

**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
January 13, 2021**

The Montgomery County Drainage Board met on Wednesday, January 13, 2021 at 9:30 a.m. at the Montgomery County Courthouse.

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

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

Also present was Jim Peck, Tom Klein, Curt Hudson, Roger Azar, and Suzie Smith.

Reorganization & Swearing in New Member(S)

Karen Douglas of the Clerk's office presided over the swearing in of Board members John Frey, Doug Mills, and Lance Sennett.

Election of Officers

John Frey moved, seconded by Lance Sennett, to nominate Dave Rhoads as chairman of the Drainage Board. Doug Mills moved, seconded by John Frey, to close the nominations. Motion carried, 4-1. Dave Rhoads voted against.

Lance Sennett moved, seconded by Dave Rhoads, to nominate John Frey as vice chairman of the Drainage board. Doug Mills moved, seconded by Lance Sennett, to close the nominations. Motion carried, 5-0.

Lance Sennett moved, seconded by John Frey, to nominate Matt Mitchell as secretary of the Drainage Board. John Frey moved, seconded by Dave Rhoads, to close the nominations. Motion carried, 5-0.

Attorney Contract

Dave Rhoads reported it was time to renew the attorney's contract.

Dan Taylor- reported there is a budget cap of \$6,000.00 for the attorney which is an hourly wage and reported it was under budget with the total being \$5,033.00 for 2020.

John Frey moved, seconded by Doug Mills, to retain Taylor, Chadd, Minnette, Schneider & Clutter, P.C. (Dan Taylor) as the Drainage board attorney. Motion carried, 5-0.

Approval of Minutes

John Frey moved, seconded by Lance Sennett, to approve the December 9, 2020 minutes as submitted. Motion carried, 5-0.

Hearings

Tom Cummins - reported there is nothing new to report on the Cheatham/Spall petition to remove an obstruction.

Dan Taylor – reported that the Board is waiting on plans from the obstructor and this hearing should be continued indefinitely and not on the agenda every month. When we receive information from the parties involved it can then be put back on the agenda.

John Frey moved, seconded by Lance Sennett, to table the Cheatham/Spall hearing petition to remove an obstruction indefinitely. Motion carried, 5-0.

John Frey moved, seconded by Dave Rhoads, to table the B & B Farms/Hudson hearing petition to remove an obstruction indefinitely.

Curt Hudson was present and reported it was his understanding that the Drainage Board and the Surveyor were no longer involved in the case and it has been dismissed as it has been over thirty days.

Dan Taylor- reported to the Board the case has not been dismissed but the Surveyor and the Drainage Board are no longer defendants. They were dropped from the lawsuit. The Board still has jurisdiction over the case and cannot make a decision until the court makes their final decision. The judge decides if the connection is legal or illegal. It is still an ongoing case.

Curt Hudson – inquired if the Board would let him know when they will reconsider the case. Mr. Hudson prefers it to be left on the agenda. Motion carried, 4-1. Doug Mills opposed.

Stormwater

Tom Cummins reported the Eagles Nest Subdivision secondary plat and drainage plan has been approved by County Commission. It is being brought to you today for the creation of a legal drain for the area. The overhead projector was used to display the area. There will be eleven single-family homes with six on the east and five on the west. It meets the County Stormwater Ordinance requirements. It is located at 600 west just south of 640 south, west of New Market.

Dave Rhoads- inquired if it impacts any legal drains in area.

Tom Cummins- reported the subdivision does not impact any legal drains.

Doug Mills - inquired if the legal drain is being created in the subdivision to take care of any water issues within the platted area.

Tom Cummins -- reported the Board is taking jurisdiction over all the drainage structures in the subdivision. Two retention ponds were created along with lead in and lead out swales, along with road ditches to be maintained. The new drain will only be for the new subdivision.

Doug Mills -- inquired about the responsibility outside of the drain.

Tom Cummins -- reported the Board will not be responsible for anything leading up to the subdivision.

Dave Rhoads -- inquired if the Eagles Nest Subdivision will have a homeowner's association.

Tom Cummins -- reported there will be a homeowner's association but by creating the legal drain the Board will not have to rely on an association to maintain the drain.

Roger Azar -- reported their will be covenants for the ponds.

Roger Azar -- inquired about existing pond and a new pond, anything new will it be a regulated drain with a seventy-five-foot easement and could there be a twenty-five-foot variance.

Tom Cummins -- reported the Board could reduce an easement if they should choose to with a variance but it should be no less than thirty feet due to size of equipment.

Roger Azar - reported and inquired about future designs of setbacks of fifty-foot pond easements due to high water mark. Homes cannot be built on the east side due to easements. Can future designs have the regulated drain easements reduced to the existing setback requirements.

Tom Cummins -- reported he thought it would be appropriate.

Roger Azar - inquired who mows the easement area.

Tom Cummins - reported it will be up to homeowners and/or homeowners' association to keep it looking nice and to keep algae out of pond. If left for Drainage Board and Surveyor, it would only be once a year. The Drainage Board and the Surveyor to maintain the drain for functionality.

Roger Azar - inquired can this be put in writing for the landowners to know what their responsibilities will be to maintain the easement area.

Dan Taylor -- reported it is just like a right away on a highway. If the landowners want it to look good, they will have to take care of it. INDOT would only mow it once a year.

Tom Cummins- reported there will be an assessment hearing to answer landowner's questions. The proposed assessment will be \$100.00 per lot, per year. Recommends Mr. Slavens to attend the hearing. Currently there is a four-year cap on assessments. Option of making it for eight years.

Jim Peck – reported that the two detention ponds will not be part of any lot.

Tom Cummins – reported that if the ponds are separate parcels, the ponds will be assessed at \$100.00 also.

Doug Mills – inquired about having same standard for each new drain. Should the Board have set standards for setbacks of exactly of how many feet will be allowed in a variance such as fifty, thirty etc.

Tom Cummins – reported the Board could make a policy, which would determine what the setback would be.

Jim Peck – reported drainage ordinances states what the set backs are.

Doug Mills – reported this is a new path the Board has with developing subdivisions and would like to avoid as many issues as possible for future plans.

Roger Azar – inquired where does the Drainage Board stand with septic systems.

Tom Cummins – reported can come before the Board for guidance.

Dan Taylor – reported need guidance case by case as we see patterns emerge with developments. Every subdivision will be different with making policy to promote development and not hinder it.

Doug Mills – reported to keep it within the boundaries of the policy.

Roger Azar – inquired on easement with ponds that are close to the property line, especially a farmer's field who does not want to deal with an easement.

Tom Cummins – The Board can approve the easement as is or reduce the easement when required.

Jim Peck- inquired is someone from the Drainage Board to sign off on the secondary plat when approved.

Tom Cummins – reported the Chairman of the Board would sign it.

Dan Taylor – reported the paperwork will establish a new drain and will state it is drain classified as in need of periodic maintenance. Today we are here to establish a drain.

Roger Azar – inquired as to the standard verbiage to include on the plat.

Dan Taylor – reported Mr. Azar should contact Marc Bonwell as he can provide that information to him.

John Frey moved, to amend his motion to state to establish a new legal drain at the Eagles Nest Subdivision to be classified as a drain in need of periodic maintenance required. Seconded by Lance Sennett. Motion carried, 5-0.

Petitions

Tom Cummins reported receiving a petition to attach from Rex Ballard to the **Guy Little #534** drain. The overhead projector was used to display the area. The area already has existing tile and the drain can handle the additional water. **John Frey moved, seconded by Lance Sennett, to approve the petition to attach to the Guy Little #534 as submitted. Motion carried, 5-0.**

Tom Cummins reported receiving a petition to attach from Wilma Beauchamp to the **Henry Lee 2 #658 drain**. The overhead projector was used to display the area. Their drain was being choked off by existing trees and the plan to move the tile around the trees to the eight-inch tile. **Lance Sennett moved, seconded by Doug Mills, to approve the petition to attach to the Henry Lee 2 #658 as submitted. Motion carried, 5-0.**

Old Business

Tom Cummins reported on the **George Nichols #546** reconstruction as there was a delay when the contractor took an extended vacation. The overhead projector was used to display the area. Mr. Cummins reported the new tiles were installed over two of the gas lines. Next week the plan is to complete the other two crossings and will bring the paperwork to the February meeting.

Dave Rhoads – inquired who was the contractor.

Tom Cummins – reported the general contractor was Maxwell Farm Drainage and the construction was sub-contracted out to Conner Excavating.

New Business

Tom Cummins reported the following drains are carrying debt in the Improvement Fund and would recommend scheduling assessment increase hearings for the **Charles Cowan #510, James Grimes #521, George Hutchinson #527, Elva Thompson #650, Henry Lee 2 #658, John & Sarah Niven #723** along with the **Eagles Nest Subdivision** drain for the March 10, 2021 meeting.

Doug Mills moved, seconded by Dave Rhoads, to hold assessment increase hearing on March 10, 2021 at 9:30 a.m. at the Montgomery County Courthouse for the Charles Cowan #510, James Grimes #521, George Hutchinson #527, Elva Thompson #650, Henry Lee 2 #658, John & Sarah Niven #723 along with the new Eagles Nest Subdivision drain. Motion carried, 5-0.

Public Comment

Tom Klein, the new County Administrator, introduced himself to the Board and thanked the Board for their service to the community. Reported he really appreciates the drainage work that is done before it comes to the County Highway and Engineer.

Dave Rhoads thanked Vicki Emmert for her work for the Drainage Board.

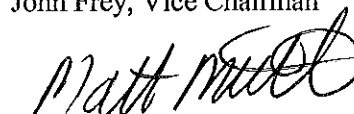
Dave Rhoads reported the next Drainage Board meeting will be February 10, 2021 at 9:30 at the Montgomery County Courthouse.


Doug Mills moved, seconded by Dave Rhoads, to adjourn the meeting at 10:14 a.m. Motion carried, 5-0.

Vicki Emmert,
Recording Secretary


David Rhoads, Chairman

John Frey, Vice Chairman


Matt Mitchell, Secretary


Lance Sennett, Member

Doug Mills, Member

**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
February 10, 2021**

The Montgomery County Drainage Board met on Wednesday, February 10, 2021 at 9:30 a.m. at the Montgomery County Courthouse.

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

Board members in attendance were Chairman Dave Rhoads; Secretary Matt Mitchell and member Lance Sennett. Vice Chairman John Frey and member Doug Mills were not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also present was Jim Peck and Tom Klein.

There were no hearings, stormwater or petitions to report on today.

Old Business

Tom Cummins reported the **George Nichols #546** reconstruction is now completed. There were two change orders. The first change order is from Banning Engineering due to additional engineering due to complications with the gas lines. The amount was \$4,420.00. The second change order in the amount \$8,221.00 to Maxwell Farm Drainage.

Quantity	Unit	Description	Rate	Amount
111	LFT	Install additional 15" HDPE pipe	\$18.00	\$1,998.00
(197)	LFT	Reduction of 12" HDPE pipe	\$16.00	(\$3,152.00)
3	EA	Lateral connections 4" – 6"	\$500.00	\$1,500.00
2	EA	Lateral connections 12"	\$1,000.00	\$2,000.00
(125)	LFT	Reduction of destruction of tile	\$1.00	(\$125.00)
2	EA	Additional gas pipeline crossing	\$1,000.00	\$2,000.00
1	EA	Mobilization for pipeline delay	\$2,000.00	\$2,000.00
4	EA	Risers	\$500.00	<u>\$2,000.00</u>
		Total		\$8,221.00

Mr. Cummins reported at the next meeting he would have the loan information and schedule of assessments to present to the Board.

Mr. Cummins reported the total of the invoice to Maxwell Farm Drainage Inc. is \$65,701.00.

Dave Rhoads moved, seconded by Matt Mitchell, to approve the invoice to Maxwell Farm Drainage Inc. in the amount of \$65,701.00 for the George Nichols #546 reconstruction. Motion carried, 3-0.

Other Business

Tom Cummins presented the Drain Accounting Report to the Board and used the overhead projector to explain the information.

Tom Cummins presented the Board the 2021 Drain Off list to the Board.

Lance Sennett moved, seconded by Matt Mitchell, to approve the 2021 Drain Off List that will be given to the Auditor. Motion carried, 3-0.

Tom Cummins presented the Board a list of 2021 Drain Fund Transfers. Mr. Cummins used the overhead projector to explain the report. **Dave Rhoads moved, seconded by Lance Sennett, to approve the Drain Fund Transfers as submitted. Motion carried, 3-0.**

There was no new business.

Public Comment

Jim Peck reported he would meet with Tom Cummins on any stormwater issues when required.

Tom Klein requested the Drain Accounting Report be put on the County website in the department reports, for use in the portal for the public to review.

Tom Cummins reported the next meeting will need to be changed to the Crawfordsville City Council Chambers due to the assessment hearings at 8:00 a.m. **Lance Sennett moved, seconded by Matt Mitchell, to move the March 10, 2021 Drainage Board to the Crawfordsville City Council Chambers at 8:00 a.m. Motion carried, 3-0.**

Dave Rhoads moved, seconded by Matt Mitchell, to adjourn the meeting at 9:48 a.m. Motion carried, 3-0.

Vicki Emmert,
Recording Secretary




David Rhoads, Chairman

John Frey, Vice Chairman



Matt Mitchell, Secretary


Lance Sennett, Member

Doug E. Mills

Doug Mills, Member

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**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
March 10, 2021**

The Montgomery County Drainage Board met on Wednesday, March 10, 2021 at 8:00 a.m. at the Crawfordsville City Council Chambers.

