaced at their own expense 700 feet of tile. Commissioner Stephens stated, "This is an embarrassment." Surveyor Utz had indicated that he would present a list of six "priority ditches" to the Drainage Board. Commissioner Bane submitted copies for the minutes of the digital photographs of the James Hose Drain that he took in January, 2005 and July 2, 2005. **{See attached photographs}**

Kerr Ditch – Fountain/Montgomery County. Attorney Taylor suggested to the Board to conduct a special meeting next week and continue to hold the meetings until the Surveyor shows up. Attorney Taylor also suggested to notify the Surveyor in writing requesting written reports to the Board. Commissioner Stephens moved to set a special Drainage Board meeting on July 12, 2005 @ 8:00 a.m. to obtain more information from the Surveyor and Commissioner McCormick seconded. Commissioner Stephens amended his motion to include conducting a Drainage Board meeting at every Commissioners meeting until further notice and Commissioner McCormick seconded. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

Meeting adjourned @ 8:20 a.m.

Lon Dosselt, Secretary
Lon Dosselt

Phil Bane, President
Phil Bane

William D. McCormick, Vice President
William D. McCormick

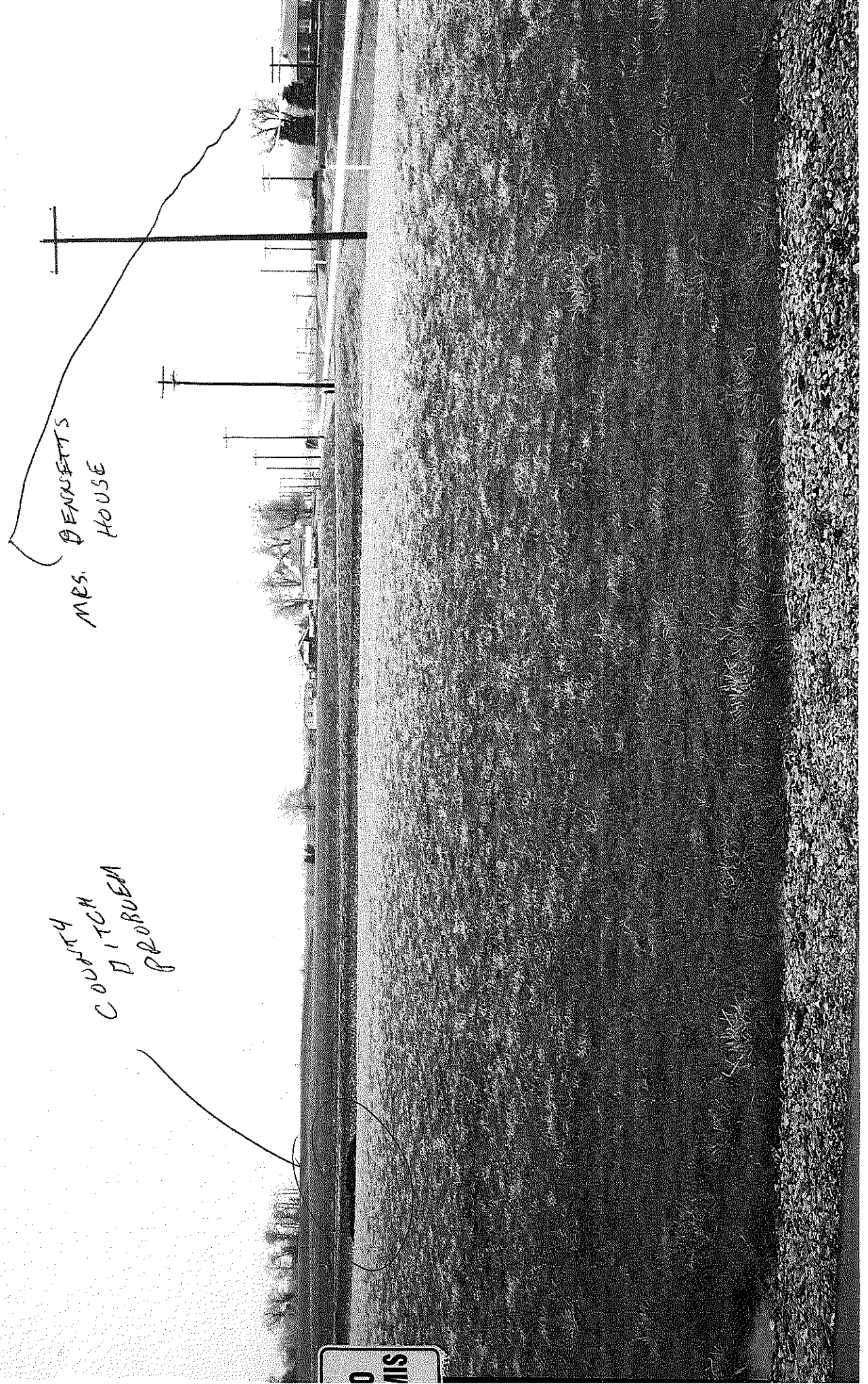
Edward A. Stephens, Member
Edward A. Stephens

1st WEEK
JANUARY
2005

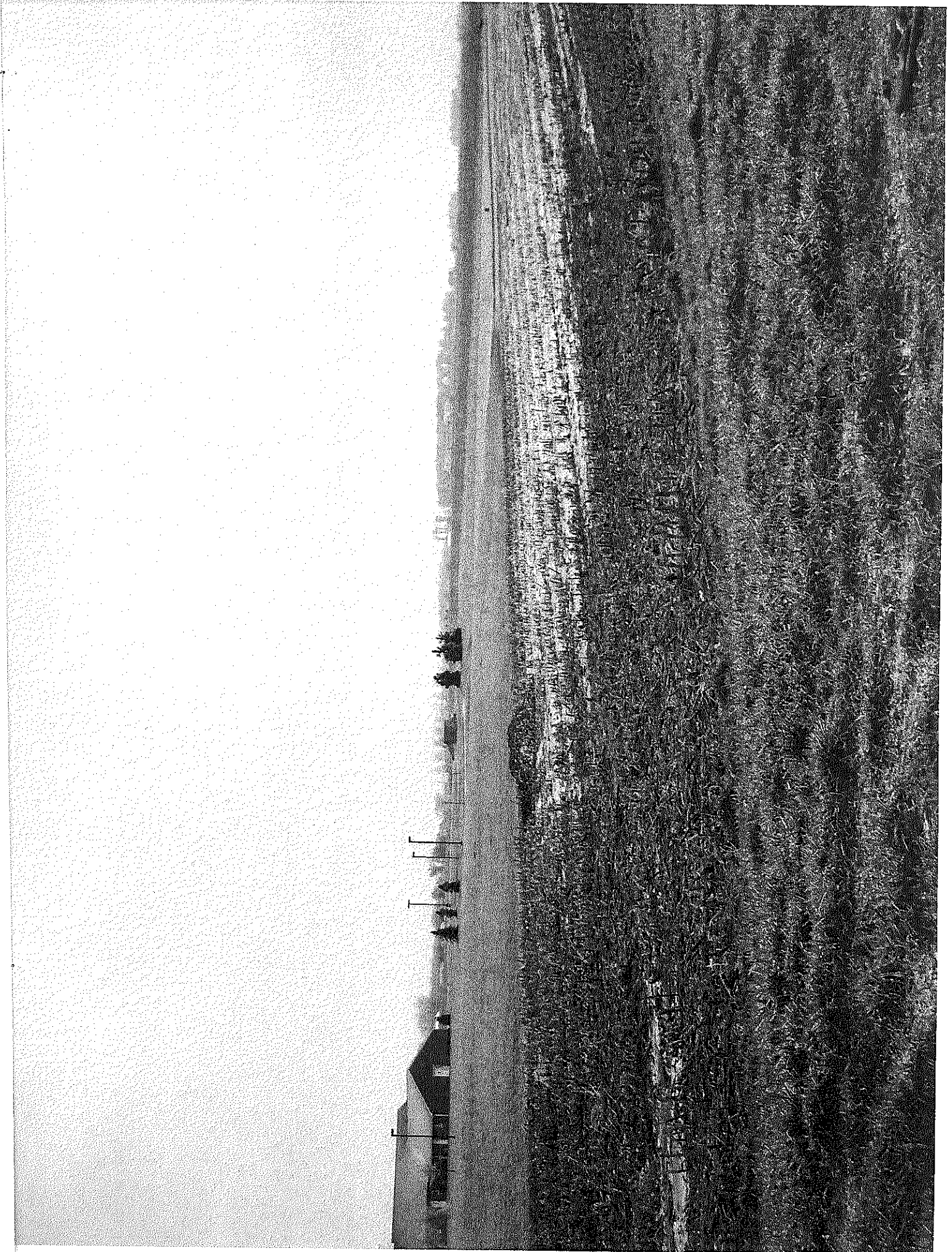
LOOKING SOUTH TOWARD
CIVILLE - FROM LINDEN
METHODIST CHURCH LOT

COUNTY
DITCH
PROBLEM

MRS. BENNETTS
HOUSE



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SIV



LOOKING
NORTH

SANDY
DUNE
2000
2000





881



MONTGOMERY COUNTY SPECIAL DRAINAGE BOARD MEETING
TUESDAY, JULY 19, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 19, 2005 in the Commissioner's Room at the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Assessor Peg Hudson; Union Township Assessor Sue Sams; Treasurer Sue Howell; Crystal Beckett, Journal-Review; Barry Lewis, The Paper; Marian Lindow, Deanna Durrett, Gail Pebworth, League of Women Voters; Raymond Snellenbarger; Wade Bennett; Curt Hudson; Mayor John Zumer; Anita Hardwick; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance. Reverend Wayne Manago led the prayer.

Commissioner Bane advised that the minutes from the July 12, 2005 meeting will be approved at the next Drainage Board meeting on August 2nd.

Surveyor Utz's Report. Surveyor Utz advised that the notices for public meetings have been mailed on the six priority ditches. The public meetings are scheduled as follows: July 28th – Stanford Elmore/Smith Elmore; August 4th – Carper Crowder/James Sanders; August 11th – John Galey/Swearingen Runyon. All public meetings will be held in the Circuit Courtroom and will begin at 6:00 p.m.

John Gobin Drain. Surveyor Utz advised that he and Tim Barker met Monday morning at 9:00 a.m. at the John Gobin Drain. Barker jetted 130 feet of tile and then hit something very solid. The tile is sluggish all the way through US 231 and therefore needs replaced. Utz stated he will need to get a contractor to replace the tile on the east side of US231 first and then the rest will need to be replaced after the crops are out. Wade Bennett said to go ahead with the work before the crops are out. Surveyor Utz stated he will get on it and will take shots as to the fall of the open drain. Surveyor Utz stated he will call Holey Moley. There is a concern that the fiber optic cable was hit. Commissioner McCormick questioned if we are sure that the drain is open under the railroad. Surveyor Utz stated they do not know the answer to that yet. They will jet under the highway when they get there. The blockage is at the edge of the beans and water is trickling through. The plan is to fix the 130 feet of tile and go from there. Wade Bennett stated that the issue of the tile hole between the tile and the railroad still needs to be addressed. The County will have to get permission from the railroad to do any work in their right of way. There is now more dirt and silt in the first 60' of tile. Curt Hudson stated that 20 years ago they bored at the railroad and ran into an abandoned gas line. Mr. Hudson stated that the fiber optic cable is 4' to 5' deep and the tile is 10' deep. Utz stated the tile is not that deep right there. Commissioner McCormick asked if the hole was in line with the ditch and Wade Bennett advised that it was. Utz stated he knows where it is crossing and Commissioner Bane said to contact the railroad to "get the ball rolling". Commissioner Bane questioned whether Jason Hughes could open up at the 130' of tile to address Curt's concern and Utz stated they could. He said it is clear to the east. They ran the hose 150' to 200'. The problems are to the west.

Smith Elmore Drain. Surveyor Utz stated that he spoke to the contractor in regards to the drain and he said he could begin working on the drain this week.

Other County Drain Issues. Surveyor Utz stated that there are other tiles holes that are being addressed by Jeremy Hughes at David Legg's and McClamroch's at North Montgomery High School.

Old Business. Proposed Reporting Requirements for Surveyor. Commissioner McCormick stated that the issue of raising assessments needs to be discussed. He said that should be a priority. The Drainage Board has a right to do that. Surveyor Utz stated that the statute states it can be raised 25% one time without notice and that has been done. It was done back in the 90's. Commissioner McCormick stated that #10 on the list should be to request that the Surveyor pull all of the files on all County ditches and list what is low on assessment. Commissioner McCormick question what the Board could do if a drain/ditch was

not on assessment and Attorney Taylor stated that you would have to have agreement by 51% of the acreage to put the drains/ditches on assessment. Commissioner Stephens agreed and stressed "working as a team and it is down in writing". #9 on the list should be to have assessments part of the plan. The process has to be started.

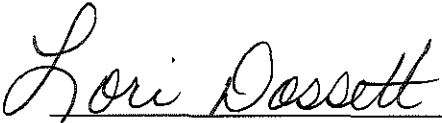
New Business. Anita Hardwick advised that the Weliever Ditch has big holes in it and the holes are getting bigger. Two years ago the Surveyor looked at it and stated he would get Barton Maxwell on the project and the work was never done. Mrs. Hardwick has 49 acres of woods and pasture in Walnut Township. Mrs. Hardwick questioned if the tile work needed to be done in the wooded area. She said the farms on the other side of her are fine. She is downstream. There is a creek on the other side of the road. She stated the "holes are big and the land is washing away."


Other Business. Commissioner Stephens stated that the August 2nd Drainage Board meeting will be held at the City Building in the City Council Chambers.

Attorney Taylor stated that the Cherry Hill Subdivision as proposed by Jim Deere on 136 West will be on the next Drainage Board agenda. The Plan Commission approved it Monday evening.

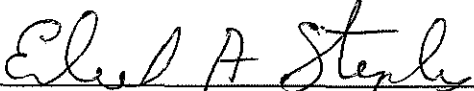
There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

Meeting adjourned @ 8:25 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD
INFORMATIONAL MEETING
STANFORD/ELMORE DRAIN
SMITH/ELMORE DRAIN
TUESDAY, JULY 28, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, July 28, 2005 in the Circuit Courtroom of the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Deputy Surveyor Scott Yeager; Attorney Jim Capehart; Barry Lewis, The Paper; Marian Lindow, Deanna Durrett, League of Women Voters; and Drainage Board Secretary Lori Dossett.

The following property owners were also present: Herman Myers, Richard Myers, Cecil Dunlap, Greg & Jenny Rutledge, David Turner, Mark Maltsberger, Joyce Lighty, David Wilson, Tim McGrady, David McGrady, Harry Hughes, Mike & Beulah Spragg; Terry A. Stephens; Edith Rush; and Dean Rush.