Vice Chairman John Frey called the meeting to order followed by the Pledge of Allegiance. Vicki Emmert gave the prayer.

Board members in attendance were Chairman Dave Rhoads arrived at 8:34 am; Vice Chairman John Frey; Secretary Matt Mitchell; members Doug Mills and Lance Sennett. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also present were Mike Patton, Brenda Foster, Cindy Chastain, Gary Weiss, Curt Hudson, Jim Woody, Grant McBee and Tom Klein.

Approval of Minutes

Doug Mills moved, seconded by Lance Sennett, to approve the February 10, 2021 Drainage Board minutes. Motion carried, 4-0.

Hearings

Eagles Nest Subdivision

Tom Cummins reported the hearing today for the new **Eagles Nest Subdivision** is to set an assessment rate for the subdivision. No landowners were present. Mr. Cummins used the overhead projector to display the area. There are 19.03 acres in the watershed and currently one lot. The proposed rate is \$100.00 per lot. All future lots will be assessed \$100.00 if approved.

Doug Mills - inquired where the subdivision is located.

Tom Cummins - at 640 S and 600 West.

Lance Sennett moved, seconded by Matt Mitchell, to approve the assessment rate of \$100.00 per lot of the new Eagles Nest Subdivision drain. Motion carried, 4-0.

Charles Cowan #510

Tom Cummins reported the hearing today for the **Charles Cowan #510** located in Coal Creek Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$3.31 an acre with a \$5.00 minimum with a yearly collection of \$1,102.64. Currently the maintenance fund balance is \$514.57, the improvement balance is (\$11,682.18), and the

reconstruction balance is (\$1,275.72). The current debt to the improvement fund is (\$12,443.33) with the projected payoff to be eleven years. The calculated maintenance assessment is \$6.21 an acre with an annual assessment of \$2,048.89. The proposed assessment is \$38.36 an acre with an annual assessment of \$12,453.23 for one year. The Surveyor recommends raising the current maintenance assessment of \$3.31 an acre with a \$5.00 minimum to the proposed assessment of \$38.36 an acre with a \$5.00 minimum, for 2021; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund. The maintenance assessment would then be decreased to the calculated assessment of \$6.21 an acre with a \$5.00 minimum in 2022, going forward. There are 324.35 acres in watershed. The ledgers help to explain the debt of the drain. Reconstruction of the main was completed six or seven years ago. Recently a landowner planned to pattern tile his field and found the current tile was too shallow and wasn't an option. Generally, we would move upstream to complete a reconstruction. The eight-inch tile was adequately sized so the project was completed out of maintenance.

Landowners present were Cindy Chastain and Mike Patton.

Cindy Chastain – representing Chastain Farms that the Board consider a request to pay the debt over more than one year.

Doug Mills – inquired if there were any other landowners here today for the drain.

Mike Patton – reported either payment of option of one or two years is okay with him.

Doug Mills – inquired about paying for the project in two years.

Doug Mills moved, seconded by Lance Sennett, to raise the assessment to \$19.18 an acre with a \$5.00 minimum for 2021 and 2022 for an annual total assessment of \$6,237.02. In 2023 to reduce the assessment to the calculated rate of \$6.21, an acre with a \$5.00 for the Charles Cowan #510 drain going forward. Motion carried, 4-0.

James Grimes #521

Tom Cummins reported the hearing today for the **James Grimes #521** located in Madison Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$0.38 an acre with a \$5.00 minimum with a yearly collection of \$92.95. Currently the maintenance fund balance is \$27.19, the improvement balance is (\$1,425.86), and there is no reconstruction balance. The current debt to the improvement fund is (\$1,398.67) with the projected payoff to be fifteen years. The calculated maintenance assessment is \$5.63 an acre with an annual assessment of \$1,309.03. The proposed assessment is \$5.63 an acre with an annual assessment of \$1,309.03 for 1.07 years to pay back the deficit. The Surveyor recommends raising the current maintenance assessment of \$0.38 an acre with a \$5.00 minimum to the proposed assessment of \$5.63 an acre with a \$5.00 minimum going forward, this increase will pay back the existing deficit that the drain is currently carrying with the improvement fund.

John Frey – inquired if the rate would stay at \$5.63 or will it to be lowered after the debt was paid off.

Tom Cummins – reported it would stay at the rate of \$5.63 an acre.

Landowner Curt Hudson was present.

Curt Hudson – reported he was in favor of raising the assessment if the tile will be replaced.

Tom Cummins – reported a reconstruction is proposed for 2023, to allow landowners to pay back the Fraley Coleman #670 reconstruction first.

Doug Mills moved, seconded by Lance Sennett, to raise the rate assessment to \$5.63 an acre with a \$5.00 minimum with an annual total assessment of \$1,309.03 going forward for the James Grimes #521. Motion carried, 4-0.

George Hutchinson #527.

Tom Cummins reported the hearing today for the **George Hutchinson #527** located in Wayne Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$2.05 an acre with a \$5.00 minimum with a yearly collection of \$2,903.45. Currently the maintenance fund balance is \$1,084.92, the improvement balance is (\$10,106.50), and there is no reconstruction balance. The current debt to the improvement fund is (\$9,021.58) with the projected payoff to be three years. The calculated maintenance assessment is \$2.83 an acre with an annual assessment of \$3,949.56. The proposed assessment is \$2.83 an acre with an annual assessment of \$3,949.56 for 2.28 years to pay back the deficit. The Surveyor recommends raising the current maintenance assessment of \$0.38 an acre with a \$5.00 minimum to the proposed assessment of \$2.83 an acre with a \$5.00 minimum going forward, this increase will pay back the existing deficit that the drain is currently carrying with the improvement fund.

No landowners spoke.

Doug Mills moved, seconded by Lance Sennett, to raise the rate assessment to \$2.83 an acre with a \$5.00 minimum with an annual total assessment of \$3,949.56 going forward for the George Hutchinson #527. Motion carried, 4-0.

Elva Thompson #650

Tom Cummins reported the hearing today for the **Elva Thompson #650** located in southeast corner of Madison Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$3.60 an acre with a \$5.00 minimum with a yearly collection of

\$2,372.31. Currently the maintenance fund balance is \$2,372.31, the improvement balance is (\$21,669.15), and there is no reconstruction balance. The current debt to the improvement fund is (\$21,669.15) with the projected payoff to be 9.13 years. The calculated maintenance assessment is \$4.69 an acre with an annual assessment of \$3,083.79. The proposed assessment is \$33.09 an acre with an annual assessment of \$21,668.69 for one year to pay back the deficit. The Surveyor recommends raising the current maintenance assessment of \$3.60 an acre with a \$5.00 minimum to the proposed assessment of \$33.09 an acre with a \$5.00 minimum, for 2021; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund. The maintenance assessment would then be decreased to the calculated assessment of \$4.69 an acre with a \$5.00 minimum in 2022 going forward. The main reason for debt is the downstream portion of tiles were not functioning correctly at 650 N. Once the investigation of the drain was complete, it was found out there were no tiles functioning south of 650 N with the exception of a small portion that is working. There were numerous tile holes north of 650. Found five major obstructions from 650 to where it outlets into the creek. Quite a lot of tree removal and debris was removed, to solve the drainage issues. There is still need of more work.

Dave Rhoads arrived at 8:20 a.m.

Jim Woody, landowner in Sugar Creek Township at the outlet requested a two to three year time period to pay off the debt. Concerned about clearing trees without contacting landowners or meeting with them. Communication was an issue. Appreciate your consideration.

Grant McBee – reported it was explained to him last week.

John Frey- lives down the road and reported a lot of the ditch was cleaned out; inquired what the notification process to landowners is when maintenance work is to be done on their property.

Tom Cummins – reported letters are sent to landowners stating they will be working in their area; but no detailed explanation is given to landowners; they should contact Mr. Cummins if they have more questions.

John Frey – directed his question to Tom Klein that maybe we can help with the public relations.

John Frey – inquired of Grant McBee if he was okay with splitting the assessment of more than one year.

Grant McBee – reported it was okay with him to split the assessment over more than one year.

Lance Sennett moved, seconded by Matt Mitchell to split the proposed assessment rate of \$33.09 to \$16.55 for years 2021 and 2022 and then going forward in 2023 reduce to \$4.69 an acre with a \$5.00 minimum for the Alva Thompson #650.

Tom Cummins – reported there were two objection letters. Mr. Cummins read a letter from a landowner who Mr. Cummins forgot the envelope and the letter was not signed. The other letter was from Robert Woody. Neither landowner was happy with the process of the work completed

and work not completed with removal of piles of debris. Not enough communication with the landowners.

Tom Cummins – explained that the project is ongoing, and all piles of debris will be burned and buried once work is completed.

Motion carried, 5-0.

Henry Lee 2 #658

Tom Cummins reported the hearing today for the **Henry Lee 2 #658** located in Coal Creek Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$3.86 an acre with a \$5.00 minimum with a yearly collection of \$1,092.17. Currently the maintenance fund balance is \$334.54, the improvement balance is (\$17,167.70), and there is no reconstruction balance. The current debt to the improvement fund is (\$16,833.16) with the projected payoff to be 15.41 years. The calculated maintenance assessment is \$3.97 an acre with an annual assessment of \$1,122.87. The proposed assessment is \$60.00 an acre with an annual assessment of \$16,833.00 for one year to pay back the deficit. After some research, it was realized there was a billing error of \$6480.00 that should have been billed to the **Henry Lee 1 #646** rather than the **Henry Lee 2 #658**. The new negative balance is (\$10,353.16) after the correction. The Surveyor recommends increasing the maintenance assessment rate to \$36.90 an acre with a \$5.00 minimum rather than the proposed assessment of \$60.00 an acre with a \$5.00 minimum, for 2021; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund. The maintenance assessment would then be decreased to the calculated assessment of \$3.97 an acre with a \$5.00 minimum in 2022 going forward.

No landowners spoke.

Dave Rhoads moved, seconded by Matt Mitchell, to use the new proposed assessment rate of \$36.90 an acre with a \$5.00 minimum for year 2021 and then going forward in 2022 to reduce to \$3.97 an acre with a \$5.00 minimum for the Henry Lee 2 #658. Motion carried, 5-0.

John & Sara Niven #723

Doug Mills excused himself from hearing.

Tom Cummins reported the hearing today for the **John & Sarah Niven #723** located in Brown Township is to set a new assessment rate. Mr. Cummins used the overhead projector to display the area. The Board received the proposed schedule of assessments along with a copy of the maintenance and improvement ledgers for reference. The current maintenance assessment is \$1.50 an acre with a \$5.00 minimum with a yearly collection of \$4,870.47. Currently the maintenance fund balance is \$2,803.52, the improvement balance is (\$33,740.09), and there is no reconstruction balance. The current debt to the improvement fund is (\$30,936.57) with the

projected payoff to be 6 years. The calculated maintenance assessment is \$4.17 an acre with a \$5.00 minimum and an annual assessment of \$13,206.36. The proposed assessment is \$9.82 an acre with a \$5.00 minimum with an annual assessment of \$30,966.89 for one year to pay back the deficit. The Surveyor recommends raising the current maintenance assessment of \$1.50 an acre with a \$5.00 minimum to the proposed assessment of \$9.82 an acre with a \$5.00 minimum, for 2021; this increase will pay back the existing deficit that the drain is currently carrying within the improvement fund. The maintenance assessment would then be decreased to the calculated assessment of \$4.17 an acre with a \$5.00 minimum in 2022 going forward.

Greg Weiss (landowner) - reported question was answered about reducing the assessment rate later. Reported he has lived there for three years. Is not happy about the clearing of trees and not cleaning up as the way it is now it is not helping the creek flow any better. Inquired the timeframe when would restoration be completed on everyone's property.

Tom Cummins - reported the first step is clearing and the next step would be leveling at 900 South to the outlet at State Road 234; leveling of banks, pinpoint erosion then seed; working with funds available. Working within the funds that allow the work to be complete.

Greg Weiss - reported there is a large Sycamore tree in the creek now. It has been a year since clearing.

Tom Cummins - reported it has taken many years for the ditch to get to the point it is today. But working on it to fix the issues.

Dave Rhoads - inquired of Tom Cummins was not this one of the many drains that was off assessment back in the 1960's and put back on assessment a five or six years ago. No work was done for many years.

John Frey - working with cash flow available.

Lance Sennett moved, seconded by Matt Mitchell, to raise the current assessment of \$1.50 an acre with a \$5.00 minimum to \$9.82 an acre with a \$5.00 minimum for 2021 and lower the assessment in 2022 to \$4.17 an acre with a \$5.00 minimum for the John & Sarah Niven #723. Motion carried, 4-0.

Doug Mills came back into the room.

Petitions

Matt Mitchell excused himself for the petitions request.

Tom Cummins - used the overhead projector to display the area of the Margaret Remley #615 drain; Mr. Cummins reported Mitchell Land LLC is petitioning for an easement variance at owner's expense to install a wet bridge crossing to access farmland on both sides of the ditch.

John Frey moved, seconded by Doug Mills, to approve the petition variance for the Margaret Remley #615 as submitted. Motion carried, 4-0.

Stormwater
None

Old Business

Tom Cummins presented the Board with the final numbers of the **George Nichols #546** reconstruction. Mr. Cummins reported the change order was approved at the February 2021 meeting.

Reconstruction Cost Breakdown

Approved \$67,060.44
Bid \$57,480.00
Invoice \$65,701.00
Engineering \$16,920.00
Notices \$ 50.63

Bid/Invoice \$8221.00 change order
Approved/Total Cost \$15,611.19
Loan Amount \$82,671.63
Rate 1,650

Amortization Schedule Estimate

Loan Amount = \$82,671.63
Periods = 10
Rate = 0.0110
Payment = \$8,775.53
Total Interest Paid = \$5,083.69

Cost of Reconstruction

Bank Loan = \$82,671.63
Interest @5% = \$4,133.58
Total Reconstruction Cost = \$86,805.21

Overage Breakdown

Amount over estimate = \$19,744.77
Percentage of overage = \$29.44%

Total Watershed acres = 133.88
Total Reconstruction per Acre = \$648.38

John Frey – inquired of Dan Taylor if all the paperwork is in order with the increase of cost.

Tom Cummins – reported it is lower than what code allows.

Dan Taylor - your approval is to allow the County Auditor to assess the tax.

Dave Rhoads moved, seconded by Doug Mills, to approve the final schedule of reconstruction assessments for the George Nichols #546 as submitted. Motion carried, 5-0.

Other Business

William Shelley #706

Tom Cummins – reported with an update as a meeting should to be set with the City of Crawfordsville officials and the engineers for the William Shelley #706 drain concerning the area of the intersection of State Roads 32 & 47. To get a clear path of whether it could be completed this year. Mr. Cummins used the overhead projector to display the area.

Tom Cummins – reported there are gas main conflicts along State Road 47 and a reconstruction would possibly be amended to follow the original line of tile with detention areas.

John Frey – requested the commissioners be involved as this area should be an urban drain.

Doug Mills – reported tile needs to be moved along the road if possible and to work with the gas company ahead of meeting to find the best possible path for tile.

Tom Cummins – reported when we have a timeline set, we will meet with the landowners.

Dave Rhoads – inquired if this is a Tiff area.

Dan Taylor – reported the Tiff areas are only on the North and South ends of city.

Brenda Foster – inquired if there is still a possibility about going through the church parking lot.

Tom Cummins – reported still working on the project with the engineers.

Claude Moody #583

Tom Cummins – reported receiving an email from Clark Dietz Engineers and have completed a significant amount of the design work; we should have a meeting with them to plan what to submit to INDOT.

New Business

None

Public Comment

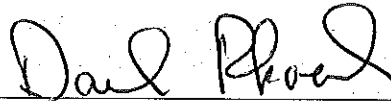
Dave Rhoads – inquired if the Board will have a May meeting. A decision was made to discuss at April meeting if there will be a May meeting.

Doug Mills – Thanked everyone for the work on the assessment hearings and the drains are all part of the infrastructure of the County to improve it.

Tom Klein – reported that we can educate the public and promote events to residents on social media. Also, wished Tom Cummins a happy birthday and congratulated Vicki Emmert on working for the County for thirteen years.

Lance Sennett moved, seconded by Matt Mitchell, to adjourn the meeting at 9:00 a.m.
Motion carried, 5-0.

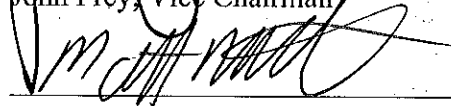
Vicki Emmert,
Recording Secretary



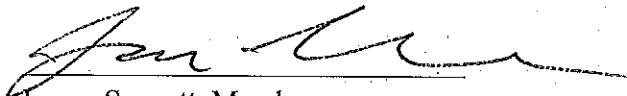
David Rhoads, Chairman



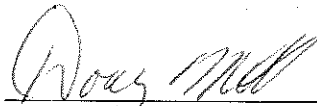
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
June 9, 2021**

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

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

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

Also present was Brenda Foster, Michael Sowers, Mark Barclay, Emily Smith and Roger Azar.

There were no meetings in April and May 2021.

Approval of Minutes

John Frey moved, seconded by Matt Mitchell, to approve the March 10, 2021 Drainage Board minutes. Motion carried, 5-0.

There were no hearings, stormwater or petitions to report on today.

Old Business

Tom Cummins reported that public meetings should be held for the **William Shelley #706** and the **Claude Moody # 583** drains in June and/or July. Mr. Cummins requested the Board to email him dates that they would not be available so that arrangements can be made for the meetings.

New Business

Tom Cummins reported he has been working with Mike Sowers. In 2012, landowners came before the Board to add a private mutual drain in Ripley Township to the **Swearingen-Runyon 1 #557**. At that time, **Swearingen-Runyon 2 #719** was created. Mr. Cummins has been working with landowner Michael Sowers concerning the reconstruction in 2013 of the **Swearingen-Runyon 2 #719**. The overhead projector was used to display the area. The overhead projector displayed the new tile and what at the time of the reconstruction was believed to be a private tile running in the area. There were no maps of the area to prove it different. Foster Farm Drainage does not have a camera but Maxwell Farm Drainage does and he went into the drain and GPS'd the area. Since this work will be done after a considerable time after the reconstruction Mr. Cummins wanted it to be known now why it is being done. The proposal is to now destroy the old tile and connect any laterals into the new tile and the GPS work to be paid out of maintenance. The new drain was constructed following the surface swale.

Mike Sowers – reported the old tile both clay and plastic is causing maintenance issues.

Doug Mills moved, seconded by John Frey, to destroy the old tile and connect any laterals that are necessary in the Swearingen Runyon 2 #719 and the project be paid for out of maintenance. Motion carried, 5-0.

Tom Cummins proposed setting reconstruction hearing dates for the **Clarence Widener #582 and the Otis Thompson #708** for the July 14, 2021 meeting. Both of these drains are on the classification report in need of reconstruction in the long-range plan for this year. The overhead projector was used to display the areas.

Doug Mills – inquired where the drains are.

Tom Cummins – reported the **Clarence Widener #582** is just south of Crawfordsville and crosses 231 near Walmart. All subsurface water runs into a private open ditch. The engineers are looking into options for the drain outlet.

John Frey- reported there is a residential development possibly in that area and it needs to be addressed also.

Doug Mills – reported it is zoned Ag but can be changed to urban if needed.

Dave Rhoads – inquired if Gary McCutchan owns the ground.

Tom Cummins - reported Gary McCutchan owns most of the land.

Tom Cummins proposed setting a hearing date for the **Otis Thompson #708** for the July 14, 2021 meeting. Reconstruction of the downstream portion was completed around 2017 and now ready to work on the upstream portion. Used the overhead projector to display the areas.

Doug Mills – inquired about the railroad.

Tom Cummins –reported we did not reconstruct the area around the railroad. The existing tile was of adequate size and grade.

Lance Sennett moved, seconded by Doug Mills, to set reconstruction hearings for the Clarence Widener #582 and the Otis Thompson #708 for July 14, 2021 at 9:30 a.m. at the Montgomery County Courthouse. Motion carried, 5-0.

Dave Rhoads- inquired about the new proposed Tempur Sealy plant coming to Montgomery County and there being a regulated drain in area.

Tom Cummins – reported it is the **John Galey #518** drain and used the overhead projector to display the area. The proposed company will be responsible for paying for any drainage work and any redirecting of tile that will be required for the project.

Mike Sowers- thanked everyone involved for the 2013 reconstruction and for the GPS work recently done. It is nice to know where the tile is.

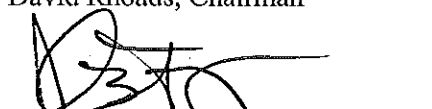
The next meeting will be July 14, 2021.

Doug Mills moved, seconded by John Frey, to adjourn the meeting at 10:03 pm. Motion carried, 5-0.

Vicki Emmert,
Recording Secretary



David Rhoads, Chairman




John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

Dave Rhoads- inquired will the company re-connect the laterals.

Tom Cummins – reported the company would have to submit a drainage plan and address the laterals. Safeguards will be in place.

John Frey – reported Bob Coon contacted him about the **Clifton Coon #509** but he could not recall the issue very well.

Tom Cummins – reported the **Clifton Coon #509** has surface water issues. Repairs are needed at the area where it crosses into Fountain County. Mr. Cummins recommended to privately install riprap in the area and is not aware of any subsurface water issues. The overhead projector was used to display the area.

John Frey – reported he would call him back.

Tom Cummins – reported if Mr. Coon needs to meet with the Mr. Cummins to please call him for further information. Reported it used to be a joint drain with Fountain County.

Roger Azar – reported he did not see any issues with the tile, as it is the head wall.

Tom Cummins – Fountain County is working on their drains and it may be appropriate in the future to make it a joint drain again to help maintain the outlet.

Other Business

Tom Cummins presented the Board with the 2021 Drain Classification Report. The report list the drains in need of periodic maintenance, reconstruction, or in need of vacating.

John Frey – inquired about the **Joe Hall #581** the beaver dams have been removed, but are back again. The water level is an issue. Kenny Cain is supposed to repair it.

Tom Cummins – inquired what is a viable time frame for a contractor to get a job completed before requesting a new contractor.

Dave Rhoads – reported give them thirty days to repair it or will call in a new contractor to complete the project.

Dave Rhoads – inquired there are fifteen drains in need of reconstruction on the classification report. Inquired what the top three on the list are.

Tom Cummins – reported possibly reconstructing three this year and with the goal of the **Joel Tobin #576** this summer too. Plan to set a hearing at the July meeting. Mr. Cummins will present the long-range report at the July meeting.

**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
July 14, 2021**

The Montgomery County Drainage Board met on Wednesday, July 14, 2021 at 9:30 a.m. at the Montgomery County Courthouse.

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

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

Also present was Tyler Hedge, Garry and Mary McCutchan, Phil and Nancy Snyder, Michael Ricketts, Mike Patton, Dale Crum, Carl Binford, Linda Binford, Emily Smith, Mark Chenoweth, Lasley Enterprises, Mark Bailey, Wayne McCutchan, Darrell Birge, Mindy Byrd, Bill Calder, Mark McClamroch, Billie Wilcox, Heather Gayler, Ron Winger, Phyllis Wilson and Rebecca Scott. There were no meetings in April and May 2021.

Approval of Minutes

John Frey moved, seconded by Matt Mitchell, to approve the June 9, 2021, Drainage Board minutes. Motion carried, 5-0.

Hearings

Clarence Widener #582 Reconstruction Hearing

Tom Cummins reported the **Clarence Widener #528** drain was constructed in 1910, located in T18N, Sections 8, 16 and 17 in Union Township (south). The watershed is 404.06 acres, with the 7,865 feet of tile consisting of 10", 12", 14" and 15". There is no open ditch. The watershed consists of 14 parcels. The current assessment is \$2.65/acre, w/\$5.00 minimum totally \$1,082.52 annually.

The **Clarence Widener #528** was classified as a drain in need of reconstruction in 2019 and added to the long-range plan of reconstructions.

Per IC 36-0-27-34 (b), A regulated rain is in need of reconstruction when:

- (1) It will not perform the function for which it was designed and constructed;
- (2) It no longer conforms to the maps, profiles, and plans prepared at the time when the legal drain was established; or
- (3) Topographical or other changes have made the drain inadequate to properly drain the lands affected without extensive repairs of changes

(1) The existing **Clarence Widener #582** drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. This failure is evidenced by the lack of adequate drainage in portions of the watershed. The existing tile is failing and is undersized to adequately drain the watershed after commonly occurring rain events.

Based on this evidence, the Surveyor recommends approving the reconstruction of the **Clarence Widener #582** regulated rain.

The overhead projector as used to display the area.

Description	Quantity	Unit	Unit Price	Amount
Installation of 24" smooth-corr HDPE pipe	2,185	LFT	\$25.00	\$54,625.00
Installation of 18" smooth-corr HDPE pipe	800	LFT	\$19.00	\$15,200.00
Installation of 15" smooth-corr HDPE pipe	2,640	LFT	\$16.00	\$42,240.00
Installation of 12" smooth-corr HDPE pipe	1,143	LFT	\$13.00	\$14,859.00
Installation of 10" smooth-corr HDPE pipe	1,023	LFT	\$11.00	\$11,253.00
Destruction of existing tile	7,791	LFT	\$1.00	\$7,791.00
Installation of 24" outlet w/animal guard	1	EA	\$500.00	\$ 500.00
Installation of 6" Hickenbottom breathers	4	ECA	\$500.00	\$2,000.00
Additional excavation	2,655	CYD	\$2.00	\$5,310.00
Tree Clearing	1	Acre	\$4,000.00	\$4,000.00
Engineering	1	EA	\$15,000.00	\$15,000.00
10% Contingency	1	EA	\$17,277.80	<u>\$17,277.80</u>
		Total		\$190,055.80

Spread over the whole watershed the average for the reconstruction is \$470.37 an acre.

Dave Rhoads – inquired if there were any questions from the landowners or Board.

John Frey – reported having outlet concerns and potential development along US 231 as some land is for sale. Consider coordinating with the city of Crawfordsville about drainage.

Dave Rhoads – reported only one track of land has been for sale for quite some time and if developed the developer will have to follow the drainage engineering for area and it is only a possibility of development. We must do what is best for the land which is agricultural, currently.

John Frey – reported agrees just wanted everyone to be aware of the potential growth.

Doug Mills – reported it is being designed for agricultural issue because of increased rainfall. Long term effect is to make sure we design correctly. Responsibility of developers to size and upgrade. It is currently designed for agricultural.