Drainage Board President, Phil Bane called the meeting to order @ 6:00 PM and led the Pledge of Allegiance.

Drainage Board President Bane advised the property owners that Surveyor Utz had been released from the hospital at 5:15 p.m. this evening after complaining of chest pains and under doctors' orders for bed rest. Scott Yeager, Larry's assistant is here tonight but advises he is unsure exactly what information Larry had planned to convey to the landowners at tonight's meeting.

Stanford/Elmore - Maintenance fund balance \$447.18. One property owner stated that they need to know what the cost factor is, when the job would be done, how it will be paid for and he also questioned if there were any grant monies available.

Dan McGrady indicated it will be a huge repair bill. He said a large portion of the Stanford/Elmore was replaced in 1996. Yeager indicates both drains.

David Wilson questioned where the water goes after it gets out of the tile.

Commissioner McCormick explained the process and Yeager indicated the percentages necessary. Fifty-one percent of the landowners are need to approve the reconstruction.

David Turner asked about how much the next step would cost as far as engineering, etc. Basically competitive bids are received from area banks.

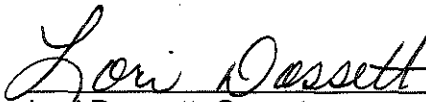
Cecil Dunlap commented that the north end of Smith/Elmore is filling up with dirt.


Dean Rush stated Smith/Elmore is still plugged and was not done correctly, now it has a different sized tile, 16" or 18".

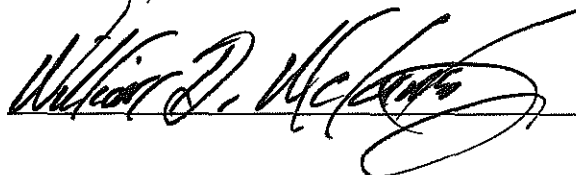
Tile repair was questioned by Harry Hughes as far as what the bid process is.

Copies of the landowners with total acreage and a list of expenses were provided to the property owners and they were advised that the next informational meeting will be scheduled at the Drainage Board meeting on August 2nd.

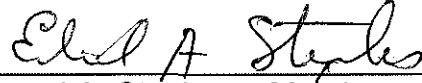
There being no further business before the Drainage Board, meeting adjourned @ 6:45 p.m.


Lori Dossett, Secretary


Phil Bane, President



William D. McCormick, Vice President

A handwritten signature in cursive script that reads "Edward A. Stephens". The signature is written in dark ink and is positioned above a horizontal line.

Edward A. Stephens, Member

MONTGOMERY COUNTY SPECIAL DRAINAGE BOARD MEETING
TUESDAY, AUGUST 2, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 2, 2005 in the City Council Chambers at the Crawfordsville City Building, 300 East Pike Street.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Crystal Beckett, Journal-Review; Barry Lewis, The Paper; Marian Lindow, Deanna Durrett, League of Women Voters; Raymond Snellenbarger; Wade Bennett; Curt Hudson; Mayor John Zumer; Anita Hardwick; Darrell Birge and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance. Reverend Threlkeld led the prayer.

Commissioner Bane requested a motion for approval of the July 19, 2005 and July 28, 2005 minutes. Commissioner Stephens moved to approve the July 19, 2005 minutes and the July 28, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Old Business: Weliver Drain – Anita Hardwick. Surveyor Utz advised that he had spoken to Bart Maxwell regarding repair on the Weliver Drain. Mr. Maxwell advised he will begin the work and apologized for not getting the work done, the project "slipped his mind". Mr. Maxwell admitted that it was his fault that the work did not get done and Commissioner McCormick added that Mr. Maxwell had contacted him and apologized profusely for not performing the work.

New Business: Cherry Hill Subdivision, R & S Logistics. Building Administrator Marc Bonwell advised the Board that he needs additional information and hopes to have the information by the next Drainage Board meeting. He advised that all of the bids were over on the New Richmond Jail fire station so the project is currently on hold. Commissioner Stephens moved to table Cherry Hill Subdivision and R & S Logistics until the next Drainage Board meeting and Commissioner McCormick seconded. 3-0 votes in favor.

Surveyor Larry Utz's Report. Surveyor Utz advised that the Carper/Crowder informational meeting is scheduled for August 4th 6-8 p.m. in the Circuit Courtroom.

John Gobin Drain. Surveyor Utz advised that Jason Hughes will be checking the John Gobin Drain today and Wade Bennett advised that Hughes did that yesterday and advised there is another hole close on the right at the highway which is clean, but 138 feet of tile is running backwards. The tile under the highway is 12" concrete. Commissioner Bane questioned if we are wasting our time doing it under the highway. Darrell Birge suggested to wait until Cargill's upcoming project is open. His opinion is Cargill's project will affect the watershed. Surveyor Utz advised that he spoke to Mike Waldron at Butler Fairman & Seufert the engineering firm on the Cargill project and requested to know how far Jim Hamilton was with the engineering. The County needs to know what is going on and Larry will have to stay on top. Curt Hudson suggested replacing the tile under the highway. The Board questioned how long it would take to get permits from the railroad and INDOT. Surveyor Utz advised it would take longer for the railroad and he would speak to Highway Director Brett Cating who has a contact at INDOT that could perhaps help expedite the project. Birge stated the tile historically goes up and down and is full of dirt. Elevations will need to be taken. Commissioner Bane suggesting taking a shot of the worse case scenario and see what the fall is on the east side to the west. Birge added it was lower in the field. Commissioner Bane suggested going back farther east and then check elevations. Surveyor Utz advised the permits are good for one year. The Drainage Board previously approved Cargill's request to move the open ditch. Building Administrator Marc Bonwell added that the water cannot be released any faster. Cargill's plan includes detention on their own property. Attorney Taylor added that DLZ will make certain that Cargill deals with their own water. Administrator Bonwell added that Cargill has all of the information and assumes it will be a sophisticated system. Commissioner McCormick added that IDEM and EPA will also be monitoring the construction at Cargill. Attorney Taylor added that the Drainage Board will have to approve the storm water review. Birge added that Cargill is planning to go around their property and take the grade out of the ditch. Attorney Taylor added that the Drainage Board can require that it not affect the

MONTGOMERY COUNTY SPECIAL DRAINAGE BOARD MEETING
TUESDAY, AUGUST 2, 2005
MINUTES

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Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Crystal Beckett, Journal-Review; Barry Lewis, The Paper; Marian Lindow, Deanna Durrett, League of Women Voters; Raymond Snellenbarger; Wade Bennett; Curt Hudson; Mayor John Zumer; Anita Hardwick; Darrell Birge and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance. Reverend Threlkeld led the prayer.

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watershed. Commissioner Bane questioned if we are wasting money to fix the 150 feet now. He suggested getting the permits now. Surveyor Utz was instructed by the Drainage Board to start the permit process with INDOT and the railroad now.

Commissioner Bane requested that Surveyor Utz provide copies of the handouts for the upcoming informational meeting to the Board before Thursday's meeting.

Smith Elmore/Stanford Elmore Informational Meeting. The Smith Elmore/Stanford Elmore informational meeting will need to be rescheduled due to Surveyor Utz's not being available to attend the meeting previously scheduled on July 28th. Commissioner McCormick moved to schedule the Smith Elmore/Stanford Elmore informational meeting on Wednesday, August 17th @ 6:00 p.m. in the Circuit Courtroom.

Commissioner Stephens advised Surveyor Utz that Joe Frey had contacted him regarding fixing a tile at the highway and Surveyor Utz advised that the County has a 75 foot easement which is thru the fence and on the other side of the road.

Discussion Farmers Performing Their Own Tile Work. Attorney Taylor advised that he did not see anything in the Drainage Laws that would prohibit farmers performing their own tile work. He stated there were some limitations and suggested that the Board requiring that a farmer performing their own tile work to sign a contract which would include a contract description, timing, and price. It would be a basic fill in the blank agreement. The Board would be required to approve each project at Surveyor Utz recommendation. A Contract would take care of the County's liability. Curt Hudson added that Surveyor Utz is approving the repairs now and stated a concern that if the Board has to approve each project it could slow up the process. Attorney Taylor stated that any tile repair, construction, maintenance or reconstruction should go through the Surveyor's office and the Drainage Board. Surveyor Utz stated now the contractors are required to have insurance and workman's comp. Are you going to require that the farmers have proof of insurance? Attorney Taylor stated that insurance would be a part of the agreement and they will have to provide proof of insurance. Commissioner Bane advised that it is not the intent to take work away from contractors, the idea is to have some flexibility. Commissioner Stephens requested that Attorney Taylor write it up to review and to cover the bases. Commissioner McCormick moved to table the matter and Commissioner Stephens seconded. 3-0 votes in favor.

Commissioner Bane added that if Mr. Hudson's concern was a timing issue, he stated that the Board can meet every week. Commissioner McCormick stated that the ordinance will have to be amended if the Drainage Board meets every week. Commissioner Stephens moved to change the Drainage Board meetings to the first three Tuesday's of each month and to change the existing ordinance and Commissioner McCormick seconded. 3-0 votes in favor.

Curt Hudson questioned if individual ditch money could be transferred and he was advised that it could only be transferred to the general drainage fund under certain circumstances.

Other Business: Surveyor Utz provided maps of the Linden ditches to Commissioner McCormick at his request.

Attorney Taylor advised that he has prepared a draft of an ordinance expanding the Drainage Board from a three member Board to a five member Board. He explained how the terms would be served. The ordinance also clarifies the Surveyor's status on the Board as an ex officio non-voting member. The Drainage Board would actually be a six member Board with the Surveyor being a non-voting member. Commissioner McCormick advised when he was approached by Soil and Water it was their suggestion to recommend an appointment to the Board and the Council to appoint a Board member with the three Commissioners. If the five member Board is passed, Commissioner McCormick suggesting diving the current Drainage Board members' salaries five ways given the County's current budget situation. Attorney Taylor suggested including the other two members in the budget and add line items for salaries.

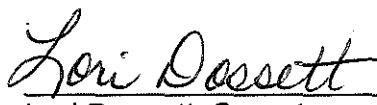
Curt Hudson requested to revisit the new Ethanol plant and the flow of the ditch. He felt it would be proactive to go ahead on 1100 North to the abandoned railroad to see what kind of levels are between the two points.

Deanna Durrett from the League of Women Voters read a statement to the Board regarding the study that the league has been conducted. She added that they interviewed 35 people regarding drainage issues. She provided a draft of their report and advised that the report could not be made public until the full league approved it. She requested the Board's input for accuracy. She advised that they would be attending Drainage Board meetings in the surrounding three or four counties. Their official report will be released before the League's September meeting.

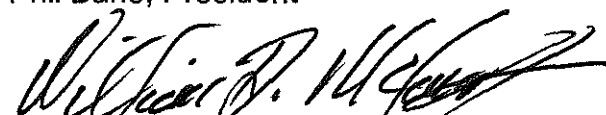
George Cox presented his position to the Board of the ongoing dispute with the County regarding work on the Anna Campbell Ditch in July of 2003. He stated in 1998 a large hole was repaired by a contractor and paid by the County. He stated in 2003 the same tile needed to be repaired and he was under the impression that the County would repair the tile but he was advised that it would be his responsibility to pay for the repairs. The same contractor did the repairs in 1998 and 2003. The contractor is holding the repair bill of \$9,000. He requested if there were funds available to pay the contractor. Surveyor Utz advised that the Anna Campbell Ditch is not a legal drain and is not being assessed. No one from his office approved repairs to the ditch. Mr. Cox stated that since it was an emergency the whole road was open wider than normal and repaired to County specs and then backfilled with stone. The stone was \$3,000. Mr. Cox stated he felt like he would be able to work something out with the County. Commissioner Stephen stated that Mr. Cox did someone upstream a favor and perhaps they would be responsible to pay part of the repair bill and asked if anyone had offered. Mr. Cox stated he feels like the County has some responsibility to pay on the repair bill. Attorney Taylor added that Mr. Cox was liable for repairs to the middle of the road and Mr. Cox should request that his neighbor across the road help with the bill. Mr. Cox stated that he had not spoken to Robert Balsler (neighbor) about the repairs. Mr. Cox was advised that if it is a private drain the County does not have responsibility and if it affects the road, the County can require a neighbor to pay part of the repairs. Attorney Taylor suggested that Mr. Cox contact Mr. Balsler about contributing to the bill. Mr. Cox advised that if the County paid for repairs in 1998 on the Balsler and Jim Ray which is private property why they won't pay this time. Surveyor Utz stated it was not through his office. Cain Farms were unsure which department in the County they were paid from. Attorney Taylor stated he will research the matter and see which department the payment came from. Commissioner McCormick commented that if the repairs in 1998 were done wrong and it caused the blow in 2003 the County Highway would have responsibility in that case. Mr. Cox stated it involved 40 to 50 feet of tile. The Highway Department does not repair tile. The issue will be placed on the September 6th Drainage Board agenda.

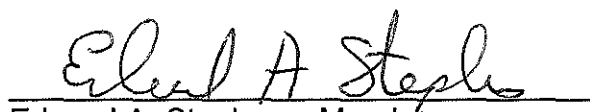
There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

Meeting adjourned @ 9:10 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD
INFORMATIONAL MEETING
JAMES SANDERS
CARPER-CROWDER
THURSDAY, AUGUST 4, 2005
MINUTES

The Montgomery County Drainage Board met on Thursday, August 4, 2005 in the Circuit Courtroom of the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Deputy Surveyor Scott Yeager; Attorney Daren Chadd; Attorney Jim Capehart; Marian Lindow, Deanna Durrett, League of Women Voters.

The following property owners were also present: Clint & Elsa Knoy; Robert Wilcox; Arlinda Walls; Phil Campbell; Richard Harshbarger; Terry Cain; Terry Stephens; Roby Webster; Joe Myers; Nancy & Carl Knowling; Donna Lytle; Marge Bennett; Wade Bennett; Virginia Porter Rose; Les Knoy; Bart Maxwell.

Drainage Board President, Phil Bane called the meeting to order @ 6:00 PM and led the Pledge of Allegiance.

Carper-Crowder. Surveyor Utz gave a brief history and description of the drain. The drain was constructed in 1909. It is located at Sections 28, 29, 31, 32, 33 Township 20 North, Range 3 West. The length of the drain is 1,380 ft open, 8,100 ft tiled. Surveyor Utz stated he is proposing to replace tile from CR700E to CR600E. The tile has been replaced beyond this point, and there have been major breakdowns every year. He recommended starting with 18" to CR650E, then 24" the rest of the way. The 18" tile cost is \$12 p/f installed; 24" tile is \$16 p/f installed; 4,000 ft. of 18" tile - \$48,000; 2,000 ft. of 24" tile - \$32,000. This is a 1,115 acre watershed. There will be no engineering expenses with this project.