Dave Rhoads – next step if approved.

Tom Cummins – reported the step would be to let bids and perform at the driest time of year. Deadline is October 1, 2021 to complete reconstruction.

There were no comments by landowners. Landowners present were Tyler Hedge, Garry & Mary McCutchan, Phil and Nancy Snyder and Wayne McCutchan.

Lance Sennett moved, seconded by Matt Mitchell, to approve the reconstruction for the Clarence Widener #582 for the amount of \$190,055.80. Motion carried, 5-0.

Tom Cummins – recommended a special Drainage Board meeting be set for July 28, 2021 at 110 W South Boulevard at 9:30 a.m. to open sealed bids for the **Clarence Widener #582**.

Dave Rhoads moved, seconded by Lance Sennett, to open sealed bids for the Clarence Widener #582 at 9:30 am on July 28, 2021 at 110 W South Boulevard, Crawfordsville Indiana. Motion carried, 5-0.

Otis Thompson #708 Reconstruction Hearing

Tom Cummins reported the **Otis Thompson #708** was constructed in 1904 and reconstructed in 1929 and 2017. It is located in T20N, R4W, Sections 19, 20, 29, 30, 31 and 32 and T20N, R5W, section 25 in Madison Township. The watershed is 827.6 acres, with 14,001 feet of tile consisting of 6 “, 8”, “10”, 12”, 15” 18” and 24”. There is 2,948 feet of open ditch. The watershed consists of 43 parcels. The current assessment is \$3.00/acre, w/\$5.00 minimum totally \$2,526.35 annually. Listed the Indiana Code on handout of drain requirements on handout to Board. The overhead projector was used to display the area. The existing **Otis Thompson #708** drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. This failure is evidenced by the lack of adequate drainage in portions of the watershed. The existing tile is failing and is undersized to adequately drain the watershed after commonly occurring rain events. Based on this evidence, the Surveyor recommends approving the reconstruction of the **Otis Thompson #708** regulated rain. The first phase of reconstruction was completed in 2017. Explained what was reconstructed in 2017. Did not reconstruct tile under railroad and highway, as engineering confirmed it was adequate. The overhead projector was used to display the proposed section in red to be reconstructed if approved.

Description	Quantity	Unit	Unit Price	Amount
Installation of 15” smooth-corr HDPE pipe	695	LFT	\$16.00	\$11,120.00
Installation of 12” smooth-corr HDPE pipe	1,602	LFT	\$13.00	\$20,826.00
Installation of 10” smooth-corr HDPE pipe	4,936	LFT	\$11.00	\$54,296.00
Installation of 8 “ smooth-corr HDPE pipe	192	LFT	\$10.00	\$ 1,920.00
Installation of 6 “ smooth-corr HDPE pipe	112	LFT	\$8.00	\$ 896.00
Destruction of existing tile	7,537	LFT	\$1.00	\$ 7,537.00
Installation of 10” outlet w/animal guard	1	EA	\$250.00	\$ 250.00
Installation of 6” Hickenbottom breathers	4	EA	\$500.00	\$ 2,000.00
Additional excavation	5,064	CYD	\$2.00	\$10,128.00
Asphalt road crossing @ 800 N	1	EA	\$5,000.00	\$ 5,000.00
Engineering	1	EA	\$15,000.00	\$15,000.00
10% Contingency	1	EA	\$12,897.30	<u>\$12,897.30</u>

Total \$141,870.30

Total is an average \$171.42 an acre.

Carl Binford – inquired about the price of tile.

Tom Cummins – reported it is estimated high. The code allows for a change order of 20% and a 10% contingency.

Mindy Byrd representing Wilson Family Trust - reported Phase 1 was in 2017 was to revisit after five years and it has only been four years. Believes it to be unfair after the pandemic and doesn't feel people have the money and prices have gone up by 40% for tile. Would like to discuss next year. US 231 railroad by 800 went through their farm in the 1980's and built the road too high and inquired why wasn't it repaired before. Thought the landowners had already paid for the reconstruction.

Tom Cummins – reported this is an estimate for a new reconstruction not for the old reconstruction. Loans were five-year term.

Mindy Byrd – reported people are not building houses because of the current high cost.

Tom Cummins – reported this is for agricultural production, not building houses.

Mindy Byrd – reported we should not even be discussing this as it is not been five years and the pandemic has affected a lot of people.

Dale Crum – reported he had spoken with Tom Cummins and did not agree on hardly anything. East of US 231 no one paid. Now we have to pay for their part. Should have been done all at once so it would be fair contribution at the time. The comment from Surveyor at the time was the construction would be done at a dry time. The meeting was about the same time of year. The corn was at dent stage. Reconstruction was six weeks before harvest. Two properties lost a lot of money losing five and ten acres to the reconstruction. Had plenty of time to reconstruct after harvest. The Board did not take in consideration of timing of project and damage of crops. Questioned about paying for east leg when already paid on west.

Bill Calder – reported farms for area farmers. It was ten to two weeks of harvest. Dealt with a lot of down crop. Inquired why it is not split into two watersheds. Be fair to all landowners. Has drainage issue to the south. Believe there is a problem at the railroad. Not sure whether the drainage issue is highway or railroad when we have a big rain.

Mark McClamroch – reported very south end was never replaced in waterway and has holes. Mr. McClamroch is the main landowner interested in the reconstruction. The Hatke Farm has drainage issues and the Phil Smith farm loses acreage every year to drainage issues. Loses about eleven acres every year. Would like to see reconstructed in October or even late September this year. Mike Patton brought up a very valid point in 2017 that they drain into the open ditch. Discussed back then dividing the watershed acreage then, (Phil Rice Board member in 2017)

stated it would be done in two portions. Did not happen back then and needs to be divided. Contributed a lot of money for first phase and didn't get any benefit from it and would like to see the second phase completed. People on east side did not pay for it. Reported the minutes said it needs to be divided to pay for east unless they want to pay for the previous work.

Tom Cummins – reported believes it is paid for now. Did not get enough drainage benefit from last reconstruction. Would like to see it completed.

Heather Gayler of Wilson Farms - reported five years; should not be addressing it because of costs rising. Ms. Gayler's dad sacrificed a lot with paying out \$26,000 and was not reimbursed for seed, chemicals, etc. for the 10 to 15 acres that was lost. There are issues at the railroad and reconstructed upper end first but has problem in their field. If railroad has to pay for their problems and highway pays needs repaired first.

Tom Cummins – reported yes the railroad pays for their portion.

Heather Gayler - reported does not feel they are getting any benefit for the 18% they own. Does not believe they should pay another \$26,000. Should not have to pay for the east side.

Mike Patton – reported owns land on east side. Does not know the opinions of David Stevenson or Wade Bennett but himself would like to see the watershed split as proposed in 2017.

Dave Rhoads – reported have tried to complete reconstructions at different times of year. Best time is late summertime and early fall. Mr. Rhoads hates to see the crop loss but late fall with rains tears up property and then have issues for the ground the next two to three years.

Dale Crum – reported land could have been left idle if had known early in spring. Inquired from Mr. Cummins when the ground was surveyed.

Tom Cummins – reported engineering and surveyed for first phase in spring of 2017.

Dale Crum – reported should have left idle.

Mark McClamroch – reported should take in consideration with GPS could have left area idle. Inquired of local contractor about destroying old tile after the crop is out. Very rough to drive over. Contractor reported to him that it could be destroyed after crop is out.

Carl Binford – reported Mark McClamroch discussion concerning destruction of old tile possibly delay one year to prepare and landowners see where the old and new tile is to not plant next year.

Dave Rhoads – inquired if there were any comments from Board

John Frey -- inquired if it was an accurate statement to wait five years before next phase be done.

Tom Cummins – Assessment ends 2022 with the idea of reconstruction assessments not overlapping and this would accomplish that.

John Frey – inquired so the reconstruction would not be done until 2022.

Tom Cummins – reported no if we complete the reconstruction this year. The assessment would not be due until fall 2022.

John Frey – inquired if that was correct that not everyone paid for reconstruction.

Tom Cummins – reported landowners are correct. The Board decided that only the sub watershed that was to be affected would pay for first phase.

John Frey – inquired how is that legal.

Tom Cummins – reported the Board approves the schedule of assessments at the time of reconstruction and has the authority to pin point what to be assessed and not to if, they choose to do so.

John Frey – inquired that is the outlet for the whole watershed.

Tom Cummins – reported not the people on the east.

John Frey – reported it is a creek it is the outlet.

Tom Cummins – There was no reconstruction of the creek. The reconstruction was the tile.

John Frey – reported when did we ever divide a watershed.

Tom Cummins – reported it has be done numerous times

John Frey – reported it was a mistake not to assess everyone. If I was on the Board then I apologize.

Doug Mills – reported he knows it is expensive for everyone. Landowners change their minds after the first phase and we are not going to complete reconstructions that way anymore. Everyone should have fair and equal access to drain. Comment on leaving ground idle is worse if you cannot get it completed when in the set period then landowners will report they lost money on unplanted ground. Cannot make everyone happy. Sorry for landowners caught with cost. Should probably look in separating the drain. Everyone pays for open ditch work.

John Frey – reported he disagrees with this entire situation. This is the outlet for all of this. Would like to see paperwork of who paid what. Cannot believe everyone did not pay for Phase I of the reconstruction.

Lance Sennett – reported agrees we have never done anything like this before and has not been on the Board that long.

Dave Rhoads – reported from 2016 – 2018 approached several drains in this manner with similar drain issues, thought we would be the good guys in doing reconstructions in phases. Marc McClamroch paid first time. Only one on Board still here. Learned from mistakes has to be done all at once as when some landowners get their area draining they see no reason to complete the second phase. I have learned from experience we have to complete a reconstruction all at one time. Inquired from Tom Cummins about watershed design;

Tom Cummins – reported yes we created contour watersheds and at one time they were straight-line boundary watersheds.

John Frey – reported not ready to go forward.

Doug Mills – reported people on east side the tile is their responsibly. More against than for. In this case it needs to be evaluated. Cleaning up the east side and the west side the cost will still be there and crop lost. Not planting is a bad idea. Reevaluate the east side.

Mike Patton – reported open ditch starts where red dot is. North of that is a waterway. We have paid full maintenance. Has re-read the minutes. Would like to see the **Otis Thompson #708** separated into Otis Thompson #708 one and two.

John Frey moved, to table the **Otis Thompson #708** reconstruction hearing until more questions can be answered.

Dale Crum – reported in the future try to work together, not to make enemies. We have a problem that needs to be resolved. Need to be able to shake hands. If east side wants to go on its own is fine with him. The drain should have been separated a long time ago. Just hope we can work together on this project.

Mark McClamroch – reported in all fairness there is an area to south that needs to be repaired to help with Wilson, Dale Crum, very small area not ever fixed. Billie Wilcox farms it. Big benefit to all. Billie Wilcox repaired area years ago. This should be added to the project.

Tom Cummins – reported some of this is new to him today. If anyone has issues, they need to let him know; Railroad crossing, tile holes, etc.

Mark McClamroch – reported it would help greatly.

Dave Rhoads – reported there is a motion to table the **Otis Thompson #708** reconstruction hearing.

Lance Sennett seconded,

John Frey – reported before voting would like to speak with engineering. Shocked it was not all done at once.

Dave Rhoads – reported the consensus of landowners is to delay one year.

Billie Wilcox – discuss planning

Dave Rhoads – reported Mark McClamroch will be hit the hardest if we delay again. Reported crop planted in timely matter to delay work does not always works due to weather.

Billie Wilcox – reported west of highway who needs it most is Mark McClamroch.

Dave Rhoads – reported dollar amount is today's cost waiting a year the cost will be higher. Almost all reconstruction bids come in lower than the original cost.

Doug Mills – reported it is your choice not to plant. No question it will happen next year. Most are approved after the crop is planted. Try to be pro-active.

Matt Mitchell – reported normally four or five reconstructions a summer.

Dave Rhoads – reported motion on the floor and inquired if Board was ready to vote.

Tom Cummins – inquired before voting what are the next steps, what are you expecting.

Dave Rhoads – reported the motion was to table. Inquired of Surveyor when will Mr. Cummins have the information.

John Frey – reported he did not have a time frame. Would like to see some answers.

Dan Taylor – reported a time frame is needed as it may need to be re-noticed. Inquire of Surveyor his time frame to gather information.

Dave Rhoads – inquired of landowners if we table to first of August of this year to gather information and vote to reconstruct this year in late October if done then. Inquired what is the opinion of landowners.

Billie Wilcox – inquired east or west who pays

Dave Rhoads – reported once we move forward we will have the answers, it might be late this year and have to wait until next year.

Heather Gayler – reported wants to wait for a better economy.

Rebecca Scott – reported tile has risen in cost 40% in the past six month. Prices to rise again.

Doug Mills – reported if construction starts late the contractor may have bad weather and may not like what you see. Delay until 2022 and take a gamble of prices going up and if done in November can be bad weather.

Dave Rhoads – reported table to August meeting.

Tom Cummins – We determine the completion date.

Matt Mitchell – reported it should be split into two watersheds.

Tom Cummins – reported could be done as a sub water shed.

Dan Taylor - reported could allocate the benefit to east and west.

Tom Cummins – reported some are only on the open ditch.

Dan Taylor – reported law says benefits always be allocated per acre benefit by acre and should never be zero benefit.

Tom Cummins – reported needs help in determining benefit, as some only want east or west to pay.

Dan Taylor – reported there are various methods of allocating benefit per acre with the east and west.

John Frey – inquired who paid before and who did not; should table longer than a month.

John Frey and Matt Mitchell – rescinded their motion.

John Frey moved, seconded by Lance Sennett, to table the **Otis Thompson #708** until the January 12, 2022 Drainage Board meeting.

Dave Rhoads – reported there is a motion on the floor to table to the January 12, 2022 meeting.

Tom Cummins -- inquired so the hearing would resume in January 2022. If adding the southern tributary to the reconstruction it might be better to deny the reconstruction today as the cost figures will change with the total amount.

Dan Taylor – reported that denying could be a consideration today. Have to take care of motion on the floor first.

Tom Cummins – reported work on US 231 work that it takes 1 ½ years permitting and 2 ½ years for railroad permits. Some cost can be recouped from railroad and highway.

John Frey – reported that is your assumption that something is wrong there.

Tom Cummins – reported no had no reason to open up the area to explore issues in the south.
Dave Rhoads – inquired if John Frey could withdraw his motion.

John Frey and Lance Sennett withdrew their motion to table.

John Frey moved, seconded by Lance Sennett, to deny the reconstruction of the Otis Thompson #708.

Darrell Birge – reported the tile at highway and railroad should be increased in size.

John Frey – reported it will be looked into with engineering.

Motion carried, 5-0.

Dave Rhoads – Thanked everyone for coming.

Doug Mills – reported any landowners with issues on the **Otis Thompson #708** should bring it to the attention of Tom Cummins now.

Old Business

Tom Cummins – reported an update to the **Joe Hall #581**; the contractor Kenny Cain has installed the pipe that was discussed at the June meeting.

Ron Winger – reported Lasley Farm has already paid for the **Otis Thompson #708** reconstruction and inquired if the Lasley Farm would have to pay more now.

Tom Cummins – reported that landowners paid for first phase reconstruction not the second phase of reconstruction. Only a portion of the tile was reconstructed the first time.

Tom Cummins – reported he is working with City, Drainage Board, and engineers about having a meeting in August concerning the **William Shelley #708**. Will send out emails with date options.

Tom Cummins – reported we should have a landowner meeting to give the **Claude Moody #583** drain an update. Inquired day or evening.

John Frey – reported there will be a conference call at 3:00 pm today and Mr. Cummins is included in the call along with Tom Klein about funding.

Doug Mills – reported he still wants to let landowners know what is going on.

John Frey – reported if preparation and funding with grant works then have the landowners meeting and what the state time line is.

Dave Rhoads – inquired how soon will you know.

John Frey – reported before end of year. Same process as other grants. The State is fully on board with what we are trying to accomplish for the **Claude Moody #583**.

Doug Mills – reported when we have final numbers should have meeting with landowners concerning the **Claude Moody #583** drain.

Dave Rhoads – reported the Board agreed to wait for final numbers on the **Claude Moody #583**.

New Business

None

Other Business

Dave Rhoads – inquired about the **John Galey #518**

John Frey – reported the Decker Engineering is working on the relocation of the **John Galey #518** under 200 S with sewer and water easements. Some crops were destroyed yesterday. Paid for by the redevelopment commission. Discussed the area of drain that will be moved due to the new Tempur Sealy manufacturing facility coming in.

Dave Rhoads – inquired if laterals will be re-connected.

John Frey – reported yes.

Dan Taylor – reported landowners have to file for relocating drain with a petition to change where it is. Show that it satisfies statute with stormwater analysis.

Used overhead projector to display area.

Dave Rhoads – reported agricultural section wants access to the **John Galey #518** drain.

Doug Mills – reported needs consideration down the road that the easement has additional drainage for tiles in area of sewer district. Agricultural with adequate area for easement drainage not another **William Shelley #708** drainage mess again.

John Frey – reported the flow of water will not change.

Doug Mills – reported things change and need options.

John Frey - reported there is an easement over the drain.

Doug Mills – reported to keep easement clear

Jim Peck – reported they have to comply with stormwater and plan commission.

Doug Mills – reported to make sure there is a place to go with water if we have a need to move it.

Public Comment

Mark Barclay – reported it is legal to do flat rate assessments and allocated benefit assessment rates, but to do either not both. Sub-watershed not paying. Make sure it is legal to break the drain up now. Be consistent in your decisions.

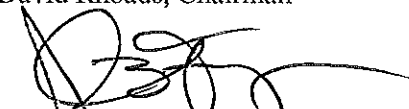
Dave Rhoads – reported next meeting is Wednesday, August 11, 2021 at 9:30 a.m. at the Courthouse. There will be a special Drainage Board meeting on Wednesday, July 28, 2021 at 9:30 a.m. at 110 W South Boulevard, Crawfordsville, IN.

John Frey moved, seconded by Matt Mitchell, to adjourn at 11:10 a.m. Motion carried, 5-0.

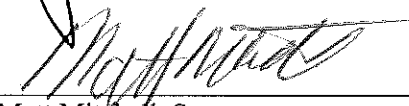
Vicki Emmert,
Recording Secretary



David Rhoads, Chairman



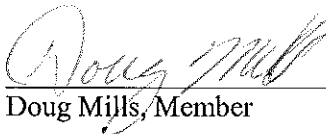
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

MONTGOMERY COUNTY DRAINAGE BOARD

SPECIAL MEETING

MINUTES

July 28, 2021

The Montgomery County Drainage Board met on Wednesday, July 28, 2021 at 9:30 a.m. at 110 W South Boulevard, Crawfordsville in the conference room.

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

Board members in attendance were Chairman Dave Rhoads: Vice Chairman John Frey, Secretary Matt Mitchell and member Doug Mills. Member Lance Sennett was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also present were Mary McCutchan, Garry McCutchan, Mike Maxwell, Wayne McCutchan, Jake Arthur and Jim Peck County Engineer.

Bid Letting

Dave Rhoads – directed Tom Cummins to open the bids for the **Clarence Widener #582** reconstruction.

Tom Cummins – reported receiving two sealed bids

Maxwell Farm Drainage \$169,254.00

Arthur Excavating \$159,385.70

The Board took a short recess for Tom Cummins to review the bids.

Tom Cummins – reported both bids meet the requirements of the bid packet with bid bond and cashier's check. Mr. Cummins recommends the bid from Arthur Excavating in the amount of \$159,385.70 for the reconstruction of the **Clarence Widener #582**.

John Frey moved, seconded by Matt Mitchell, to award the Clarence Widener #582 bid reconstruction to Arthur Excavating for a cost of \$159,385.70.

Jake Arthur – reported it is 45-60 days out for material from ADS and Fracto had not responded yet to his call. There is a material backlog.

Dave Rhoads – inquired when the deadline for completion is.

Tom Cummins – reported it is October 1, 2021 and in bid packet.

Jake Arthur – reported there could be many variables with the weather.

Wayne McCutchan – inquired is there a penalty for delay.

Tom Cummins – October 1, 2021 is the deadline and virtually only two main suppliers of tile in area.

John Frey – inquired about rising tile prices.

Jake Arthur – reported he had locked in prices for tile today as they are not making tile until ordered.

Motion carried, 4-0

Dan Taylor – reported the performance bond should match the amount of bid now.

John Frey moved, seconded by Dave Rhoads, to increase the performance bond to match bid of \$159,385.70 for the Clarence Widener #582. Motion carried 4-0.

Other Business – none

New Business – none

Public Comment

Jim Peck – reported that Roger Azar is working with Tempur Sealy concerning the reconstruction of the **John Galey #518** for their new manufacturing facility.

Garry McCutchan – directed a thank you to the Board.

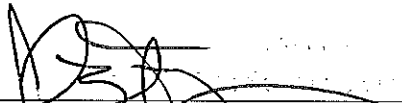
John Frey moved, seconded by Dave Rhoads to adjourn the meeting at 9:40 a.m. Motion carried, 4-0.

Vicki Emmert,

Recording Secretary



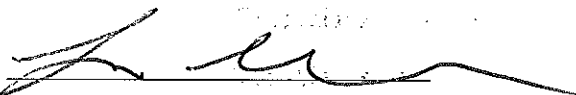
David Rhoads, Chairman



John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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

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

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

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

Also present was Jim Peck.

Approval of Minutes

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

There were no hearings, petitions or stormwater items.

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

Old Business

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dan Taylor – reported that should work for everyone.

Matt Mitchell – reported agreed about the issues.

Dan Taylor – reported this would solve the issues.

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

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

Doug Mills – reported you will have to wait

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

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

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

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

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

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

Matt Mitchell – reported to blame it on Covid.

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

Dave Rhoads – inquired if it crosses 800.

Tom Cummins – reported it does cross 800.

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

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

Doug Mills – reported landowners will complain about crop damage.

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

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

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

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

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

Discussed which landowners would lose the most crop.

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

John Frey – reported more concerned about repairing it now.

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

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

John Frey – reported that is correct.

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

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

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

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

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

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

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

John Frey – reported correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tom Cummins – reported October 1, 2021.

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

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

Dave Rhoads – reported no problem.

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

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

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

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

John Frey – reported I will rescind my motion.

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

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

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

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

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

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

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

Doug Mills – reported must provide drain access to everyone.

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

Dave Rhoads – inquired does everyone understand.

Board reported yes.

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

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

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

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

New Business

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

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

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

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

Dave Rhoads – inquired of 2022 proposed reconstructions.

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

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

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

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

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

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

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

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

Other Business

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dave Rhoads – inquired the main road is 200.

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

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

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

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

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

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

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

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

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

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

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

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

Tom Cummins – reported 15-inch tile

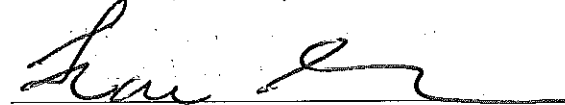
**Doug Mills moved, seconded by Lance Sennett, to adjourn the meeting at 10:45 am.
Motion carried, 4-0.**

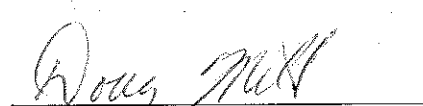
Vicki Emmert,
Recording Secretary


David Rhoads, Chairman


John Frey, Vice Chairman


Matt Mitchell, Secretary


Lance Sennett, Member


Doug Mills, Member

**MONTGOMERY COUNTY
DRAINAGE BOARD
MINUTES
September 15, 2021**

The Montgomery County Drainage Board met on Wednesday, September 15, 2021 at 9:30 a.m. at the Montgomery County Courthouse.

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

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

Also present were Wade Bennett, Dale Crum, Wayne Lasley, Mark & Beth Chenoweth, Mike Patton, Heather Gayler, Mindy Byrd and Darrell Birge.

Approval of Minutes

John Frey moved, seconded by Matt Mitchell, to approve the August 11, 2021 minutes. Motion carried, 5-0.

Hearings

None

Petitions

Tom Cummins – reported on the petition for relocation of the **John Galey #518** from Wiley Connell, LLC for the Tempur Sealy plant. Landowner is to pay for the relocation of the tile. The overhead projector was used to display the area. Displayed where the 15” tile is and where it will be moved, replacing the 12” tile. The old tile will be destroyed. Displayed the area that probably should be vacated in the future.

Dave Rhoads – inquired the process for bidding the **John Galey #518** project.

Tom Cummins – reported quote packets will be sent out to contractors who then turn in a sealed quote if interested, if the reconstruction is approved. Due to the type of project, and the estimated cost, the Board will accept quotes, instead of bids. The Board will have to meet to award the project to the lowest, most responsive and responsible contractor.

Doug Mills – inquired if Mr. Cummins had spoken with western landowners concerning vacating drain.

Tom Cummins – reported no but that is the information from the engineer that he received.

Roger Azar – reported the tiles will be left until area is further developed in the future.

Doug Mills – reported we are providing the legal drain access for the drainage

Tom Cummins – reported the 12” tile is to collect any water south of the road.

Tom Cummins – inquired if a legal hearing is required to vacate the existing tile in the area.

Dan Taylor – reported yes.

Dan Taylor – reported this is a section 52.5 procedure and no hearing needed if bid out like a reconstruction as all land belongs to one landowner. The Montgomery County Redevelopment Commission will pay for it the relocation of the drain as an incentive. Everything is prepared as if it were a reconstruction. Tom Cummins to report to Drainage Board with the progress of work. No new assessments to other landowners required in accordance with the Facts and Findings sheet. The County has never done a project like this before.

Dave Rhoads – inquired of Roger Azar what the tile size is.

Roger Azar – reported 15”, 12” and 10”.

Tom Cummins displayed the area with the overhead projector and explained the tile size.

Matt Mitchell moved, seconded by John Frey, to accept the findings of fact and conclusions and order for the relocation of the John Galey #518. Motion carried, 5-0.

John Craig – inquired his area does not have sidewalks and sewers and will this affect him.

Tom Cummins – reported no, you are in the city and we are required to notify all landowners in the watershed.

John Craig – inquired have them ever-considered storm sewers for area.

Tom Cummins – reported that Mr. Craig speak with the city of Crawfordsville about storm sewers.

Tom Cummins – reported the petition for **John Walkup #604** was withdrawn.

Tom Cummins – reported waiting on signatures for the **Lye Creek #535** petition to attach.