Terry Stephens questioned why 5 years for repayment of the loan and he was advised that that is per statute. Property owners in favor of moving on to the next step and schedule a hearing and provide cost estimates per acre. One property owner spoke up and stated he was against it because there is some property being counted/assessed twice on each drain. The property owner was advised this is information only, he can vote against it later after more information is available.

James Sanders Drain. Surveyor Utz gave a brief history and description of the drain. The drain was constructed in 1903. It is located in Sections 9,10,16 Township 19 North, Range 5 West. The length of the drain is 820 ft tiled. The tile sizes are 6", 8", 10", 12", 15". The proposed tile size is 15". There are 406 acres drained.

One property owner stated he was concerned that it was not accurate because he believes much of the area drains into an open ditch along I74. He was informed that that is surface water. The Surveyor's office will take a look at it again. The project will include an outlet into an open ditch at CR500 West, it needs help too, but owner won't do the work. There is a concern that it will blow out of the open ditch if it isn't fixed to let water out. It is not a legal drain, so the County has no control over it. Owners think they could pay for it and do it themselves. One property owner stated he'd like to replace the short distance of un-repaired portion just north of I-74. It's old too. Tile under interstate is newer when it was built in 1974. Another property owner stated he gets no benefit because his tiles were cut when the interstate was built.

In favor of proceeding (4-0). Next hearing will be set at a later date.

There being no further business before the Drainage Board, meeting adjourned @ 6:45 p.m.

Minutes taken by D.C. Chadd & transcribed by Secretary Lori Dossett.

Lori Dossett

Lori Dossett, Secretary

Phil Bane

Phil Bane, President

William D. McCormick

William D. McCormick, Vice President

Edward A.

Edward A. Stephens, Member

MONTGOMERY COUNTY SPECIAL DRAINAGE BOARD MEETING
TUESDAY, AUGUST 9, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 9, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, Deanna Durrett, League of Women Voters; Building Administrator Marc Bonwell; Raymond Snellenbarger; Wade Bennett; Attorney Jim Capehart; Mayor John Zumer; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance. Reverend George Doshier led the prayer.

Commissioner Bane requested a motion for approval of the August 2, 2005 minutes. Commissioner Stephens moved to approve the August 2, 2005 minutes and the August 2, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Building Administrator Marc Bonwell requested storm water approval of the Cherry Hill Subdivision. He advised the subdivision will have one acre to 2.3 acre plots with a private drive. Commissioner McCormick moved to sign the plat for the Cherry Hill Subdivision and Commissioner Stephens seconded. 3-0 votes in favor.

Administrator Bonwell requested approval of the storm water plan for the New Richmond Fire Department. Bonwell advised that the town of New Richmond is accepting responsibility for the two detention ponds. Commissioner Stephens moved to accept the storm water plan for the New Richmond Fire Department and Commissioner McCormick seconded. 3-0 votes in favor.

Administrator Bonwell requested approval of the storm water plan for the R & S Logistics distribution center. The storm water plan includes two detention ponds. Commissioner Stephens moved to approve the storm water plan for R & S Logistics and Commissioner McCormick seconded. 3-0 votes in favor.

Old Business: Discuss farmers performing their own tile work. Attorney Taylor advised that he is working on a draft of an agreement and will present the draft to the Drainage Board at our next meeting.

Surveyor Larry Utz's Report. Surveyor Utz advised that Bart Maxwell has started work on the Raymond Weliver Ditch and has found smaller tiles incoming into the ditch which could be causing some of the problems. He is in the process of checking the whole line.


Surveyor Utz advised that he has contacted INDOT regarding a permit to cross SR231 and the paperwork is in the process. He advised that he has not yet contacted the railroad.

Surveyor Utz advised that the public hearings for the John Galey and Swearingen Runyon Drain are scheduled for Thursday, August 11th. The Board advised Surveyor Utz that they had received positive feedback from the last informational meeting on August 4th.

There being no further business before the Drainage Board, Commissioner Stephens moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

Meeting adjourned @ 8:20 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD
INFORMATIONAL MEETING
SWEARINGEN – RUNYON
JOHN V. GALEY
THURSDAY, AUGUST 11, 2005
MINUTES

The Montgomery County Drainage Board met on Thursday, August 11, 2005 in the Circuit Courtroom of the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Deputy Surveyor Scott Yeager; Attorney Jim Capehart; Marian Lindow, Deanna Durrett, League of Women Voters; and Drainage Board Secretary Lori Dossett.

The following property owners were also present: Karen & John Wilbur; Doris Chandler; Daniel McGrady; Beverly Pickett; Sam Valhiere; Don Mills; Joseph Houser; Wayne Kessler; Kenneth Moore; Larry Davis; Morris Davis; Richard Stevens; Myrna Sowers.

Drainage Board President, Phil Bane called the meeting to order @ 6:00 PM and led the Pledge of Allegiance.

Drainage Board President Bane advised the property owners present that the first drain to be discussed will be the Swearingen-Runyon Drain. Surveyor Larry Utz gave a brief history of the drain. The drain was constructed in 1909. It is located in Sections 7 and 18, Township 18 North, Range 5 West and Sections 12 and 13, Township 18 North, Range 6 West. The drain has 850 feet of open drain, 200 feet of 24" tile and 3,500 feet of 18" tile. Surveyor Utz advised he is proposing to reconstruct the drain, starting at the legal open drain. The open drain needs to be dredged to give a good outlet for the tile. Also will need to replace the old 20" outlet, with 200 feet of 24" tile and from there replace the old 18" tile with new. There have been major breakdowns in this part of the drain in recent history. The cost for running 18" is approximately \$12 p/f 18" tile installed; \$16 p/f 24" tile installed. Roughly 3,500 feet 18" and 200 feet 24". He added there are areas that need to be dredged which will be an added cost of \$2.50 per foot.

Surveyor Utz asked for questions or comments. This meeting is for homeowners' input he next step will be to schedule a hearing. Before the hearing the homeowners will be notified by certified mail with the date of the hearing and a breakdown of costs to each landowner. Mr. McGrady stated he had considerable acreage that he could not use because of poor drainage and constructed a pond for the outlet. He asked if the tile could be lowered two to three feet. Surveyor Utz stated that he proposed to go down with the tile and that would be a definite possibility. John Wilbur questioned why so much of his land was included in the watershed and he was instructed to look at the next column over. He stated he agreed with the 11.6 acres. Commissioner McCormick added that by showing an interest to move to the next step does not commit anyone to the reconstruction. A majority of the landowners (5) raised their hands to show that they were interested in proceeding to the next step. Surveyor Utz stated to help defray the costs the Drainage Board would obtain a loan to be repaid over a five year period.

John V. Galey Drain. Surveyor Utz gave a brief history of the drain. The drain was constructed in 1903 and reconstructed in 1972 and 1973. The drain is located in sections 3, 4, 9, 11, 14 & 15, Township 18 North, Range 4 West, on County Roads 275S & 250E also 200S and ¾ mile east of CR250E-outlet Crawfordsville Municipal Golf Course. There is 5,000 feet of tile with 2,500 feet of 24" tile and 2,500 feet of 18" tile. Surveyor Utz advised he is proposing to replace tile from the headwall 2,500 feet to the junction box in the Valiere parcel with 14" tile. Then starting at the said junction box replace approximately 2,500 feet of 18" tile of Tributary 3. There have been major breakdowns in this part of the drain. The cost running for 18" is approximately \$12 ft installed and approximately \$16 ft installed 24" tile.

Morris Davis that farmers have to take care of the tiles on their farms or the problem will occur again. The reconstruction will be new tile to help it drain at the outlet. Surveyor Utz advised there will be no engineering costs on this project, all of the work will be done in-house. A homeowner questioned why the city is not responsible and she was advised that Dry Branch is not a legal drain. Surveyor Utz advised he will provide a topographical map of the drain and

have it available at the next meeting if the homeowners want to proceed to the next step. The homeowners were advised that the next step will be to schedule a hearing. The drain starts at Linsburg. The project will be put up for bid and will have to be advertised. Mr. Davis added again if landowners don't take care of their ditches and the outlet where it is not draining.

Surveyor Utz advised that every year they do repairs behind the Stephens farm and Hi-Tek. The Galey Drain drains into Dry Branch which is controlled by DNR. Commissioner Bane added that the tiles have to be taken care of if there is 10 inches of top soil in the tile now. Surveyor Utz added that it is a possibility that Soil & Water may be able to cost share. Since 1992, \$45,000 has been spent band-aiding the ditches major repairs and monies have been borrowed from the general drain fund. Surveyor Utz asked for a show of hands who would be interested in proceeding to the next step. A majority of the landowners (7) raised their hands. Surveyor Utz stated to help defray the costs the Drainage Board would obtain a loan to be repaid over a five year period.

There being no further business before the Drainage Board, meeting adjourned @ 6:45 p.m.

Lori Dossett
Lori Dossett, Secretary

Phil Bane
Phil Bane, President

William D. McCormick
William D. McCormick, Vice President

Edward A. Stephens
Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, AUGUST 16, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, August 16, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, Deanna Durrett, League of Women Voters; Building Administrator Marc Bonwell; Raymond Snellenbarger; Wade Bennett; Mayor John Zumer; Russell Ruby; Peter Schram, Cargill; Mark Chmeliwskyi, Butler, Fairman & Seufert; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance. Reverend Tony Bryant led the prayer.

Commissioner Bane requested a motion for approval of the August 4, 2005, August 9, 2005, August 11, 2005 minutes. Commissioner Stephens moved to approve the August 4, 2005, August 9, 2005, August 11, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Peter Schram of Cargill AgHorizons' and Mark Chmeliwskyi of Butler Fairman & Seufert requested permission to initiate a public hearing on the Cargill expansion project. Mr. Chmeliwskyi stated 100% of the costs will be absorbed by the developer. There will be no impact to other properties. Commissioner McCormick moved to authorize Butler, Fairman & Seufert to issue notices of a public hearing regarding the relocation of the John Gobin Drain and Commissioner Stephens seconded. Commissioner McCormick questioned if Surveyor Utz would provide a copy of his report for the public hearing and he advised that he would. 3-0 votes in favor.

Old Business: Discuss farmers performing their own tile work. Attorney Taylor advised that he is still in the process of drafting an agreement. He stated he has been contacted by several farmers and contractors with input on the agreement. The matter was tabled to the next meeting.

Surveyor Larry Utz's Report. Surveyor Utz advised that work on the Weliver Ditch has been completed. He also advised that two more informational hearings on the Stanford/Elmore and Smith/Elmore Drains are scheduled for Wednesday, August 17th.

Commissioner McCormick questioned what progress has been made on the Frey matter. Surveyor Utz stated he is waiting for state approval.

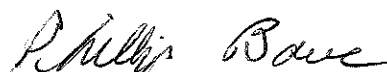
Wade Bennett questioned when bids would be put out for the Carper/Crowder drain. Mr. Bennett was advised that the hearing dates will need to be scheduled first. After notices are sent out property owners have five days to respond. If approved, the bids will then be sent out and presented to the Drainage Board for approval.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

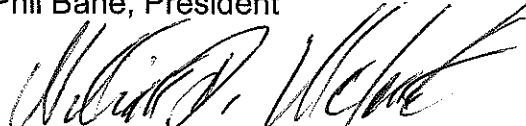
Meeting adjourned @ 8:12 a.m.



Lori Dossett, Secretary



Phil Bane, President



William D. McCormick, Vice President

Edward A. Stephens
Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD
INFORMATIONAL MEETING
SMITH-ELMORE
STANFORD-ELMORE
THURSDAY, AUGUST 17, 2005
MINUTES

The Montgomery County Drainage Board met on Thursday, August 17, 2005 in the Circuit Courtroom of the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Deputy Surveyor Scott Yeager; Attorney Jim Capehart; Marian Lindow, Deanna Durrett, League of Women Voters; Barry Lewis, The Paper; and Drainage Board Secretary Lori Dossett.

The following property owners were also present: Dean & Edith Rush; Harry Hughes; Mark Hughes; Geraldine A. Smith (Hughes); Merlin Maltsberger; Joyce Lighty; Jim Valmore (Home for Friendless Animals); Mark Sprague; Kenon Gray; Verde & Gene Mills; Cecil H. Dunlap; Richard E. Myers; Larry Smith.

Drainage Board President, Phil Bane called the meeting to order @ 6:00 PM and led the Pledge of Allegiance.

Drainage Board President Bane advised the property owners present that the first drain to be discussed will be the Smith-Elmore Drain. The drain was constructed in 1883. It is located in Sections (10, 11, 14 & 15) Township 18 North, Range 6 West. The length to be replaced is 5,000 ft of 24" tile. Surveyor Utz proposed to replace the current tile from open drain to open drain with 24" tile. The current tile system is in disrepair. There is work being done every year that exceeds the annual maintenance assessment. The breakdowns each year are being caused partly by the tile to open drain to tile to open drain. This type of system is putting too much pressure on the current 16" tile, thus causing breakdowns in the tile. In turn, the east open drain backs up with water.

Surveyor Utz asked for questions or comments. This meeting is for homeowners' input he next step will be to schedule a hearing. Before the hearing the homeowners will be notified by certified mail with the date of the hearing and a breakdown of costs to each landowner. Harry Hughes stated that he estimated 75% to 80% of the tile has already been replaced with either corrugated or concrete. Most of the concrete has never blown and 15% to 25% is still clay tile. Surveyor Utz stated in the last three or four years approximately 20 holes have been repaired. Every year there are repairs to be made to the tile. Geraldine Hughes-Smith stated she is retired and on a limited income and she doesn't want to have to sell the farm to pay the maintenance on the drain. Surveyor Utz stated he would look at raising the assessment and see where it goes. He added that currently the maintenance fund is in the red, so the assessment will definitely have to be raised. He stated another hearing will be scheduled and property owners will receive notification by certified mail. Dean Rush asked if the farmers could do the work. He stated he knew it has been discussed previously. Commissioner Bane added that the County attorney is working on it. Commissioner Stephens asked if any of the farmers were using filter strips and Mr. Rush is and Mr. Hughes is not.

Stanford-Elmore Drain. The drain was constructed in 1906. It is located at Sections (13, 14, 23 & 24) Township 18 North, Range 6 West. Sections (18 & 19) Township 18 North, Range 5 West. The length of tile to be replaced is 4,900. 15" 1,900 & 18" 3,000. Surveyor Utz stated he is proposing to replace tile from the end of the new 24" tile (installed in early 97) to the end of the main line, ending at the center of the 13/14 section line. He would like to replace the current tile with 18" tile to CR300S (old 275S), and then replace the remaining main line with 15" tile. The cost of running 18" tile is approximately \$12.00 p/f installed and approximately \$10.00 p/f installed for 15" tile.