Tom Cummins – reported on the petition for an easement variance on the **John Gobin 2 #520** from ASA Ethanol Linden LLC. The correct name of company is Valero Renewable Fuels Company, LLC. The overhead projector and a handout was used to display the area. In the past, they have installed four or five rail spurs. The old spurs were constructed shortly after the ethanol plant was build. The proposal is to install four new rail spurs. The proposal is to set back

thirty feet from the top of the open ditch bank. They are requesting an easement on the **John Gobin 2 #520**.

Roger Azar – reported just recently found out within the seventy-five foot easement there is also a service water main, which is to be re-directed. It will be the rails and the water main that will need the variance.

Doug Mills – inquired about the original railroad spurs as on the map, as it looks like the original spurs were constructed in the easement. Inquired if that was granted.

Tom Cummins – reported the company did not come to the Drainage Board the first time to build the rail spurs. We would not have allowed the building up to the bank as they did. Mr. Cummins has had contractors trying to get access to spray the area for the last three months. The Company did come to the Drainage Board for approval of the cooling ponds. It was in 2008 and the Board was very new and very un-educated. The area can be sprayed on the west side but not the east. Can only get to the open ditch by coming into their property, and accessing a fenced in area.

Roger Azar – reported from an e-mail he received from the company which he read verbatim from the September 2005 Drainage Board minutes they received permission for the rails. Mr. Azar said that is incorrect they only received permission for the ponds.

Tom Cummins – reported all of this building happened shortly before he started working for the Surveyor at the time. We have access to open ditch area on west side.

John Frey – inquired how to best maintain the area.

Tom Cummins – reported we have the right to remove the railroad spur, within the easement, but we will only do that if the Board ordered it.

Dan Taylor – reported the approval of variance should state, with condition for maintenance from the Surveyor, that contractors on their property will be necessary, as needed, to maintain the ditch.

Roger Azar – reported it should state without restrictions.

Dan Taylor – reported the statute allows for unconditional access for the Surveyor if they are encroaching on our easement.

John Frey moved, seconded by Matt Mitchell, approve the variance with unconditional access for the Surveyor and his agents of the Board for the John Gobin 2 #520 on the Valero Renewable Fuels Company, LLC property.

Doug Mills – inquired is this a workable solution for the thirty foot setback.

Tom Cummins – reported thirty feet instead of seventy-five feet is still enough to get equipment into the area if required.

Dave Rhoads – inquired about the existing rail and not being able to spray.

Tom Cummins – reported on accessing area. The contractor did report there is blockage to the drain. Mr. Cummins will be going out to the site to evaluate it.

Matt Mitchell – inquired is it possible to install a gate.

Tom Cummins – reported not sure because of security.

Roger Azar – reported he would ask for access even if it meant they keep the keys but you will be able to access the area when needed.

Vicki Emmert – inquired should that be in the motion to.

Dan Taylor – reported yes it would be a good idea.

John Frey moved, seconded by Matt Mitchell, to approve the variance with unconditional access for the Surveyor and his agents of the Board to have gated access to the area for spraying of the John Gobin 2 #520 on the Valero Renewable Fuels Company, LLC property. Motion carried, 5-0.

Tom Cummins – reported he would go back and check minutes for information about when the plant was built.

Old Business

Tom Cummins – reported the Board should schedule a reconstruction hearing for the **Joel Tobin #576** as the engineering has been completed for the open ditch work and a short run of tile. Open ditch work can be done in the winter. The overhead projector was used to display the area. Will need permits from IDEM. Recommends re-scheduling the October 13th meeting to October 20th to allow notice requirements to landowners.

Dave Rhoads – inquired where the **Joel Tobin #576** is located.

Tom Cummins – reported it is northwest of Nucor. Used the overhead projector to display the area. There is lots of de-brushing and maintenance to be completed. DNR and IDEM requires permits for the work.

Dave Rhoads – inquired about who controls the **William Epperson #622**. The overhead projector was used to display the area.

Dave Rhoads – inquired who de-brushes the area.

Tom Cummins – reported the regulated drain is our responsibility. Nucor does a good job of maintaining it. Spraying is necessary.

John Frey moved, seconded by Matt Mitchell, to re-schedule the October 13, 2021 meeting to October 20, 2021, and to set the reconstruction hearing for the Joel Tobin #576. Motion carried, 5-0.

New Business

Tom Cummins reported landowners Shadle, Vaught and McClamroch would like their private drain to become part of the **Azra McClamroch #652** legal drain. The overhead projector was used to display the area. The landowners had a new waterway completed with the NRCS. New plastic 15” and 12” tiles were installed and the landowners would like the old tiles destroyed. Laterals have been connected to the new plastic tile. Not all of the affected landowners have signed the petition, which is why a legal hearing is required.

John Frey – reported he would like more information before proceeding.

Matt Mitchell – inquired if the NRCS is paying for the waterway.

Tom Cummins – reported there is grassed waterway and a tile.

Tom Cummins – reported only the subsurface tile is to be assessed not the grassed waterway.

Doug Mills – reported when the Surveyor has all his information to come back to Board with report for a hearing.

Tom Cummins – inquired if it is okay to verify with maintenance money.

Dan Taylor – reported yes.

Matt Mitchell – inquired if there are any records from NRCS

Tom Cummins – reported it was completed in 2004 or 2005 possibly, will check their records for grade information etc.

John Frey - reported typically only waterways are created by NRCS.

Tom Cummins – reported usually 6” or 8” tiles are installed; it is possible the landowners paid the difference for the larger tile size.

Doug Mills – reported used to pay for the six inch.

Board will wait for more information before making a decision.

Other Business

Doug Mills – reported the Long Term Reconstruction Report should be posted on the County website and published in newspaper, so that landowners will be aware of potential reconstructions.

John Frey – reported he agrees.

Tom Cummins – reported his concern to posting it on website is that it could lead to problems concerning farmers' decisions to plant, or not.

Doug Mills – reported if landowners knew ahead they could plant beans.

Dave Rhoads – inquired for an update of the **Clarence Widener # 582** reconstruction.

Tom Cummins – reported the woods is cleared Jake Arthur is waiting on Fracto for the tile. Mr. Arthur may use 500 feet of tile from another job while waiting on his order from Fracto.

Dave Rhoads – reported contacted by Jarrod Zachary that the landowner did not receive a notice.

Tom Cummins – reported landowner did receive a notice, as Vicki Emmert confirmed delivery.

Dave Rhoads – inquired what the completion date is.

Tom Cummins – reported it is October 1, 2021

Public Comment

Next meeting is Wednesday, September 22, 2021 at 9:30 a.m. at the Montgomery County Courthouse.

Tom Klein – reported he would try to move the Flu Clinic that is scheduled for same time as our next meeting.

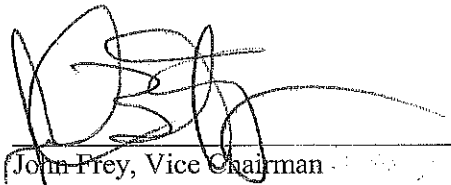
Dan Taylor – reported Tom Klein has now worked for the County one year and one day.

**John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:16 a.m.
Motion carried, 5-0.**

Vicki Emmert,
Recording Secretary



David Rhoads, Chairman

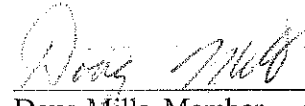


John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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Montgomery County
 Drainage Board Meeting
 September 22, 2021

The Montgomery County Drainage Board met on Wednesday, September 22, 2021, at 9:30 a.m. at the Montgomery Courthouse, Crawfordsville, Indiana.

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

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

Also present were Wade Bennett, Dale Crum, Wayne Lasley, Mark and Beth Chenoweth, Mike Patton, Heather Gayler, Mindy Byrd, Mark McClamroch and Darrell Birge.

There were no minutes to approve.

Hearings

Otis Thompson #708 Main and Trib. 1 reconstruction hearing

Dave Rhoads - reported we are here today to discuss the two **Otis Thompson #708** drains. We met a couple of months ago, and planned to delay the reconstructions, but with further information decided to bring them back to the table earlier than planned.

Tom Cummins - reported the **Otis Thompson #708 Main and Trib. 1** reconstruction if approved would consist of:

Description	Quantity	Unit	Unit Price	Amount
Installation of 15" smooth-corr HDPE pipe	695	LFT	\$20.00	\$13,900.00
Installation of 12" smooth-corr HDPE pipe	1,602	LFT	\$16.25	\$26,032.50
Installation of 10" smooth-corr HDPE pipe	2,798	LFT	\$13.75	\$38,472.50
Destruction of existing tile	5,095	LFT	\$ 1.00	\$ 5,095.00
Installation of 6" Hickenbottom breathers	3	EA	\$500.00	\$ 1,500.00
Additional excavation	5,026	CYD	\$ 2.00	\$10,052.00
Asphalt road crossing @ 800 N	1	EA	\$5,000.00	\$ 5,000.00
Engineering	1	EA	\$10,000.00	\$10,000.00
10% Contingency	1	EA	\$11,005.20	<u>\$11,005.20</u>
			Total	\$121,057.20

The overhead projector displayed the area. Mr. Cummins explained the highlighted tiles are in yellow.

Dave Rhoads – inquired of Tom Cummins to explain the highway and railroad area.

Tom Cummins – used the overhead projector to display the Trib. 3 area in red, which would be the third phase if necessary.

Mindy Byrd – reported she is representing the Joe Wilson Trust Fund. Inquired if she missed a meeting about splitting the watersheds. Reported her dad voted no to splitting the watershed. Understands we need to do our share. Believes splitting the watershed is not a good idea. Does not think we should be splitting until after five years, it is too early. We object to splitting the watershed and have to pay over \$56,000. Would like to speak with the engineers. Main question is when was the watershed split.

Dave Rhoads – reported it was originally tabled to the January 2022 meeting. Drainage Board met and decided to bring it back to table now.

Heather Gayler – reported she is also here for the Joe Wilson Trust Fund.

Dave Rhoads – reported at one time it was all one watershed.

Tom Cummins – reported it still is one large watershed.

Mindy Byrd – reported she does not understand.

Tom Cummins – reported the drain is only being split up for reconstruction assessment purposes, not for maintenance.

Heather Gayler – reported of trying to figure calculations of per acre and feel they are being over charged from \$108.00 an acre at the first hearing, and now at \$145.00 an acre.

Tom Cummins – reported it is the difference of affected acres.

Mindy Byrd- reported to discuss more thoroughly with engineers. Feels affected acres are not correct from information they have received in mail.

Tom Cummins – inquired what is the amount of acres you are questioning in the watershed.

Mindy Byrd – never did state the amount of the discrepancy.

Mindy Byrd- reported the 15” tile then to 18” tile to railroad, 600 acres the tile cannot take all of the water. Not a drainage expert.

Tom Cummins – reported an engineer designed it; there should be no concern about the size of tile to be installed. Mr. Cummins has the engineering report.

Mindy Byrd – inquired if she can get an engineering analysis. If it is written down in a report.

Tom Cummins – reported it is in the report.

Mindy Byrd – reported there are more problems at the railroad, with a possible new highway. Would like someone to open it up to check for issues. Understands the highway pays for their part and the railroad pays half of their part.

Heather Gayler – reported proposed road will go right over the drain. Be more surface water.

Tom Cummins – reported surface water and subsurface water are very different.

Mindy Byrd – inquired how a farmer with private tiles makes his tiles a legal drain.

Tom Cummins – reported the landowners come before the Board and then a hearing can be held.

Mindy Byrd – inquired about farmers paying for private tiles and how they connect to legal drains.

Doug Mills – reported County tiles are created to give everyone access to the legal drain in the watershed. It was created by the court system. That all may use the community outlet.

Mindy Byrd – reported some get more benefit than others do. Railroad should be taken care of first, assessed more, or a second opinion that it can withstand the water coming through.

Heather Gayler- reported the railroad should be done first.

Tom Cummins – inquired if the railroad mentioned, refers to the main tile or Trib, 3

Mindy Byrd – reported concern about backup of water onto their land.

Heather - reported tile to small

Tom Cummins – reported the engineer disagrees. The tile has been opened. The evidence is not there. The bore costs sixty to eighty thousand dollars and the landowners would have to pay approximately \$20,000 of that. Cannot justify the replacement of it now, based on the evidence.

Heather Gayler – reported she still wants to wait until the five years is up. As the State plans to build a new highway next June.

Tom Cummins – reported it does not affect the subsurface water, which is the water we are dealing with. It will only affect surface water.

Mindy Byrd – inquired who pays when it backs up on us. Would like to speak with the engineers and would like a second opinion.

Heather Gayler – inquired about dredging open ditch that she will have to pay for it.

Tom Cummins – reported everyone pays for the maintenance of the open ditch.

Mindy Byrd – reported she believes the schedule of assessment is wrong for her acreage.

Tom Cummins – Inquired from Mindy Byrd to give him details of what she is questioning that is wrong.

Mindy Byrd – reported it was the affected acreage.

Tom Cummins – reported more of your acreage is in the watershed than other landowners.

Dave Rhoads – inquired of Mindy Byrd and Heather Gayler if since the first reconstruction if their land has had any issues.

Heather Gayler – reported yes that Bart Maxwell has come back out to reconnect and repaired a section.

Dave Rhoads – inquired if you have lost a crop since the first reconstruction because of water.

Mindy Byrd – reported we cash rent and would have to inquire of their tenant.

Dave Rhoads – reported after this reconstruction the only work that will be required will be maintenance on the open ditch.