Surveyor Utz asked for questions or comments. Mr. McGrady stated most of the problem with the 24" tile starts at the road. The tile has been replaced at the outlet. He doesn't believe there are three or four holes from that point on. Surveyor Uz stated that he remembers the shape of the tile and work at the lower end has helped. The tile is quartered. Mr. McGrady commented that if they could bring 24" tile through the field he felt that would

take care of a majority of the problem. Surveyor Utz stated as it makes the bend and heads west, the tile is quartered and can't be full capacity. Mr. McGrady stated he hated to see tile cut to 18". If it is cut to 18" it may cause more problems than gains. He continued that once it turns and goes east to west there are not many problems. Although other areas you could lose a pick-up truck. Larry Smith commented that he rents 40 acres of farmland out and he can only charge so much rent. He stated this is an outlay for him. It might help farmers, but it won't help him too much.

Surveyor Utz asked if the property owners wanted to up the maintenance and repair and put in a 24" inch instead and not go as far. Mr. McGrady stated that something has to be done about the costs. There is no money in the account and no tiles have been blocked off. At the last meeting it was stated that the cost of dredging is \$2.50 per foot, but the dredging that was done recently adds up to \$5.00. The work was unsupervised. Surveyor Utz stated that on August 12th willows were removed and one or two holes were replaced. Mr. Maltzberger questioned if the landowners receive copies of the itemized bills as far as how many hours are spent, backhoe expense, etc. He stated it would be helpful to receive that information. Surveyor Utz stated it is public record. Mr. Maltzberger stated it would be advantageous for the landowners to see the work orders, bills and who authorized it. Harry Hughes questioned how the bidding process worked. Surveyor Utz stated that there are six or seven contractors that the County uses and it is a matter of whoever is available and in the area. He said he uses Cains, Hughes, Biddle, Wilson. Mr. Maltzberger stated that he thought if the work exceeded \$500 then it had to be published. Surveyor Utz stated the amount is \$25,000. Mr. Maltzberger stated he owns farmland in Fountain County and there they have maintenance committees made up of landowners on a rotating basis and they meet quarterly. Commissioner McCormick informed Mr. Maltzberger that the Drainage Board will be asking for regular reports on the drains from Surveyor Utz as a part of the Drainage Board's reorganization. Commissioner Bane stated he agreed with the committee system. Mr. Maltzberger added the meetings are quarterly and if there are no problems, the meeting is deferred to the next quarter. Surveyor Utz stated Fountain and Putnam County have no legal drains. Mr. McGrady stated even if you appointed one landowner as trustee of the ditch and if there is work to be done, he "gets after it" and makes sure it is done right.

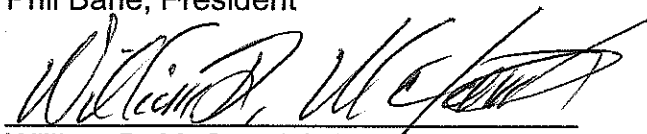
There being no further business before the Drainage Board, meeting adjourned @ 6:50 p.m.



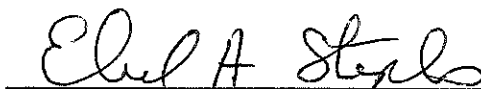
Lori Dossett, Secretary



Phil Bane, President



William D. McCormick, Vice President



Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, SEPTEMBER 6, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, September 6, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz, Deputy Surveyor Scott Yeager; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, Deanna Durrett, Rob Durrett, Virginia Servies, Lucy Brooks, Austin Brooks, Clara Wooten, League of Women Voters; Anita Hardwick; Building Administrator Marc Bonwell; Wade Bennett; George Cox; Janet Johnson, Sharon Sharp, Curt Hudson, Mayor John Zumer; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance. Sharon Sharp led the prayer.

Commissioner Bane requested a motion for approval of the August 16, 2005 minutes. Commissioner McCormick moved to approve the August 16, 2005 minutes and Commissioner Stephens seconded. 3-0 votes in favor.

Old Business. George Cox. Attorney Taylor advised that the Auditor's office cannot locate a check written to Terry Cain for work done in 1999. There were two landowners and the checks could have been written to Jim Wray or Ralph Balser. Attorney Taylor will request that the Auditor's office search for checks from 1998 on. Attorney Taylor did speak to the Highway Department and the request for payment did not come from his office. The important piece to this question is who paid Cain's. The Commissioners will request that the Surveyor and Director Cating be available at the next meeting.

Old Business. Discuss farmers performing their own tile work. Attorney Taylor advised that he is still in the process of drafting an agreement. He needs to meet with Surveyor Utz and how the process will work in accordance with the Surveyor's office that will be responsible for ultimately supervising the work the farmers do. Insurance is an issue that will have to also be addressed. Commissioner Stephens advised that he spoke to a farmer over the weekend that would like to see farmers being allowed to perform their own tile work. If farmers perform work on their own tile and it has an adverse affect on properties, the County has to make sure that everyone is covered. Attorney Taylor stated he will talk to other counties and see what procedures that are working for them. Commissioner Bane added that "this is for repairs only and 99.9% of the time there are no problems, but we have to be ready for that .1%.

New Business. League of Women Voters. Deanna Durrett advised the Commissioners that the League of Women Voters is near completion of their study of "Drainage in Montgomery County". She made the following statement. "The League of Women Voters, a nonpartisan, multi-issue organization open to all citizens 18 and older, works to promote informed and active participation in government and to influence public policy through education and advocacy. For over twenty-five years, the League of Women Voters in Montgomery County has observed the County Commissioners and the Drainage Board. The League's observer of the Drainage Board noticed that problems brought before the board often were not resolved. As a result, in May 2004, the membership of the League of Women Voters authorized a committee to study the issue on their behalf. The committee's objectives were to understand the roles and responsibilities of the participants in the administration and operation of drainage in the County: the Drainage Board, the Surveyor, the landowners, the County Auditor, the drainage contractors. The committee also studied the nature of the problems, their causes and potential solutions. An evaluation of the Surveyor's technical expertise was beyond the scope of this study. The committee's findings will be issued to educate the public and to advocate for more effective drainage administration in Montgomery County. During the study period, the committee attended Drainage Board meetings, interviewed over 40 individuals, studied the Indiana Drainage Code, attended the Farm Bureau Drainage 101 seminar, reviewed records from the offices of the County Auditor and the County Surveyor, observed the Drainage Board in three counties similar to Montgomery County in geography, and reviewed the Montgomery County Drainage Board minutes from 1966 to present. The findings of the study:

- The system of drainage in Indiana was designed to increase farm productivity. When the system does not work well, farmers lose valuable soil and crop profits. Homes now built on former farmland near failing drains experience low real estate values, property damage and health problems such as mold and bacteria.
- Poor drainage compromises the County's economic development. Potential investors desire good infrastructure and the stability that planning for drainage assures.
- Drainage record keeping in the offices of the Surveyor and the Auditor is sometimes incorrect and incomplete or not up-to-date.
- Poor communication by the Surveyor leaves many landowners unaware of their rights and responsibilities and leaves problems unsolved.
- The Drainage Board would be more effective if it received from the Surveyor the reports and information required by law concerning the condition of drains and the status of their maintenance funds.

Desirable Outcomes and Action Steps

To have a drainage system in Montgomery County that protects and advances the residential, agricultural, industrial, and developmental interests of the County, the League of Women Voters submits the following desirable outcomes.

The Drainage Board will know the condition of drains and drainage in the County.

Record keeping in the offices of the Surveyor and the Auditor will be accurate, up-to-date, efficient and designed for the information needs of the Surveyor, the Drainage Board, landowners and contractors. All record keeping and procedures will be in accordance with state law. The Surveyor will be a leader in the work of the Drainage Board, in the planning for the health of Montgomery County drains, and the supervision of drainage construction, maintenance and reconstruction. The Surveyor will be a source of accurate and timely response by phone, in written documents and in person.

The Surveyor and the Drainage Board will stay abreast of developments in drainage technology. The City of Crawfordsville in partnership with the Drainage Board and the Surveyor, will clarify responsibility for drainage in the two-mile city radius including provisions and enforcement of the no-build ordinance in the Shelly Drain. The leadership of Montgomery County will work with other individuals and entities to create a plan for the thoughtful development of Montgomery County."

The Commissioner McCormick thanked the League for their work. It appeared they had done "a lot of work". Commissioner Stephens stated the report was "comprehensive and educational. If we all work together we can make things work."

Commissioner Bane asked Surveyor Utz for his comments on the report and Utz stated, "I agree, need to work better."

Surveyor Utz requested that the Drainage Board set hearing dates for the John Galey Drain formal hearing, James Sanders, Smith Elmore/Stanford Elmore, and Carper Crowder.

- John Galey – Wednesday, October 12, 2005 @ 7:00 p.m.
- James Sanders – Wednesday, October 26, 2005 @ 6:00 p.m.
- Smith/Elmore Stanford/Elmore; Carper Crowder; Swearingen Runyon – Wednesday, November 2, 2005 @ 6:00 p.m.

Attorney Taylor discussed with the Board the proposed ordinance addressing expanding the Drainage Board from a three member board to a five member board. The ordinance proposes that the three Commissioners serve on the board, one council appointment and one appointment from Soil & Water with the approval of the Drainage Board.

Commissioner Stephens questioned if the Board wishes to continue meeting every meeting before the regular Commissioners meeting and Commissioner Bane stated that the Board should continue to meet every week that the Commissioners meet. Commissioner Stephens moves that the Drainage Board continue to meet every time the Commissioners meet and Commissioner McCormick seconded. 3-0 votes in favor.

Other Business. Curt Hudson questioned the progress on the permits regarding the Gobin Ditch. Surveyor Utz stated he has not yet spoken with the railroad but the permit from the State is "in the works". Hughes has given his bid for the project. Mr. Hudson questioned if the bids were open to the public and he was informed that they are. Mr. Hudson also


questioned the timeframe and Surveyor Utz stated the project would start as soon as the crops were out.

Commissioner Bane stated that he and Commissioner McCormick attended the Farm Bureau Drainage 101 Seminar on Wednesday, August 31 which was very informative and he stated he learned a lot and he hopes that they can take the information that they've learned and move forward.

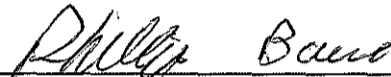
Commissioner Stephens questioned Surveyor Utz on the status of the hole at the Joe Frey residence. Surveyor Utz stated that he needs to get Wilcox and meet with the State. John Wilcox is currently working in Sugar Creek removing log jams.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

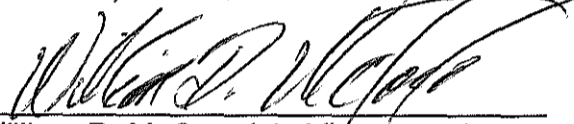
Meeting adjourned @ 8:35 a.m.



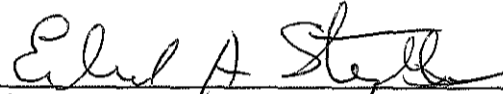
Lori Dossett, Secretary



Phil Bane, President



William D. McCormick, Vice President



Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
MONDAY, SEPTEMBER 12, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, September 12, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Building Administrator Marc Bonwell; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance and prayer.

Commissioner Bane requested a motion for approval of the August 17, 2005 and September 6, 2005 minutes. Commissioner Stephens moved to approve the August 17, 2005 and September 6, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Building Administrator Marc Bonwell advised the Board that the Waynetown Fire Department has torn down two buildings to make room for a new pole construction to be used as the Waynetown Fire Department. He advised the old structure was 6,600 square feet and the new structure will be 5,500 thereby the storm water runoff will not increase. Administrator Bonwell recommended that the Drainage Board waive the requirement of a storm water plan since the new building will be decreasing in size. Commissioner Stephens moved to waive the storm water plan requirement for the new Waynetown Fire Department and Commissioner McCormick seconded. Attorney Taylor stated since it is the same footprint and will actually be decreasing in size it is within the parameters of the Building Administrator to recommend that a storm water plan not be required. 3-0 votes in favors.

Old Business. George Cox. Attorney Taylor advised that the bookkeeper in the Auditor's office has returned from her vacation and he will work with her to find if checks were written and out of what account.

Surveyor Utz reported to the Board that the notices for the John Galey formal hearing on October 12th have been sent out by certified mail. He also advised Cargill will be conducting a public meeting regarding relocation of the John Gobin Drain. Surveyor Utz stated he has not yet received the plans from Butler and Fairman. Surveyor Utz was advised that the Board should be made aware of the plans to make sure they are "on board" with them. Butler Fairman have not as of yet requested local building permits for the project. The State permits are being processed.

Commissioner McCormick questioned Surveyor Utz if he had had an opportunity to review the League of Women Voters report and if there are any particular problems the Surveyor intends to work on. Surveyor Utz advised that he needs to work better on communication and supply more thorough annual reports. He stated the "stuff is well taken" and he will work on it. Commissioner Bane questioned the problem of not reconciling with the Auditor's office. Surveyor Utz stated up to about a year ago the Surveyor's office was online with the Auditor's office whereby they could check ditch assessments, etc. The Auditor has since removed that access. Surveyor Utz stated they only need to view the ditch assessments, they can't change them and do not want to. Attorney Taylor stated that he had discussions with Surveyor Utz regarding the Auditor not allowing his office online access to the information. He suggested that the access be restored and monthly meetings be held to reconcile the records for each office. Attorney Taylor stated he will meet with Surveyor Utz and Pam from the Auditor's office to work through the problem.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. 3-0 votes in favor.

Meeting adjourned @ 8:18 a.m.

Lori Dossett

Lori Dossett, Secretary

Phil Bane

Phil Bane, President

William D. McCormick

William D. McCormick, Vice President

Edward A. Stephens

Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 4, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 4, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Wade Bennett; Russ Ruby; Mayor John Zumer; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Reverend John Pettigrew leading the prayer.

Commissioner Bane requested a motion for approval of the September 20, 2005. Commissioner Stephens moved to approve the September 20, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Old Business. George Cox. Attorney Taylor presented findings of fact to the Board regarding George Cox's request for the Board to reconsider the decision made in 2004. Taylor advised that he reviewed the Auditor's records and has spoken to Surveyor Utz and Highway Director Brett Cating. He presented the following findings: 1) The drain in question is a legal drain with no assessment. 2) The drain was located on Mr. Cox's property thereby it was his responsibility to repair it. 3) The drain problem led to a hole in the County road which became a dangerous situation and had to be repaired. Mr. Cox was advised by Director Cating that the drain had to be repaired. 4) Mr. Cox hired Cain's to do the work on the drain. Mr. Cox has stated that he did not understand the process and who would pay for the repairs. Director Cating and Surveyor Utz have both stated that they explained the process to Mr. Cox. Mr. Cox has implied that he did not know the difference between a legal drain and a non-assessed drain. Mr. Cox believed that the past practice had been for the County to pay for drain repairs and had been advised by others that this was the case. Director Cating and Surveyor Utz have both stated that they were not the ones telling Mr. Cox that the County would pay for the those kinds of repairs. There currently is an outstanding bill to Cains in the amount of \$9,000 for the repairs to the drain. The repair work to the drain was Mr. Cox's responsibility and if Mr. Cox had not made arrangements for the repairs, the County would have made the repairs and charged Mr. Cox for those repairs. Mr. Taylor stated that it is clear that better communication was needed. Mr. Taylor also stated that if Mr. Cox had been instructed to request to be placed on the Drainage Board agenda before the work was ordered, then the problem could have been solved. Had Mr. Cox understood the process then he would have handled the situation differently. Mr. Taylor stated the Drainage Board needs to consider if the County should take all or part of the responsibility due to the unusual circumstances. The Board will request that Director Cating and Surveyor Utz and Mr. Cox attend the next Drainage Board meeting. Commissioner Stephens moves to take the George Cox request under advisement and Commissioner McCormick seconded. 3-0 votes in favor.

Old Business. Farmers performing their own tile work. Attorney Taylor advised that he has spoke to Surveyor Utz regarding the question of farmers performing their own tile work. Surveyor Utz stated that there are times when farmers will come to him and request to do their own small repairs and he has given permission for them to do that. There are issues that will need to be addressed so that the County is protected as well as surrounding property owners. If the Board wishes to allow farmers to perform their own tile work procedures will need to be implemented to make sure the work is done and done correctly. Attorney Taylor suggested: 1) Provide notice to the surveyor of work being requested. 2) Inspections by the Surveyor; 3) Insurance requirements including contingent workers compensation. 4) Establish process for reimbursement. 5) Timing mechanisms. Commissioner Stephens moved to instruct Attorney Taylor to proceed with preparing the procedures for farmers performing their own tile work and Commissioner McCormick seconded. Commissioner McCormick discussed the need for underground insurance and the concern that people can buy insurance today and receive a Certificate of Insurance and then cancel the next tomorrow. He added it may take a while to come up with a procedure and he said, "he is not against the idea, but he is not totally in favor either". Commissioner Stephens questioned if a landowner were to buy today and cancel tomorrow, could the land be held liable and Attorney Taylor stated that indemnification

language is common practice to avoid liability and if a certificate of insurance is on file then the Surveyor or his staff will need to contact the insurance agent and make sure the policy is still in effect. Holey Moley would be a requirement and Surveyor Utz stated that it is his policy now to contact Holey Moley in all cases there they are digging. He also stated the spraying is another issue. Commissioner Bane stated the key to make this work is to involve the Drainage Board in the process. There have been a lot of misunderstanding and the Board will have to say if a certain job is too big for the farmer and inform them they will have to hire a professional. Each case should be presented on its own merit. Surveyor Utz will have to oversee the responsibility by looking at the work before it is done and before it is closed up. In 2006, Commissioner Bane stated that it will continue to be important for the Drainage Board to meet every week along with the Commissioners meetings. 3-0 votes in favor.

Commissioner McCormick moved to recess and Commissioner Stephens seconded. 3-0 votes in favor.

NOTE: The Commissioners recessed to take time to present Brenda Stumph with a certificate for her bravery in helping a small boy from being attacked by dogs. The Commissioners proclaimed October 4, 2005 as "Brenda Stumph Day".

Other Business. Allen Lewis Ditch. Surveyor Utz advised that he spoke to Kenny Cain and decided the breather on the east side of CR400 is stopped up. Mr. Cain advised Surveyor Utz that it would be a month or so before he could get to it. Surveyor Utz stated he will get someone else up there. It is flowing good now. The problem is on the east side at the road. Commissioner Bane asked if it was flowing uphill and Surveyor Utz stated that Cain informed him that there is some fall, but the problem is at the blockage.

Surveyor Utz's Report. Surveyor Utz advised that he received a bid from Bart Maxwell on the John Gobin Drain. Mr. Maxwell bid \$7 per foot. There is a \$69 difference between the original Hughes bid - \$4,925 and Maxwell is \$4,856. Commissioner McCormick moved to instruct Surveyor Utz to use the Hughes estimate on the John Gobin Ditch and Commissioner Stephens seconded. Wade Bennett state the bid was okay. Surveyor Utz stated this would replace 675 feet and if more footage is needed they will go ahead and do it. 100 feet of tile has already been replaced. 3-0 votes in favor.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded.

Other Business. Commissioner Bane stated that Clark Sennett approached him regarding a drain south of SR32 crossing the Alamo blacktop. Mr. Sennett will need to carry a petition. Surveyor Utz offered to explain to the procedure to Mr. Sennett.

Commissioner Bane stated that since the books didn't match with the Auditor and the Surveyor's office, could perhaps with the help of the new Auditor they could work together and have things straightened out by November 8th? He stated he would like to see he figures on a spread sheet if possible instead of the big ledger books. Surveyor Utz stated his office currently has the figures on a spread sheet format. Auditor Dossett stated he couldn't make any promises, so Commissioner Bane stated he would like to at least have figures straightened out by the first of the year.

Commissioner Bane questioned when the two new members of the Drainage Board would be appointed. Commissioner McCormick stated that a Soil & Water meeting is scheduled for Thursday, October 6th if the weather is bad. He plans to ask for names at the November meeting. Commissioner Stephens will speak to Council President Harold Barclay regarding the Council's appointment.

There being no further business before the Drainage Board, the meeting was adjourned. 3-0 votes in favor.

Meeting adjourned @ 8:40 a.m.

Lori Dossett
Lori Dossett, Secretary

Phillip Bane
Phil Bane, President

William D. McCormick
William D. McCormick, Vice President

Edward A. Stephens
Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, SEPTEMBER 20, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, September 20, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Building Administrator Marc Bonwell; Curt Hudson; Wade Bennett; Marchetta Dixon; Mayor John Zumer; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Jim Capehart leading the prayer.

Commissioner Bane requested a motion for approval of the September 12, 2005. Commissioner Stephens moved to approve the September 12, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Old Business. George Cox. Attorney Taylor advised he has not had an opportunity to work with the Auditor's office to research the check to Cain's. The item will remain under old business.

Old Business. Farmers performing their own tile work. Attorney Taylor advised that he is still working on the contracts between the County and the farmers for the Drainage Board to review. The item will remain under old business.

Surveyor Utz presented the plans for relocation of the Gobin Drain on the Cargill property. He stated he has also received an estimate from Hughes Excavating. Commissioner Stephens moved to take the estimate from Hughes Excavating under advisement and Commissioner McCormick seconded. Wade Bennett stated that the length of work to be done is 780 feet and Surveyor Utz stated that he was present when Hughes wheeled off the 675 feet stated in the estimate. Board President Bane stated that the project should have another competitive bid for the project and Surveyor Utz stated he could contact Bart Maxwell even though the bid is now public knowledge. 3-0 votes in favor.

Surveyor Utz stated the work on the Frey property will begin as soon as the crops are out of the fields.

Other Business. President Bane stated that he has been contacted by Dick Inskeep via email regarding the Allen Lewis Ditch. The Allen Lewis Ditch is an 18" county tile running east to west under both fields. "The ditch has drained slowly for years and has gotten noticeably worse in the last five years. In the fall of 2003 Cains worked in the field west of the road. They took several readings and found that the ditch was off grade in several places and was actually going uphill in some locations. They did some ditching in the west half of the field west of the road, which at that time was where our worst problem was. The county paid for most of this week and we paid for part of it. Since that time the field east of the road has gotten worse. The field is low and collects water if there are heavy rains, but the water leaves very slowly considering there is an 18" county ditch running directly under the low point of the field with a surface drain also in the field." Mr. Inskeep suggestion, "would be for the county to contract with someone to determine the problem and a possible solution. The Cains have worked there before and know the history, but it would not necessarily have to be them. I asked Larry Utz to take a look at this a couple of times, but I don't know if anything was ever done. The ground is low and there are drains from town emptying into the Allen Lewis Ditch also. We fixed one of those at our expense in 2003. If the county ditch was working properly, however, this land would have adequate drainage." Surveyor Utz commented that he met with Cains and they will take more shots after the crops are out.

Marian Lindow, League of Women Voters handed out to the Board notes from Deanna Durett regarding her recent findings as a result of the Drainage Report previously submitted to the Board.


There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded.

Commissioner Stephens withdrew his second and Commissioner McCormick withdrew his motion to adjourn.

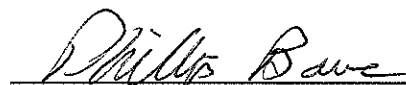
Other Business. The John Galey Drain needs to be rescheduled because the notices were not sent out in time due to a problem with M.A.I.L., Inc. The Board rescheduled the John Galey Drain on Tuesday, November 8th @ 6:00 p.m.

There being no further business before the Drainage Board, Commissioner Stephens moved to adjourn and Commissioner McCormick seconded. 3-0 votes in favor.

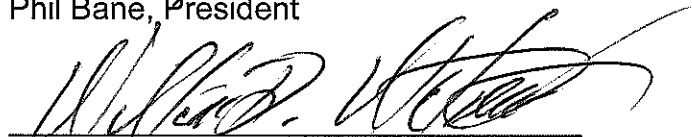
Meeting adjourned @ 8:17 a.m.



Lori Dossett, Secretary



Phil Bane, President



William D. McCormick, Vice President



Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 11, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 11, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Wade Bennett; George Cox; Mayor John Zumer; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Reverend Ken Green leading the prayer.

Commissioner Bane requested a motion for approval of the October 4, 2005. Commissioner McCormick moved to approve the October 4, 2005 minutes and Commissioner Stephens seconded. 3-0 votes in favor.

Old Business. George Cox/Anna Campbell Drain. Commissioner Phil Bane read the following statement,

"There comes a point in time, when the talk needs to stop and actions need to occur. I have talked to George Cox in person concerning the \$9,000 outstanding bill for ditch repair on the Anna Campbell drain and at least once during a recent drainage board meeting. I have read the report from the League of Women Voters concerning this issue. I have read the drainage board minutes recorded when this subject first surfaced. I have talked to Brett Cating. I have heard Larry's Utz's opinion. I have talked to Terry Cain and I have talked to Dan Taylor.

I am of the opinion that there is probably enough blame to go around, but blame really doesn't put this issue to rest. The following proposal hopefully will:

- 1) As I stated above, I have talked to Terry Cain concerning the events that led up to this problem. It is my opinion that the whole amount is due them, but they are willing to compromise in order to bring closure to this situation. Anyone who has been in business realizes that situations like this occur at various times in the "life" of any business. When the Cain's started working on this job, they were required to work around a fiber optic cable on the west side of County Road 625 East and the main telephone line that feeds the town of New Ross was on the east side of CR625 East. Working around these phone lines required extra care and additional manual labor in order to replace the tile. At any rate, Terry stated that he and his brother Kenny are willing to write off 1/3 of the bill.
- 2) I think George Cox and/or others on this watershed should pay 1/3 of the bill.
- 3) The other 1/3 needs to be paid out of the Surveyor's general drainage fund account.
- 4) The ditch needs to be put back on the tax rolls so future maintenance needs can be properly funded.

My proposal hinges upon items two, three and four above. If a majority of the drainage board agrees on these actions, and if Mr. Cox agrees, then item number one will happen.

Future issues with potential similar results need to be handled in a different way. First of all, when repairs of this magnitude need to be made the entire drainage board needs to look at the situation and vote on the necessary actions to be taken. It needs to be properly noted in the minutes. In this case, the drain was no longer on the assessment, but it is still a legal drain. So, because it is a legal drain, the drainage board needed to be involved from the beginning, not after the fact. If a county road needs to be closed while waiting for the drainage board ruling, so be it. In this case, the surveyor; the county highway director; the commissioners; the landowners; and the contractors were all involved in the process, but they never acted in unison, thus the misunderstandings. And let me make it clear that I am not pointing blame in anyone's general direction; this was just a bad situation that took on a "life" of its own.

Commissioner Stephens moved to take Commissioner Bane's proposal under advisement and Commissioner Stephens seconded. Commissioner McCormick questioned if there was enough money in the general drainage fund account. Commissioner Bane stated \$2,367.76 is need which is not quite 1/3 and there is \$248,000 in the drain maintenance cash fund. Commissioner Bane questioned how often the fund is replenished and he was advised by Surveyor Utz that the money is for drains that are assessed. Attorney Taylor advised that

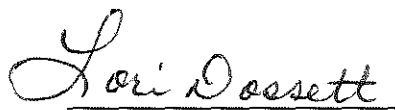
you can take monies out of the general maintenance fund and then put the drains on assessment for work that is done. Commissioner McCormick stated that it is at the discretion of the surveyor if a drain is put back on assessment. Surveyor Utz stated that he is aware that the Steve Murray the Tippecanoe County Surveyor does that, but the Surveyor Associations and other surveyors have informed him that that should not be done. Surveyor Utz stated that a drain can have a one-time raise of 25% for assessment. Commissioner McCormick questioned if inflation is ever taken into consideration and he was informed that it was not. Surveyor Utz stated in the matter of the Stanford/Elmore Smith/Elmore drains the landowners have requested a 10% increase. You have to stay within the landowners needs and what they can afford. The landowners on the Anna Campbell drain need to understand that it needs to be on assessment. Commissioner Bane questioned if Mr. Cox could convince 51% of the landowners to sign a petition to have the drain put back on assessment. Marian Lindow of the League of Women Voters added that it is 51% of the acreage, not the landowners. Mr. Cox stated he has replaced several areas of the tile, but this particular repair in question was in the middle of the road. When a petition is filed and received a public hearing is then scheduled. Commissioner Bane stated that this issue points out a larger problem of legal drains not being assessed. Mr. Cox advised that he would be willing to carry a petition. Surveyor Utz stated that they would first need to determine what kind of shape the Anna Campbell Drain is in if it needs to be reconstructed or placed on maintenance. Mr. Cox added that the drain is old and he does not know what kind of problems that his neighbors have had with the drain. Attorney Taylor stated that we need to get the drain on assessment first and then look into it to see if it needs reconstruction. Landowners need to understand that upstream landowners are benefiting from the drain working properly. Assessments are designed to be fair and improper drain maintenance is unfair to neighbors. Commissioner Stephens added that Commissioner Bane has made a just proposal. Commissioner Bane stated that it is just that, a proposal. Surveyor Utz added that just putting the drain on assessment can't pay an outstanding bill. Commissioner McCormick stated there is a motion on the floor to take the matter under advisement and questioned Commissioner Bane how quickly he wanted the matter resolved and Commissioner Bane stated he's like to have it done today. Commissioner McCormick stated the matter should move as fast as it can and make sure the rules happen. Mr. Cox has agreed to pay 1/3 of the outstanding bill which solves the emergency settlement issue. 3-0 votes in favor.