Tom Cummins – reported maintenance may be required on Trib. 3 also.

Dave Rhoads – reported that since being on the Board, very little maintenance is required after a reconstruction.

Heather Gayler – reported everyone received a bill for the first phase everyone on east side received a bill. At the last hearing, it was tabled and then the Board decided to split the watershed.

Mindy Byrd – inquired if there was a balance left over not paid.

Heather Gayler – reported that is why I think we were over charged and splitting the watersheds after the fact.

Tom Cummins – reported the schedule of assessments was approved in 2017 at the hearing for the reconstruction. The original hearing notice went to all landowners. Just like this time. Mr. Cummins explained how at the hearing in 2017 it was decided at that time who would pay for what at the hearing. The East side did not feel they would benefit from the reconstruction at all. The Board then decided to split the cost among the landowners it affected the most.

Heather Gayler – inquired why did I receive two bills this time.

Tom Cummins – reported you own property in both sections of the watershed.

Heather Gayler – inquired why we did not get that kind of notice in 2017.

Tom Cummins – reported because nothing was done on the east side and only one watershed in 2017 and only reconstruction on the main.

Dave Rhoads – reported we did not do anything on the east side in 2017.

Mindy Byrd & Heather Gayler – reported being confused about payments.

Mindy Byrd – inquired of east and west, who paid, was there a debt left in the fund.

Tom Cummins – reported we had a loan.

Dan Taylor – reported the County borrows the money to pay the contractor and then the landowners pay over five years.

Heather Gayler - inquired if you paid your part when you received the notice in 2017 then, the others pay this time.

Tom Cummins – reported the amount you paid up front helps to lower the interest paid to the bank.

Dan Taylor – reported the County borrows the money to pay the contractor and then the landowners pay over five years. That is why there is interest.

Tom Cummins – used the overhead projector to display who paid for the first phase.

Mindy Byrd – reported she is against the reconstruction and wants to look at the tile under the railroad. There could be possible job losses. We want to get together to understand it. If we are to pay \$56,000.00 we have a right to stand and watch the work.

Tom Cummins – reported you do have the right to watch the work.

Heather Gayler – reported we overpaid in 2017.

Mindy Byrd – reported she feels the Board is laughing at them, as they do not understand. Should wait and talk about this next year.

Dave Rhoads – reported he was on the Board in 2017 and we thought we were doing the right thing then. Realize it should have been one total reconstruction in 2017.

Mark McClamroch – reported four years ago we started this project and it was a huge project. Said he was for splitting the project up back in 2017. Because for one reason we had Joe Wilson, Phyllis Wilson, Dale Crum, Chenoweth... all retired. The reconstruction came up to his line, he paid a lot of money and would like to finish the project, as he has received no benefits. Does not see prices going down. East and West confusion. Now wants to finish.

Wade Bennett – reported in 1965 used to farm McClamroch's ground shelling corn when he was fourteen and remembers being stuck. It is a wet farm and McClamroch deserves to have it repaired.

Darrell Birge – inquired if anybody has checked the grade of tile under the railroad.

Tom Cummins – reported the engineers took grade shots.

Darrell Birge – inquired of the grade is sufficient for the 628 acres.

Tom Cummins – reported yes.

Darrell Birge – reported with the proposed new highway will have water ponding. Mr. Birge drives by area and sees ponding at his daughter's house. Reported it needs more outlet at the railroad. Said it was a 628 acre watershed and does not believe all 128 acres of McClamroch's is listed as in water shed. One hundred acres of McClamroch's is not being assessed.

Tom Cummins – used overhead projector to display area and reported only .15 acres is in the watershed of the 128 acres Mr. Birge is inquiring about.

Doug Mills – reported it is only a percentage of the parcel acreage that is in the watershed, not the total acreage.

Tom Cummins – reported we use the legal acreage, which is on the deed, the calculated and affected acreage on the report.

Darrel Birge – inquired where did you come up with the acreage.

Tom Cummins – reported it is based on the watershed.

Dale Crum – inquired about installing standpipes to equal the tiles for more air further down the tiles not just on the upper end. Tile never runs full.

Tom Cummins – reported that ideally there would be a breather at the transition from 15" to the 18" tile, but that location is in the middle of the farmable field, and the engineers opted against installing

Mark McClamroch – reported breather on east side of railroad.

Dale Crum – reported standpipes most on upper end and inquired about pressure to get to the railroad and highway. Has worked with Darrell Birge, many times and believes there will be too much pressure on the tiles.

Darrell Birge – reported every 2,220 feet need air

Dale Crum – reported he is concerned about pressure. Has to have equal amounts of air to water.

Dave Rhoads - inquired of Tom Cummins is there a standpipe at the 15 “. Used overhead projector to display the area.

Tom Cummins – reported yes, and at the junction, north side of 800 and at the upstream at the 10”

Doug Mills – reported proposing adding standpipe if deemed necessary.

Tom Cummins – reported yes it could be done if necessary.

Mindy Byrds – reported when meeting was tabled, we talked about that we feel we should be reimbursed for crop damage.

Dave Rhoads and Tom Cummins – reported no.

Mindy Byrd – reported her dad thought he was getting a cheaper price from Maxwell if not he probably would have fought it more.

Tom Cummins – reported the drainage code says you have a right to farm ground in the easement but not to be reimbursed.

Dave Rhoads – reported appreciating all the comments and not trying to cause hard feelings but has a job to do. Reported Tom Cummins oversees all the drains.

Dave Rhoads – reported paying for reconstruction himself and the Board has had crops destroyed etc. and time for Board to make a decision.

Doug Mills – reported the railroad cost will be here now and in five years from now and best to complete at lower cost.

Dave Rhoads – reported he would like to entertain a motion.

John Frey moved, seconded by Lance Sennett, to approve the reconstruction of the Otis Thompson #708 Main and Tributary 1 in the amount of \$121,057.20 for \$192.61 an acre along with the schedule of assessments. Motion carried, 5-0.

Tom Cummins used the overhead projector to display the **Otis Thompson Tributary 1-1.**

Description	Quantity	Unit	Unit Price	Amount
Installation of 10” smooth-corr HDPE pipe	2,138	LFT	\$13.75	\$29,397.50
Installation of 8 “ smooth-corr HDPE pipe	192	LFT	\$12.50	\$2,400.00
Installation of 6” smooth-corr HDPE pipe	112	LFT	\$10.00	\$1,120.00
Destruction of existing tile	2,442	LFT	\$ 1.00	\$2,442.00
Installation of 10” outlet w/animal guard	1	EA	\$250.00	\$250.00
Installation of 6” Hickenbottom breathers	1	EA	\$500.00	\$500.00
Additional excavation	38	CYD	\$2.00	\$ 76.00
Engineering	1	EA	\$5,000.00	\$5,000.00

10% Contingency	1	EA	\$4,118.55	<u>\$4,118.55</u>
			Total	\$45,304.05

For a total of \$207.82 per acre.

Wade Bennett – reported it needs to be done.

John Frey moved, seconded by Matt Mitchell, to approve the reconstruction of the Otis Thompson #708 Tributary 1-1 in the amount of \$45,305.05 for \$207.82 an acre along with the schedule of assessments. Motion carried, 5-0.

Dave Rhoads – inquired when will be the bid letting.

Tom Cummins – reported generally likes to give the contractors two weeks. Will need a special meeting and recommends October 6, 2021.

Dave Rhoads moved, seconded by John Frey, to hold a special meeting to open sealed bids for the reconstructions of the Otis Thompson #708 Main and Tributary 1 and the Otis Thompson #708 Tributary 1-1 on Wednesday, October 6, 2021 at 9:30 a.m. at 110 W South, Crawfordsville in the conference room. Motion carried 5-0.

Tom Cummins – reported there were many statements today but only received a couple of emails.

Doug Mills – inquired if there were any ideas about grade.

Tom Cummins – reported about the capacity and tile size. The engineers thoroughly went through information and it is adequate.

Wade Bennett – reported thought it would be more expensive for a bore.

Tom Cummins – reported bores are expensive probably more than \$100,000 with twenty-five percent still to be paid by landowners.

John Frey – reported what we fixed today should have been fixed five years ago. We have learned our lesson going forward.

Doug Mills - splitting water shed caused some landowners to wait five years to get their part done.

Tom Cummins – reported not normal to do.

Wade Bennett – inquired of Tom Cummins to use overhead projector to display Mr. Bennett’s land in the **John Gobin 2 #520**. Displayed old tile and showed where a portion has been reconstructed. What has been done on east side of road is not performing as it should. Reported water backing up in one area should have a reconstruction in this area.

Tom Cummins – reported on what areas have been reconstructed. No tile holes now. Wade Bennett can do paperwork to start the reconstruction process.

Tom Cummins – reported it could be re-classified next year or Mr. Wade can do the paperwork now.

Wade Bennett – reported it is not serving the watershed well.

Petitions

Dave Rhoads – inquired of the Cox Kelly petition.

Tom Cummins – reported the Cox Kelly petition was withdrawn by the petitioner.

Public Comment

Jim Peck – reported there is a plan commission meeting tonight for the Tempur Sealy project, about stormwater. Comparing the old ordinance to the new drain ordinance, the one hundred and ten year releases will allow twelve percent capacity into what can be released into watershed from their 130 acres. Going in front of the Plan Commission to approve the storm water drainage plan.

John Frey – reported the negative comments is just the opposite as we are metering the water and holding it during a heavy rain. This should help the golf course and park areas.

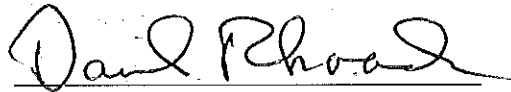
Jim Peck – reported the twenty acres of detention would help in recharging the aquifer.

Next meeting will be Wednesday, September 29, 2021 at 110 W South Boulevard Crawfordsville at 9:30 a.m.

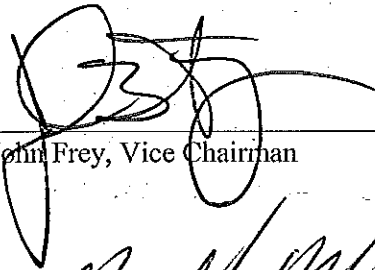
Doug Mills moved, seconded by John Frey, to adjourn the meeting at 10:35 a.m. Motion carried, 5-0.

Vicki Emmert,

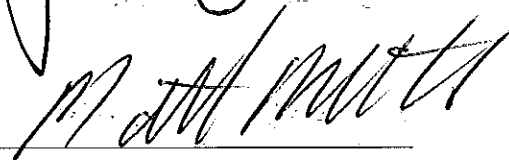
Recording Secretary



David Rhoads, Chairman



John Frey, Vice Chairman



Matt Mitchell, Secretary

Lance Sennett, Member

Doug Mills

Doug Mills, Member

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Montgomery County
Drainage Board Meeting
Special Meeting
September 29, 2021

The Montgomery County Drainage Board met on Wednesday, September 29, 2021, at 9:30 a.m. at 110 W South Boulevard, Crawfordsville, Indiana in the conference room.

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

Board members in attendance were Chairman Dave Rhoads, Secretary Matt Mitchell and members Lance Sennett and Doug Mills. Vice Chairman John Frey was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

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

Quotes for John Galey #518

Tom Cummins – reported he received one quote for the **John Galey #518** relocation reconstruction in the amount of \$113,280.00 from Maxwell Farm Drainage Inc. Mr. Cummins reported the quote was in accordance with the bid packet.

Dave Rhoads – inquired if Mr. Wiley will pay for the reconstruction.

Dan Taylor – reported no the County would pay for it.

Dave Rhoads – inquired what is the time frame for the reconstruction.

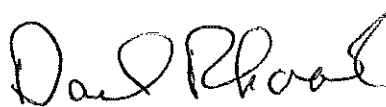
Tom Cummins – reported the completion date is December 1, 2021.

Doug Mills moved, seconded by Lance Sennett, to approve the quote for the relocation reconstruction of the John Galey #518 in the amount of \$113,280.00 from Maxwell Farm Drainage Inc. and to be completed by December 1, 2021. Motion carried, 4-0.

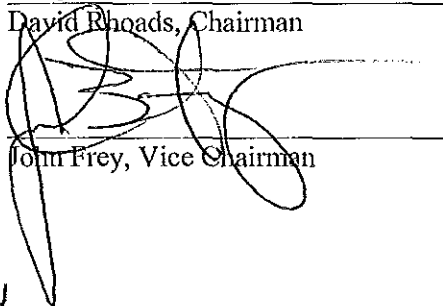
The next meeting will be Wednesday, October 6th, 2021, to open bids for the **Otis Thompson #708** reconstructions at 9:30 a.m. at 110 W South Boulevard, Crawfordsville, Indiana in the conference room.

The meeting was adjourned at 9:36 a.m.

Vicki Emmert,
Recording Secretary




David Rhoads, Chairman

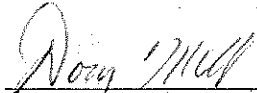


John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

Montgomery County
Drainage Board Meeting
Special Meeting
October 6, 2021

The Montgomery County Drainage Board met on Wednesday, October 6, 2021, at 9:30 a.m. at 110 W South Boulevard, Crawfordsville, Indiana in the conference room.

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

Board members in attendance were Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell and member and Doug Mills. Lance Sennett was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also present were Bart W Maxwell, Bob Coon, Brenda Foster, Mike Patton, and Loren Coon.