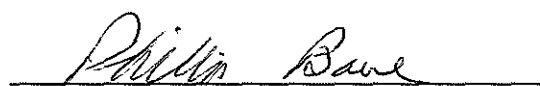
Surveyor Utz's Report. Surveyor Utz advised that he had nothing to report at this time.

Other Business. Wade Bennett questioned the progress of the Gobin Drain. Surveyor Utz advised that as soon as his truck is back he will get out there and take a look at it. He has a car now and can't get into the fields.

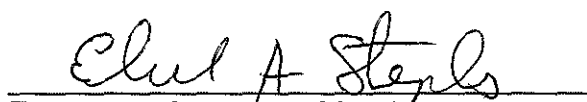
Commissioner McCormick moved to adjourn and Commissioner Bane seconded. There being no further business before the Drainage Board, the meeting was adjourned. 3-0 votes in favor.

Meeting adjourned @ 8:25 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, OCTOBER 17, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, October 17, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Building Administrator Marc Bonwell; Surveyor Larry Utz; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Reverend Harold Keck leading the prayer.

Commissioner Bane requested a motion for approval of the October 11, 2005. Commissioner Stephens moved to approve the October 11, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.


Building Administrator Marc Bonwell presented a storm water drainage plan for approval of the North Montgomery Physical Education building. Commissioner McCormick moved to approve the storm water plan as presented and Commissioner Stephens seconded. 3-0 votes in favor.

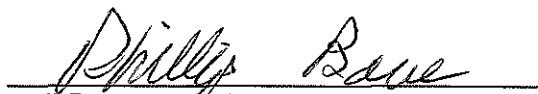
Old Business. George Cox/Anna Campbell Drain. Commissioner Stephens stated that George Cox called his home last night and asked if he needed to be at this mornings' Drainage Board meeting. Mr. Cox had stated that he spoke to Surveyor Utz and is waiting on a list of property owners on the drain and Surveyor Utz stated that list is ready to be picked up.


Surveyor Utz's Report. Surveyor Utz advised that several holes in tiles are appearing now that the crops are being harvested. He stated Jason Hughes is getting ready to start on the Gobin drain and he will also be working on the Inskeep matter.

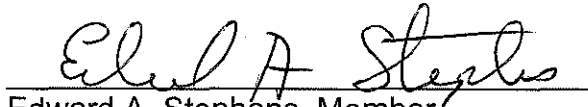
Commissioner McCormick moved to adjourn and Commissioner Bane seconded. There being no further business before the Drainage Board, the meeting was adjourned. 3-0 votes in favor.

Meeting adjourned @ 8:06 a.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD
RECONSTRUCTION
JAMES SANDERS DRAIN
WEDNESDAY, OCTOBER 27, 2005
MINUTES

The Montgomery County Drainage Board met on Wednesday, October 27, 2005 in the Commissioners Room of the Montgomery County Courthouse.


Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Attorney Jim Capehart; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Property Owner Robbie Webster; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 7:00 PM.


Surveyor Larry Utz advised that all of the reassessment figures were in place for the James Sanders drain but he is unable to retrieve them for the computer in the Surveyor's office. He advised that his former employee has sabotaged the system. He hired a computer technician that worked for four hours and was unable to get through the files that are password protected. He advised that he has hired Tom Cummings as his new assistant and he has been able to retrieve some of the information, but not all of it. He advised that several of the Microsoft programs have been erased from the system and will have to be reinstalled. There is no paper trail or back up for the figures.

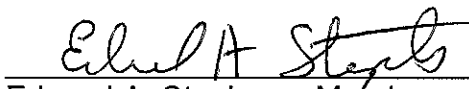
The Board discussed when to reschedule the Sanders hearing and discussed waiting until the Surveyor's office is able to retrieve all of the figures before a new date is scheduled. Surveyor Utz advised that he has spoken to property owner Dick Harshbarger and Myers and Campbell and they have all expressed to him that they are ready to go. Surveyor Utz also advised that he will have the figures in the mail before the next meeting is scheduled.

There being no further business before the Drainage Board, Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. Meeting adjourned @ 7:07 p.m.


Lori Dossett, Secretary


Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, NOVEMBER 1, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, November 1, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Building Administrator Marc Bonwell; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Mary Cook, Leadership Academy; Wade Bennett; Curt Hudson; Assessor Peg Hudson; Union Township Assessor Sue Sams; Treasurer Sue Howell; and Drainage Board Secretary Lori Dossett.

Drainage Board President, Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Reverend Alan Goff leading the prayer.

Commissioner Bane requested a motion for approval of the October 17, 2005. Commissioner Stephens moved to approve the October 17, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Commissioner Bane requested a motion for approval of the October 27, 2005 minutes. Commissioner McCormick moved to approve the October 27, 2005 minutes and Commissioner Stephens seconded. 3-0 votes in favor.

Surveyor Utz was not present.

Commissioner McCormick commented that he had been contact that there are property owners against reconstruction of the Carper Crowder Drain. The hearing is scheduled for Wednesday, November 2nd. Wade Bennett advised that there are other property owners with concerns and issues that favor reconstruction.

Board President Bane advised that he will not be out of town on business and will be unable to attend Tuesday November 8th Commissioners meeting and the Galey drain hearing.

President Bane presented to the Board a handwritten drawing of the Gobin drain. He advised the map did not include elevations. The Board and property owners Wade Bennett and Curt Hudson discussed that the only elevations were taken between "the two holes" at approximately 135 feet. At the last meeting Hughes' were given permission to determine the elevations on the right side. The breather on the map is not part of the County tile. The tile goes southeast and due east towards the air vent.

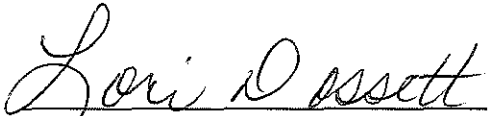
Curt Hudson stated that two months ago the property owners were told that the permits were being processed. He stated he was concerned that when a County official makes a statement that may or may not be true. Surveyor Utz was not at the meeting and therefore could not be questioned. Myers wants the work done to the tile this fall and Curt Hudson and Wade Bennett stated there is no reason to put in \$7,000 of work if the tile is not going to function properly if it is not underneath the railroad or highway on grade. There are only a few companies in the area with proper equipment to bore out the tiles. The County tile is 15" and what runs under SR231 and the railroad are 12" tiles. Commissioner Stephens commented that he is unhappy about the permit issue. The property owners questioned what could be done by the Board. Commissioner McCormick moved to order the project stopped until the next Drainage Board meeting on November 8th and Commissioner Stephens seconded. 3-0 votes in favor.

Attorney Taylor suggested that one of the Commissioners meet with Surveyor Utz and President Bane advised that he would speak to Surveyor Utz on the matter and will notify him today of the Board's action.

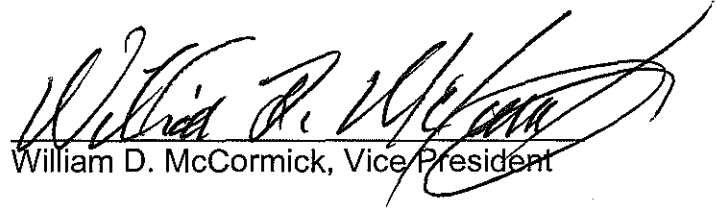
Curt Hudson questioned if there are circumstances that they are not aware of concerning Surveyor Utz. He questioned if they should have some compassion if there is some sort of health issue and the Board advised that they were not aware of any.

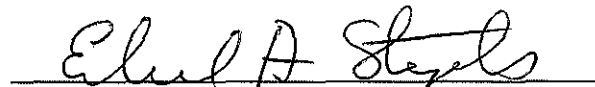
Commissioner McCormick moved to adjourn and Commissioner Bane seconded. There being no further business before the Drainage Board, the meeting was adjourned. 3-0 votes in favor.

Meeting adjourned @ 8:19 a.m.


Lori Dossett, Secretary

Phil Bane, President


William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD
FORMAL HEARINGS FOR
SMITH/ELMORE
STANFORD/ELMORE
SWEARINGEN/RUNYON
CARPER/CROWDER
TUESDAY, NOVEMBER 2, 2005
MINUTES

The Montgomery County Drainage Board met on Wednesday, November 2, 2005 in the Circuit Courtroom at the Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner Ed Stephens, Member; Surveyor Larry Utz; Deputy Surveyor Tom Cummins; Drainage Board Attorney Daniel Taylor; Barry Lewis, The Paper; and Drainage Board Secretary Lori Dossett. **(See attached sign-in sheet)**

Drainage Board President, Phil Bane called the meeting to order @ 6:00 PM and led the Pledge of Allegiance.

SMITH/ELMORE DRAIN

Surveyor Utz handed distributed his proposed raise in annual maintenance. He proposed a 60% raise in assessment. The current assessment is \$2.38 per acre and he proposed raising it to \$3.25 per acre, which will raise the annual assessment to \$3,926.49. Commissioner Stephens moved to raise the assessment and President Bane seconded. 2-0 votes in favor.

STANFORD/ELMORE

Surveyor Utz distributed his proposed raise in annual maintenance. He proposed a 65% raise in assessment. The current assessment is \$2.61 per acre and he proposed raising it to \$4.00 per acre, which will raise the annual assessment to \$2,814.59.

Board President Bane asked for comments. Doc McGrady questioned why there couldn't be a partial reconstruction of the drain. Surveyor Utz advised that at the last meeting reconstruction was voted down. It can come up later if someone wants to carry a petition. President Bane asked for a clarification that a reconstruction can happen at any time. A petition can be filed. A property owner advised that there are still holes south of CR300 it was paid once and didn't get done. It would be a waste of money to do just some work on the drain. President Bane stated that a reconstruction of the drain could be funded differently. A petition would have to be filed.

President Bane stated he would entertain a motion to accept the proposed raise in annual maintenance on the Standford/Elmore Drain. Commissioner Stephens moved to raise the proposed annual maintenance to \$2,814.59 and Commissioner Bane seconded. 2-0 votes in favor.

SWEARINGEN/RUNYON

Surveyor Utz distributed his proposed raise in annual maintenance. The current assessment is \$2.68 per acre and he proposed raising it to \$4.00 per acre, which will raise the annual assessment to \$1,816.84.

Board President Bane asked for comments. Myrna Sowers advised that her husband spoke to Surveyor Utz's office and he did not get back with them. She stated that they are not receiving any benefit from the drain. She wanted that information before tonight's meeting. Surveyor Utz advised that he spoke to her husband and their property is in the watershed. The watersheds are done by aerial maps. He said he will check into it and if they are not in the watershed he will take them off. She also stated that she thought that the vote was to reconstruct and that at tonight's meeting they would be supplied with the figures on how much that would be. Surveyor Utz advised that the majority voted on maintenance only.

Attorney Taylor added that the raise in assessment does not stop at tonight's meeting. He stated that Surveyor Utz recommended that all of these drains be reconstructed by the majority of the property owners disagreed. Any property owner can come to a Drainage Board meeting to express their desire to reconstruct the drain and they will be instructed on the petition process.

Karen Wilbur questioned when they would "see their money put to work". Would it be in the next six months? Ms. Wilbur was advised that the fund will have to wait for next years' spring and fall installments.

Commissioner Stephens moved to raise the annual assessment to \$1,816.84 and President Bane seconded. 2-0 votes in favor.

CARPER/CROWDER

Surveyor Utz advised that 66% -796 acres of 1205 acres of the landowners objected and were against the reconstruction. Surveyor Utz stated, "there is no sense in going any further". The following landowners objected to the reconstruction: Charles R. Anderson, Jack R. Anderson, Freida M. Dienhart, Betty L. Little, Gayle R. Lough, Marirovne Thompson, Robert D. Wilcox and Andra Storms. Don Fyfe spoke up and stated he is also against the reconstruction.

Surveyor Utz stated that in his annual report he presented six drains to the Board for reconstruction. Gayle Lough stated that he was no opposed to a reconstruction a few years from now to give the fund time to build again. The drain will have to be reconstructed five to ten years from now. Robert Wilcox questioned that if the assessments were raised, will it only be used for this drain and he was advised that the monies could only be used for this drain. Attorney Taylor advised that the auditor maintains separate funds for each drain.

Gayle Lough questioned what acreage the County owns on this drain. Attorney Taylor advised that those are the side ditches. The County has the responsibility for the right-of-ways on the roads and the property owners are not taxes for side ditches. Landowners own to the center of the road. He also advised that along federal interstates, no one owns from fence to fence.

Wade Bennett stated that if property owners are interested down the road, that they should understand that any reconstruction will not happen next week, that it will take a while for bids, etc.

Commissioner Stephens moved to deny the reconstruction of the Carper/Crowder Drain and President Bane seconded. Gayle Lough stated there are some areas of the drains that are worse than others. The trouble on the line wasn't real serious and he also stated that there is a big tile hole at Bennett's, but he hasn't experienced any trouble on his end.

Wade Bennett stated that at Marirovne Thompson's that that money was spent on the outlet and digging on the road at the curve is in bad shape and the outlet is not open.

Gayle Lough stated that he would like to have the landowners get together in three years and discuss reconstruction. He stated that the \$6,500 debt needs to be paid off.

Verna Mills questioned the rotating committee of landowners that was discussed at the last meeting.

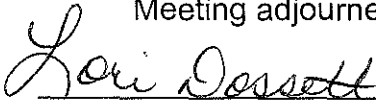
President Bane asked for a consensus on the reassessment and it was unanimous. Commissioner Stephens stated that the majority rules and 66% of the landowners don't want the reconstruction. He advised that the Drainage Board is expanding to a five member board and the idea of a committee for each drain can be discussed during reorganization. The Board should be more active and more representative.

2-0 votes in favor to deny reconstruction. **{SEE ORDER}**

Harry Hughes advised that he had done some figuring on the Smith/Elmore drain and it wasn't adding up. The Board requested that Larry go back and redo the figures, but the raise in assessment is not changed. It will remain as what was previously voted on by the Board. Mr. Hughes also advised that the Coats farm should be removed from assessment. He stated he thought the issue was taken care of several years ago. The 60 acres of her farm drains in the creek and 20 acres drain into the ditch. Surveyor Utz will look into the matter.

There being no further business before the Drainage Board, Commissioner Stephens moved to adjourn and President Bane seconded. 2-0 votes in favor.

Meeting adjourned @ 6:40 p.m.


Lori Dossett, Secretary

Phil Bane, President

William D. McCormick, Vice President


Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, NOVEMBER 8, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, November 8, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Building Administrator Marc Bonwell; Drainage Board Attorney Daniel Taylor; Mel Robinson, Journal-Review; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Wade Bennett; Curt Hudson; Treasurer Sue Howell; and Drainage Board Secretary Lori Dossett.

Drainage Board Vice President Bill McCormick called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Reverend Mike Whitacre leading the prayer.

Commissioner McCormick requested a motion for approval of the November 1, 2005 minutes. Commissioner Stephens moved to approve the November 1, 2005 minutes and Commissioner McCormick seconded. 2-0 votes in favor.

Commissioner McCormick requested a motion for approval of the November 2, 2005 minutes. Commissioner Stephens moved to approve the November 2, 2005 minutes and Commissioner McCormick seconded. 1 vote in favor 1 abstains.

Building Administrator Marc Bonwell presented the Board with a drainage plan for the John Galloway Storage project. Administrator Bonwell explained there is one variance request which is detention structure less than 50' from property line in the town of Linden. Administrator Bonwell explained that the drainage plan has been reviewed by DLZ and the town of Linden has verbally approved the building plans with the variance. Commissioner Stephens moves to approve the variance on the John Galloway Storage project and Commissioner McCormick seconded. Commissioner Stephens stated he was reluctant to approve a plan without the written consent of the town of Linden. Administrator Bonwell explained that the letter was brought to his office Monday, but he was out attending continuing education classes in Indianapolis. Attorney Taylor explained that the Board could approve the drainage plan pending a copy of the written approval from the town of Linden is received by the Building Department in three days. Administrator Bonwell advised that the letter will be delivered by noon today. Commissioner Stephens amended his motion to the drainage plans are approved pending receipt of a letter from the town of Linden within three days and Commissioner McCormick seconded. 2-0 votes in favor.

Surveyor Utzs' Report. Surveyor Utz stated that he was unable to attend last weeks drainage board meeting due to his illness. He stated that he has checked the grade for fall and it is running uphill and the boring under the railroad and SR231 will have to be done. The tile is ordered and the permits are in order they are just waiting for the contractor to sign off on them. He stated whomever gets the boring will have to get the permits. Wade Bennett questioned the timeframe for the project. Commissioner Stephens asked if the sinkhole is on the County ditch and he was advised that it is not getting worse, but it is an issue. It was opened in the spring but is accumulating gravel. Commissioner McCormick asked who Surveyor Utz had spoken to at the railroad and he advised that the permits are started but they are only good for so long. Surveyor Utz stated he has been to the State and he has spoken to the "local railroad guy". Utz stated he is waiting on a call from Dave Price and Commissioner McCormick stated that a company named Hoosier Bore has also been suggested. The Board will expect an update on the project next week.

Surveyor Utz handed out information for the Galey reconstruction hearing tonight at 6:00 p.m. He advised that he has received one written objection.

Commissioner Stephens asked Surveyor Utz on the status of the Joe Frey problem and Utz stated he thinks the problem is taken care of and is done.

Commissioner McCormick stated that Commissioner Bane had sent an email concerning last weeks' reconstruction and assessment hearings. Commissioner McCormick requested a motion to have the email from Commissioner Bane attached to today's' meeting

minutes. Commissioner Stephens moved to attach the email from Commissioner Bane to today's minutes and Commissioner McCormick seconded. 2-0 votes in favor.

Other Business: Curt Hudson reminded the Board that at last weeks meeting the Gobin Drain it ordered the work stopped. The Board advised that they wanted to wait one more week before proceeding.

Other Business: Shirley Fruits posed the following questions to the Board:

- 1) Why is the Surveyor job an elected position?
- 2) What's the reasoning behind this arrangement?
- 3) What is the salary cost to the County?
- 4) Who determines the type, size, depth, location, etc. of drains/ditches?
- 5) Is a trained/licensed surveyor consulted at additional cost?
- 6) Perhaps the County should just hire a licensed surveyor and do away with the elected position? Cost more?
- 7) In reference to the 11-21-05 year on ditches –
If previous "hearing" minutes are not required to be read at the next hearing (as properly done at "meetings") is it proper for the Commissioners to vote items into effect at just "hearings", not regular "meetings"?

Commissioner McCormick addressed a few of the question as to why the surveyor is an elected position as it is set up by state statute. He also advised that a surveyor is not mandatory and the County Council has control over its decision to fund it or not. Mrs. Fruits was asked to provide the Board with her list and stated they will answer all of her questions.

Commissioner Stephens moved to adjourn and Commissioner McCormick seconded. There being no further business before the Drainage Board, the meeting was adjourned. 2-0 votes in favor.

Meeting adjourned @ 8:30 a.m.

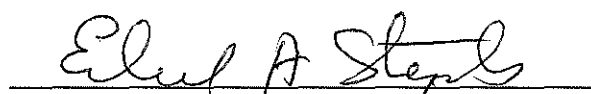


Lori Dossett, Secretary

Phil Bane, President



William D. McCormick, Vice President



Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, NOVEMBER 15, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, November 15, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Building Administrator Marc Bonwell; Drainage Board Attorney Daniel Taylor; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Wade Bennett; Curt Hudson; Jason Hughes; Jeremy Hughes; Treasurer Sue Howell; Assessor Peg Hudson; Union Township Assessor Sue Sams; Rick Knights, WTH; Mike Davis, Building Department; Deputy Surveyor Tom Cummins; Francis (Doc) McGrady; Tim McGrady; Daniel McGrady; Shirley Fruits; and Drainage Board Secretary Lori Dossett.

Drainage Board President Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Reverend Todd Klefman leading the prayer.

Commissioner Bane requested a motion for approval of the November 8, 2005 minutes. Commissioner Stephens moved to approve the November 8, 2005 minutes and Commissioner McCormick seconded. 3-0 votes in favor.

Old Business. John Gobin Drain. Deputy Surveyor Todd Cummins reported that the numbers are together and that Surveyor Utz has advised that he is checking with the railroad and with contractors for the boring. Surveyor Utz has advised that he spoke with Price and price does not have equipment large enough to do the borings. Commissioner McCormick stated that Price advised him that Surveyor Utz had not contacted him. Cummins stated that he spoke to him himself. Price advised that he could find a company to do the borings. Wade Bennett added that he spoke to Hoosier Bore and they would need to know how big the borings would need to be and would need a gauge for the railroad specs. They contacted Surveyor Utz and he has not returned their call. Mr. Bennett also stated that he was informed that it would take three to nine months for a permit from the railroad. Jason Hughes of Hughes Excavating stated on the east side by the church the grade is six-tenths difference uphill. It will have to be bored first and lower the grade to have plenty of grade. The sink hole at the railroad is a concern and something they should address. The railroad just keep filling it with stone. Commissioner Bane instructed Board Secretary Lori Dossett and Chief Deputy Todd Cummins to work on obtaining the permits from the railroad.

Reschedule James Sanders Drain. Todd Cummins advised that the figures are ready to notify the 30 landowners for the Sanders Drain. The hearing is set for Tuesday, December 20, 2005 @ 6:00 p.m.

Francis (Doc) McGrady made a statement **{SEE ATTACHED}**. Commissioner Bane stated that Mr. McGrady's case was well stated. Mr. McGrady stated there was a repair in the spring in the amount of \$1,200. They are spending fees for repair work that his sons have the equipment and are willing to do it and would only need to be reimbursed for supplies. He stated the previous work that was done was not bid and he felt overpriced. The Board stated that Mr. McGrady makes a good point and recommended scheduling an informational session with the landowners on the drain. Mr. McGrady stated that there are four families that own a majority of the watershed and would like to be involved in the process. It was asked if committees made up of landowners had been done before and it was stated that it had not. Commissioner McCormick moved to set the informational hearing on the Stanford/Elmore Drain on Tuesday, December 6, 2005 @ 6:00 p.m.

Surveyor Report. Surveyor Utz did not attend the meeting.

Other Business. Shirley Fruits asked for answers to her questions that she submitted to the Board last week. Attorney Taylor stated he was in the process of drafting a letter to her in more detail to answer her questions in writing. He did however answer the questions verbally to her.

Q. Why is the Surveyor job an elected position?

A. The Indiana Constitution created the position when it was established.

- Q. What's the reasoning behind this arrangement?
 A. The thinking back 150 years ago was that someone should be in charge of drainage.
- Q. What is the salary cost to the County?
 A. \$31,601. He has a department with an assistant, office, supplies, etc.
- Q. Who determines the type, size, depth, location, etc. of drains/ditches?
 A. The surveyor recommends to the Drainage Board and the Drainage Board acts on it and approves the plans.
- Q. Is a trained/licensed surveyor consulted at additional cost?
 A. Engineers are consulted and review plans as a 3rd party contractor.
- Q. Perhaps the County should just hire a licensed surveyor and do away with the elected position? Cost more?
 A. Anyone can run, you do not have to be a licensed surveyor. A civil engineer would cost a lot more per year.
- Q. In reference to the 11-21-05 year on ditches –
 If previous "hearing" minutes are not required to be read at the next hearing (as properly done at "meetings") is it proper for the Commissioners to vote items into effect at just "hearings", not regular "meetings"?
 A. Minutes are taken at hearings, but are not read or approved at the informational, reconstruction or raise in assessment hearings. Those meetings are for the sole purpose of the drain that is specified. Minutes are approved at regular Drainage Board meetings.

Commissioner McCormick commented that the set up of local government is 156 years old and there is an attempt to re-organize and re-structure local government. There are people in public office that are not qualified, to run for office you only have to be a resident of Montgomery County and registered voter. He added there will be a lot of talk on this subject at the upcoming short session.

Curt Hudson questioned if it was mandatory to have an elected surveyor. He was advised by Attorney Taylor that the Council does not have to fund any position. If a change is made it would be permanent. An engineer will cost more money to the County, but the question was asked in reality how much more?

Councilman Gary Livesay added that there was an election and the surveyor was opposed by someone who was better qualified and defeated. It falls back on the people who voted him into office.

Creating an engineering department creates other issues. Attorney Taylor added that many counties have surveyors that are not licensed and it is working in their counties. That is not a reason to eliminate the position.

Commissioner Bane added that with proper oversight by the Drainage Board has produced positive effects, now meeting three times per month instead of once. Drainage is a big issue and has to be taken seriously. He admitted he does not have the answers but we need to, "keep hacking away".

Commissioner Stephens added that he agreed and we need to try to "keep the heat to the fire" with the issues. Commissioner Bane stated we have to work together. He stated that he has asked for written reports including balances on each drain. Deputy Cummins advised that he would have that report available at the next Commissioners meeting.

Commissioner McCormick stated that he liked have a sub-committee on each drain which would work directly with the surveyor to see that places are fixed that should be fixed.

Mr. McGrady added that with four families owning 84% they should be part of the process. It is their money and they need to know where it is going.

Shirley Fruits added that it is "accountability after the fact".

Commissioner McCormick moved to adjourn and Commissioner Stephens seconded. There being no further business before the Drainage Board, the meeting was adjourned. 3-0 votes in favor.

Meeting adjourned @ 8:50 a.m.

Lori Dossett

Lori Dossett, Secretary

Phil Bane

Phil Bane, President

William D. McCormick

William D. McCormick, Vice President

Edward A. Stephens

Edward A. Stephens, Member

Promoting

I COMMEND THE MONTGOMERY COUNTY COMMISSIONERS AND DRIANAGE BOARD FOR ~~PRODDING~~ SOME DIALOGUE ON COUNTY DRAINS, INCLUDING THE STANFORD-ELMORE DRAIN. HOPEFULLY SOME ACTION WILL EVENTUALLY FOLLOW.

WE NATURALLY HAVE A STRONG INTEREST IN THE FUTURE OF THE STANFORD-ELMORE DRAIN. OUR FARM CONTAINS 29 % OF THE AFFECTED ACRES AND MOST OF THE BURIED TILE LINES. IN ADDITION ALL THE SURFACE RUN-OFF IN THIS WATERSHED ~~EXCEPT THE WILBUR LAND EAST OF CR.700 W.~~ COMES OUR WAY.

West THE RECONSTRUCTION PROJECT DONE IN 1997 INVOLVING 1000 FT. OF OPEN DITCH AND 700 FT. OF 24" TILE TO A POINT SOUTH OF CR.300 S. GAVE US THE OUTLET WE NEEDED. (YELLOW LINE) UNFORTUNATELY IT DID NOT SOLVE THE PROBLEM WE HAVE HAD WITH THE 800 FT. OF OLD 16" CONCRETE TILE SOUTH OF CR 300S TO THE POINT WHERE IT MAKES A RIGHT ANGLE TURN. (GREEN LINE) THIS SECTION HAS HAD LARGE "BLOW HOLES" NEARLY EVERY YEAR AT LEAST SINCE 1990. MOST, IF NOT ALL THE 14,333.00 SPENT FROM THE FUNDS SINCE 1991 HAS BEEN FOR REPAIR IN THIS SECTION. \$4,839.00 HAS BEEN DOLED OUT HERE THE PAST 2 YEARS ALONE. ALSO SINCE THE TILE IS 7 TO 8 FT. DEEP, ALOT OF SOIL IS LOST.

WE WELCOMED THE PROSPECT OF A RECONSTRUCTION PROJECT ON THE STANFORD-ELMORE DRAIN, ASSUMING THIS SECTION WOULD LOGICALLY BE CONSIDERED MOST IN NEED SO AS TO STOP THE EVER HIGHER COSTS OF MAINTENANCE. IMAGINE OUR AMAZEMENT WHEN WE REALIZED THE PROPOSED RECONSTRUCTION WAS FOR REPLACEMENT OF 4900 FT. OF TILE FROM THE END THE LINE, WHICH HAS HAD NO PROBLEMS, AT A ESTIMATED COST OF \$55,000.00. OUR SURVEYOR SEEMS TO HAVE THE ILLUSION THAT 24 " TILE WAS INSTALLED IN THIS SECTION IN 1997 BUT THAT IS NOT THE CASE. WE CAN ONLY HOPE WE DID NOT PAY FOR IT. OBVIOUSLY HE HAS NO CLUE WHERE THE REPAIR WORK HAS BEEN DONE THE LAST 8 YEARS.

He can only hope we did not pay for this

THERE ARE 5 HOLES IN THIS SECTION AT THE PRESENT TIME. THE LARGEST (PICTURE) IS AT THE CORNER, ANOTHER IS WEST OF THE CORNER (VISABLE IN THE BACKGROUND OF THE PICTURE) AND 3 MORE ARE BETWEEN THE CORNER AND THE ROAD.

ANOTHER CONCERN OF ALL THE LANDOWNERS IN THIS DRAIN IS THE APPROPRIATION OF FUNDS FOR WORK WE DO NOT FEEL IS NEEDED. CASE IN POINT IS THE EXPENDITURE OF \$6846.00 IN AUGUST TO CLEAN OUR OPEN DITCH. GRANTED THERE WERE WILLOWS COMING ON THAT NEEDED ATTENTION, BUT THEY COULD HAVE BEEN SPRAYED. THE OUTLET WAS IN NO DANGER OF BEING RESTRICTED. THE COST HERE WAS TWICE THE RATE ESTIMATED TO DREDGE THE SWEARINGEN-RUNYON DITCH. TO MAKE THIS EVEN LESS EXCEPTABLE WAS THE FACT THE MONEY WAS NOT AVAILABLE AND NOW WE HAVE A \$6846.00 DEFICIT IN OUR IMPROVEMENT FUND. CLARIFICATION OF DITCH SPRAYING RESPONSIBILITY IS NEEDED.

and -o- in maintenance fund

PROPOSALS FOR STANFORD-ELMORE DRAIN

1) INSTALL 24" TILE FROM THE MANHOLE ON THE SOUTH SIDE OF CR.300S TO AND AROUND THE CORNER TO WHERE THE LAST HOLE IS NOW. THIS IS THE FARTHEREST UP-STREAM ^{that} A HOLE HAS DEVELOPED. THIS WOULD REPLACE 800 TO 900 FT. OF OLD 16" CONCRETE TILE. I FEEL THIS WOULD BASICALLY ELIMINATE OUR MAINTENANCE COST.

Bid process
2) AUTHORIZE AN ADVISORY BOARD CONSISTING OF A MEMBER FROM EACH OF THE 4 LARGEST AFFECTED LANDOWNER FAMILIES.

McGRADY	29 %
FRUITS	22.4 %
RUSH	20.1 %
WILBUR	13 %
TOTAL=	84.5 % OF AFFECTED ACRES

THIS ADVISORY BOARD COULD:

- A) RECOMMEND RECONSTRUCTION PROJECTS AND REPAIR NEEDS TO THE DRAINAGE BOARD
- B) REVIEW AND APPROVE BIDS AND COST ESTIMATES
- C) INSPECT COMPLETED WORK BEFORE PAYMENT IS MADE
- D) APPROVE PAYMENTS
- E) MAINTAIN FILE OF REPORTS FROM CONTRACTORS

3) REQUIRE CONTRACTORS TO FURNISH A WRITTEN REPORT THAT WOULD INCLUDE A MAP MARKED WHERE REPAIR WORK WAS DONE, SIZE AND TYPE OF TILE REPLACED AND LENGTH AND SIZE OF TILE USED IN THE REPLACEMENT. ONE COPY OF THIS REPORT TO BE HELD BY THE DRAIN ADVISORY BOARD AND ANOTHER SENT TO SURVEYORS OFFICE OR DRINAGE BOARD.

4) LANDOWNERS WITH THE EQUIPMENT AND EXPERIENCE SHOULD BE GIVEN THE SAME STATUS AS OUTSIDE CONTRACTORS.

It is all too obvious the surveyor has the interests of his "contractor of the month" ^{in mind} rather than the landowner

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, DECEMBER 6, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 6, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Building Administrator Marc Bonwell; Drainage Board Attorney Daniel Taylor; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Wade Bennett; Curt Hudson; Treasurer Sue Howell; Mike Davis, Building Department; and Drainage Board Secretary Lori Dossett.

Drainage Board President Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Reverend Dave leading the prayer.

Commissioner Bane requested a motion for approval of the November 15, 2005 minutes. Commissioner McCormick moved to approve the November 15, 2005 minutes and Commissioner Stephens seconded. 3-0 votes in favor.

Old Business. John Gobin Drain. Commissioner Bane requested the balance in the maintenance and improvement funds for the Gobin Drain. Auditor Dossett advised that there is \$5,711.75 in the maintenance and \$1,302.71 in the improvement fund. He also added that the fund amounts are not up to date. The expenses and claims have not been taken off of the balances. His office will be working on the drain funds this month.

Curt Hudson and Wade Bennett added that if the claims are taken off of the balances and the \$4,800 estimate for the Hughes Excavation for the short section there will be a shortfall in the funds.

Auditor Dossett added that those amounts do not include fall settlement. Treasurer Sue Howell stated that if an assessment is under \$25 those amounts are collected in the spring only. The fall settlement is usually a smaller amount than the spring.

Surveyor Utz stated that he has not gotten with the railroad, but Wade Bennett had. Mr. Bennett stated he has not spoken to the railroad. It will however take three to six months to obtain the proper permits. Hoosier Bore is interested in the project but is waiting for specs from the railroad before they make a proposal. Reconstruction on the drain may be necessary in the future. Curt Hudson estimated it could cost from \$15,000 to \$20,000 to go under the highway. After discussion, it was obvious that there are not sufficient funds to do the work needed at this time. The Board questioned if they would be interested in filing a petition for reconstruction and Mr. Bennett stated that he didn't think the other landowners would be interested in any type of reconstruction since the problems are not affecting them. Curt Hudson questioned if the monies spend could be controlled until the balances in the funds could be replenished over the next five years. Commissioner Bane added that there are open holes now that will need to eventually be repaired. Mr. Hudson questioned the liability aspect as far as the tile collapsing near the railroad and SR231. Surveyor Utz added that it is running uphill because it was put in off grade. He doesn't feel it will be a problem on the road. Mr. Hudson was asked by the Board how much he is willing to spend. Mr. Hudson stated that he doesn't mind doing the work, but doesn't agree with work on the west side since they were not willing to help him and help pay for it. Commissioner Stephens stated that he felt a hearing on the matter would be beneficial.

Surveyor Utz asked about the Hughes bid that was accepted by the Board. He said that Hughes has the tile and has the bid and if the bid was accepted what happens now? Surveyor Utz advised that the bid was tabled and put the project put on hold. He informed Mr. Bennett stated that during the Cargill hearing he was the only property owner that showed up. The Board suggested that Mr. Hudson and Mr. Bennett file a petition for reconstruction and the matter will then be set for hearing and the issue could be discussed with all of the property owners on the drain.

Surveyor Report. Surveyor Utz advised he had nothing to report at this time.

Commissioner Stephens moved to adjourn and Commissioner McCormick seconded. There being no further business before the Drainage Board, the meeting was adjourned. 3-0 votes in favor.

Meeting adjourned @ 8:24 a.m.

Lori Dossett
Lori Dossett, Secretary

Phillip Bane
Phil Bane, President

William D. McCormick
William D. McCormick, Vice President

Edward A. Stephens
Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD MEETING
TUESDAY, DECEMBER 13, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 13, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner William D. McCormick, Vice President; Commissioner Ed Stephens, Member; Building Administrator Marc Bonwell; Drainage Board Attorney Daniel Taylor; Barry Lewis, The Paper; Marian Lindow, League of Women Voters; Deanna Durrett, Rob Durrett; Wade Bennett; Treasurer Sue Howell; Mike Waldron, Butler, Fairman & Seufert; and Drainage Board Secretary Lori Dossett.

Drainage Board President Phil Bane called the meeting to order @ 8:00 AM and led the Pledge of Allegiance followed by Reverend Pettigrew leading the prayer.

Commissioner Bane requested a motion for approval of the December 6, 2005 minutes. Commissioner McCormick moved to approve the December 6, 2005 minutes and Commissioner Stephens seconded. 3-0 votes in favor.


Surveyor Utz submitted a contract for the Drainage Board's approval. The contract is with Butler, Fairman & Seufert regarding a General Land Surveyor Services Agreement for Public Land Survey (PLSS) Section Corner Perpetuation. The agreement is to locate the existing corner monumentation within roadway limits in Township 18 North; Range 3 West. Commissioner McCormick moved to sign the agreement with Butler, Fairman & Seufert for General Land Surveyor Services Agreement for Public Land Survey (PLSS) Section Corner Perpetuation and Commissioner Stephens seconded. The section corner perpetuation is a budgeted item and it is not to exceed \$12,000. Deanna Durrett questioned if the contract had to be entered into before the first of the year. Surveyor Utz answered that it is a carryover from last years work and it is best to get the work done through the winter. She requested that the contract be tabled to January and requested to see an evaluation of the work previously performed by Butler, Fairman & Seufert. She stated, "by law the surveying firm has to come from Montgomery County". Surveyor Utz advised that has been offered to firms in the past and no one has been interested. Commissioner McCormick suggested that Mrs. Durrett speak to Mike Waldron of Butler, Fairman & Seufert and moved to withdraw his previous motion and to table the contract to the first meeting in January and Commissioner Stephens seconded. 3-0 votes in favor.

Surveyor Utz's Report. Surveyor Utz advised that notices for the Stanford/Elmore drain had been mailed out for the January 3rd meeting. He requested that the Commissioner set the John Gobin drain for an informational hearing. Commissioner Bane stated that the County previously entered into a 25 year agreement/permit with CSX. He stated that there is a fee of \$4,000 to renew the permit. He asked Auditor Dossett to check in his files for the agreement. Auditor Dossett stated he can "dig around". Commissioner McCormick moved to set the informational hearing on the Gobin Drain for Thursday, January 12th @ 6:00 p.m. and Commissioner Stephens seconded. 3-0 votes in favor.


Surveyor Utz reminded the Board that the Sanders drain is set for hearing on Tuesday, December 20th @ 6:00 p.m.

Commissioner Stephens moved to adjourn and Commissioner McCormick seconded. There being no further business before the Drainage Board, the meeting was adjourned. 3-0 votes in favor.

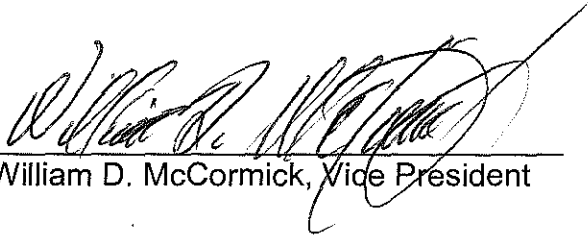
Meeting adjourned @ 8:24 a.m.



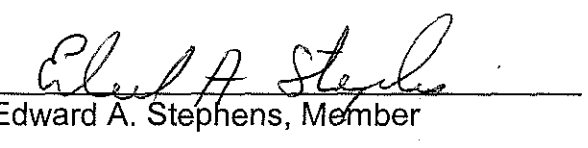
Lori Dossett, Secretary



Phil Bane, President



William D. McCormick, Vice President



Edward A. Stephens, Member

MONTGOMERY COUNTY DRAINAGE BOARD
JAMES SANDERS RECONSTRUCTION HEARING
TUESDAY, DECEMBER 20, 2005
MINUTES

The Montgomery County Drainage Board met on Tuesday, December 20, 2005 in the Commissioners room, Montgomery County Courthouse.

Those present were as follows: Commissioner Phil Bane, President; Commissioner Ed Stephens, Member; Marian Lindow, League of Women Voters; Deanna Durrett, Rob Durrett; Joe Myers; Richard Harshbarger; Jason Hughes, Jeremy Hughes; Phil Campbell; Gert Cowan; Carl Knowling; and Drainage Board Secretary Lori Dossett.

Drainage Board President Phil Bane called the meeting to order @ 6:00 PM and led the Pledge of Allegiance.

Surveyor Larry Utz gave a brief history of the James Sanders Drain. The drain was constructed in 1903. It is located at Sections 9,10,17, Township 19 North, Range 5 West. The drain is 8,260 feet tiled with tile sizes ranging from -6", -8", -12", -15". The proposed tile size is 2,800 feet of 15" tile; 1,600 feet of 12" tile. There are 420.584 acres drained.

Surveyor Utz stated he is proposing to replace the 15" tile south of I-74 on the Phillip Campbell property, as well as the 12" tile north of I-74 up to the west edge of the Richard Harshbarger property. There are major problems in this area every year.

The estimate for the proposed reconstruction totals \$40,800. The break down is as follows:

- 15" tile - \$10/ft installed
- 12" tile - \$8/ft installed
- 2,800 ft. 15" tile = \$28,000
- 1,600 ft. 12" tile = \$12,800
- 4,400 ft. installed = \$40,800

Discussion: Rob Webster questioned if the loan period could go for longer than five years since the project is a capital improvement. Surveyor Utz advised that the Board had always gone five years in the past but he didn't see any reason why the loan repayment could not go ten years if everyone was in agreement. Joe Myers added that if it would make it easier for everyone to stretch out the payments for ten years, he would not be opposed to that. Phil Campbell advised that he agreed. Dick Harshbarger questioned if the maintenance money could be used for the reconstruction since the tile would be new and maintenance should not be needed for a while. Deanna Durrett questioned how much money is in the maintenance fund and any monies are owed to the improvement fund. Surveyor Utz advised that there is \$454 annually in the maintenance funds and no monies are owed to the improvement fund. The drain collects \$1,047 in annual maintenance assessments. Those monies are to be used for maintenance only. Rob Webster emphasized the importance of hooking up the laterals and Surveyor Utz stated that it is the landowners responsibility to make sure that the laterals are hooked up. Jonathan Hughes added that the new tile cannot be installed over the old tile and a tile map would be needed to locate all of the laterals. Surveyor Utz added that there is a would be a 10% overrun clause in the project and the most responsive bid will be accepted, not necessarily the lowest bid. Surveyor Utz advised that the notice to bidders will be advertised in the local and surrounding newspapers with a date set by the Commissioners for the bids to be due. He also advised that the landowners are welcome to come to the bid open to review the bids. Commissioner Bane stated that it is the landowners' money and they should be involved in the process of choosing which company should be awarded the project. Phil Campbell questioned the condition of the outlet. Surveyor Utz stated the outlet is not a legal drain so the County is limited on how much work can be done on it. That will be the responsibility of the landowner. Surveyor Utz stated the open ditch is grown up also.

The consensus of the landowners present is to reconstruct the James Sanders Drain.

Commissioner Stephens moved to move forward with the reconstruction of the James Sanders Drain with the loan to be paid back in ten years and Commissioner Bane seconded. 2-0 votes in favor.

Meeting adjourned @ 6:28 p.m.

Lori Dossett
Lori Dossett, Secretary

Phil Bane
Phil Bane, President

William D. McCormick
William D. McCormick, Vice President

Edward A. Stephens
Edward A. Stephens, Member