Sealed Bids Otis Thompson #708 Main & Trib. 1 & Otis Thompson #708 Trib. 1-1

Tom Cummins -- reported receiving one bid from Maxwell Farm Drainage in the amount of \$99,587.00 for the **Otis Thompson #708 Main & Trib. 1.**

Tom Cummins -- reported receiving one bid from Maxwell Farm Drainage in the amount of \$36,902 for the **Otis Thompson #708 Trib. 1-1.**

Tom Cummins took a brief recess to determine if the bids were responsive to the bid packet.

Dan Taylor -- reported the estimate for the **Otis Thompson #708 Main & Trib. 1** was for \$120,057.20. The **Otis Thompson #708 Trib. 1-1** estimate was for \$45,304.05.

Tom Cummins -- reported the bid was responsive to the bid packet and recommends awarding the bid to Maxwell Farm Drainage for the **Otis Thompson #708 Main and Trib. 1.**

John Frey moved, seconded by Doug Mills, to award the bid in the amount of \$99,587.00 for the Otis Thompson #708 Main and Trib. 1 reconstruction to Maxwell Farm Drainage.

Dave Rhoads -- inquired what the deadline for the reconstruction is.

Tom Cummins -- reported it is December 1, 2021.

John Frey -- inquired why the bid was so much less than the estimate.

Tom Cummins -- reported the engineering cost was included in the estimate.

Motion carried, 4-0.

Doug Mills moved, seconded by John Frey, to set the performance bond in the amount of the bid which was \$99,587.00 for the Otis Thompson #708 Main and Trib. 1 reconstruction. Motion carried, 4-0.

Tom Cummins – reported the bid of \$36,902.00 was responsive to the bid packet and recommends awarding the bid to Maxwell Farm Drainage for the **Otis Thompson #708 Trib. 1-1**. The performance bond should also be set for the amount of \$36,902.00.

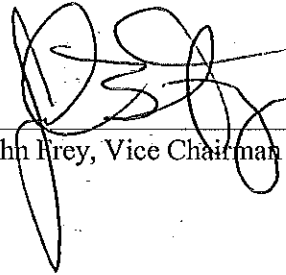
Doug Mills moved, seconded by John Frey, to award the bid of \$36,902 to Maxwell Farm Drainage and set the performance bond at \$36,902.00 for the reconstruction of the Otis Thompson #708 1-1. Motion carried, 4-0.

Doug Mills moved, seconded by Dave Rhoads, to adjourn the meeting at 9:38 a.m. Motion carried, 4-0.

Vicki Emmert,
Recording Secretary




David Rhoads, Chairman

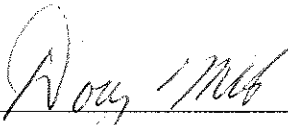


John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

Montgomery County
Drainage Board Meeting

October 20, 2021

The Montgomery County Drainage Board met on Wednesday, October 20, 2021, at 9:30 a.m. at the Montgomery Courthouse, Crawfordsville, Indiana.

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

Board members in attendance were Chairman Dave Rhoads, Vice Chairman John Frey, members Lance Sennett and Doug Mills. Secretary Matt Mitchell was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also present were Frank and Dee Dee Rose, Roger Azar, Richard Turner, Nick Frey and Bud Graves.

Minutes

John Frey moved, seconded by Lance Sennett, to approve the September 15, 2021, September 29, 2021 and October 6, 2021 Drainage Board minutes. Motion carried, 4-0.

Hearings

Joel Tobin #576

Tom Cummins – reported the **Joel Tobin #576** was built in 1920 and reconstructed in 1946. It is located in T18N R4W, Sections 14-16, 21-23, 26-28 and 33-35 in Union Township. The watershed consists of 3,001.68 acres. The tile length is 2,364 feet consisting of 10” and 12” tile. The open ditch is 17,927 feet in length. It has 162 parcels with the current maintenance assessment is \$2.40 an acre with a \$5.00 minimum and collects annually \$7,463.55.

The **Joel Tobin #576** has been classified for the last four years as in need of reconstruction. Per IC 36-9-27-34 (b) A regulated drain is in need of reconstruction when:

- (1) it will not perform the function for which it was designed and constructed;
- (2) if no longer conforms to the maps, profiles, and plans prepared at the time when the legal drain was established; or
- (3) topographical or other changes have made the drain inadequate to properly drain the lands affected without extensive properly drain the lands affected without extensive repairs or changes.

(1) The existing **Joel Tobin #576** drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. This failure is evidenced by the lack of adequate drainage in portions of the watershed. The existing tile is failing, has insufficient cover, and is undersized to adequately drain the watershed after commonly occurring rain events.

(2) The open ditch portion of the drain requires bottom dipping and bank restoration, due to erosion.

Based on this evidence, the Surveyor recommends approving the reconstruction of the **Joel Tobin #576** regulated drain.

The last four years it has been classified as in need of a reconstruction. Mr. Cummins used the overhead projector to display the area and explain the work. A two-stage ditch is on part of it.

Description	Quantity	Unit	Unit Price	Amount
Installation of 18" smooth-corr HDPE pipe	1,300	LFT	\$25.00	\$32,500.00
Installation of 15" smooth-corr HDPE pipe	617	LFT	\$20.00	\$12,340.00
Installation of 10" smooth-corr HDPE pipe	447	LFT	\$13.75	\$ 6,146.25
Destruction of existing tile	2,364	LFT	\$ 1.00	\$ 2,364.00
Installation of 18" outlet w/animal guard	1	EA	\$500.00	\$ 500.00
Installation of 6" Hickenbottom breathers	2	EA	\$500.00	\$1,000.00
Bottom dipping of open ditch	5,495	LFT	\$5.00	\$27,475.00
Bank restoration of open ditch	2,700	LFT	\$5.00	\$13,500.00
Engineering	1	EA	\$23,000.00	\$23,000.00
10% Contingency	1	EA	\$11,882.53	<u>\$11,882.53</u>
			Total	\$130,707.78

The estimated cost of the reconstruction per acre is \$43.54 consisting of 3,001.68 acres for a total reconstruction cost of \$130,707.78.

Dave Rhoads – inquired what the time frame for reconstruction will it be this year or wait until next year.

Tom Cummins – reported that open ditch work can be completed when there is a good freeze in the ground. There will be one date for open ditch work and another completion date for tile work. Can do bottom dipping when froze. Based on outlook should be a normal winter with freeze. It will be clear in the bid packet when the work must be completed. Goal is to have it completed by planting season next spring.

John Frey – inquired about under the railroad if the area is okay.

Tom Cummins – reported there is an open water bridge under the railroad, used overhead projector to display area and describe the area.

Doug Mills – inquired if there was plenty of depth.

Tom Cummins – reported that is why we need to perform bottom dipping, removing about a foot and a half of sediment. Then the tile can be installed deeper.

Doug Mills – inquired the status of the open ditch to railroad.

Tom Cummins – reported will use money from the maintenance fund for part of the work. It is a large watershed and will require permitting from the State for portions of the work. The projector was used to display the area.

Richard Turner – inquired who would be the contractor for the reconstruction.

Tom Cummins – reported the reconstruction has to be approved before bid letting.

Richard Turner – inquired who pays, will the state help in anyway.

Dave Rhoads – reported no.

Richard Turner – inquired will the old tile be tore out.

Tom Cummins – reported old tile will be destroyed, in place and existing laterals will be tied into new tile.

Richard Turner – inquired that he has paid into maintenance in past years. What has the money been used for in past.

Tom Cummins – reported it has been used for maintenance on the drain. \$12,485.42 is currently in fund.

Richard Turner – reported pay on acres in watershed. Inquired where the extra water drains.

Tom Cummins – reported it drains into Offield Creek and that is why permitting is required. Does not want to disturb the two-stage ditch. The bottoms and banks will be re-seeded.

Richard Turner – inquired if the work will interfere with the crops next spring.

Tom Cummins – reported it should not, if completed in the winter.

Richard Turner – inquired about payment process.

Tom Cummins – reported how the process works.

Richard Turner – reported that he appreciates the Board and Surveyor's work.

Dave Rhoads – inquired what is the next step.

Tom Cummins – reported to send out for bids if approved.

John Frey moved, seconded by Lance Sennett, to approve the reconstruction the Joel Tobin #576 for a total of \$130,707.78 along with the schedule of assessments. Motion carried, 4-0.

Tom Cummins – recommended a special Drainage Board meeting be held on November 3, 2021.

Dan Taylor – reported with the estimate could do a quote.

Tom Cummins – reported still set meeting for November 3, 2021.

John Frey moved, seconded by Lance Sennett, to hold a special Drainage Board meeting to accept bids for the Joel Tobin #576 reconstruction on Wednesday, November 3, 2021 at 9:30 a.m. With the meeting to be held at 110 W South Boulevard, Crawfordsville, IN. Motion carried, 4-0.

Old Business

Tom Cummins – reported the contractor has installed all of the tile and waiting on manhole structures to be delivered to site for the **John Galey #518** reconstruction for the Temper Sealy plant.

John Frey – inquired about some tile to be removed.

Tom Cummins – reported on one leg on the southeast will be destroyed. Used overhead projector to display area. Only the highlighted tiles will be destroyed. Reported would have to hold a hearing to vacate.

John Frey – inquired what step to take to vacate.

Tom Cummins – reported all the landowners have to be notified and to hold a legal hearing.

Roger Azar – reported Temper Sealy sent them a copy of the swale for the north side. Reported there is not a conflict.

Tom Cummins – reported with the fifteen feet it should be fine.

Clarence Widener #582

Tom Cummins – reported new tile has been installed and old tile destroyed. Connections have been made just waiting on gate and fence work. Landowners were able to shell corn and happy about that. Plan to bring final invoice from contractor to next meeting along with schedule of assessments.

Dave Rhoads – inquired if Bart Maxwell has started on the **Otis Thompson # 708** reconstruction.

Tom Cummins – reported not yet. Will meet with him this week to sign contract.

Public Comment

Frank Rose – inquiring about the right process to get work done.

Tom Cummins – reported is working with Mr. Rose on the **Levi Hawkins #523** to repair tile holes. It is classified as in need of periodic maintenance. Based on speaking with Mr. Rose he would like the **Levi Hawkins #523** to be reconstructed. Mr. Cummins inquired of Dan Taylor about the classification.

Dan Taylor- reported the drain needs to be re-classified first.

Frank Rose – reported he would like to move forward and to reclassify the drain.

Tom Cummins – reported based on what he knows about it. It will be on long-range plan for three years from now. If you want it quicker, need to file a petition.

Frank Rose – reported will probably complete a petition.

Frank Rose – reported an older gentleman told him at one time it was tile.

Tom Cummins – reported in the past with all the tile breakdowns looks like it became an open ditch over the years.

Frank Rose – reported it is the only drain in Brown Township.

Frank Rose – reported would be happy if it was vacated as all of it is on his property.

Tom Cummins – reported could vacate possibly. Mostly only serves Mr. Rose's property.

Doug Mills – inquired who owns the property north.

The overhead projector was used to display the area.

Doug Mills – reported if land changes ownership new owners may not be as friendly. It guarantees assess in the future to landowners.

Frank Rose – reported no one wants to work with open water.

John Frey – reported your land is the outlet to the whole watershed and 100% of landowners would have to agree to vacate.

Doug Mills – reported it defeats the purpose to vacate.

Dave Rhoads – inquired lower line is what on the area displayed with projector.

Frank Rose – reported it is a water way

Doug Mills – inquired if there is a permitting process to change open ditch to tile.

Tom Cummins – reported it would have to be done as a reconstruction and is not that big.

Frank Rose – reported where the waterways are with the overhead projector.

John Frey – reported an engineer would have to study the area.

Tom Cummins – reported lots of work has been done in maintenance and needs to be reclassified.

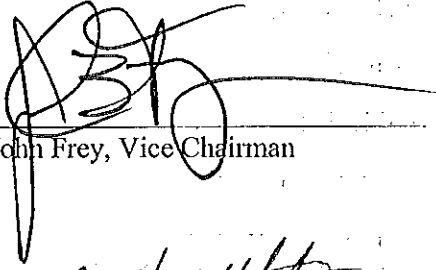
Frank Rose – reported thank you to the Board and Surveyor.

John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:15 a.m. Motion carried, 4-0.


Vicki Emmert,

Recording Secretary

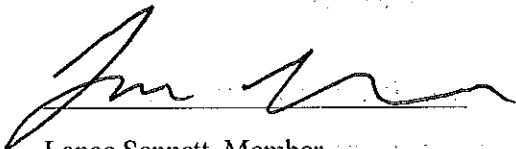
David Rhoads, Chairman



John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member

Doug Mills

Doug Mills, Member

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Montgomery County
Drainage Board Meeting
November 10, 2021

The Montgomery County Drainage Board met on Wednesday, November 10, 2021, at 9:30 a.m. at the Montgomery County Courthouse, Crawfordsville, Indiana.

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

Board members in attendance were Chairman Dave Rhoads, Vice Chairman John Frey, Secretary Matt Mitchell and member and Doug Mills. Lance Sennett was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also present were Brenda Foster and Tom Klein.

Minutes Approved

John Frey moved, seconded by Matt Mitchell, to approve the September 22, 2021 Drainage Board minutes. Motion carried, 4-0.

Old Business

Tom Cummins – presented a change order from Arthur Excavating for the **Clarence Widener #582** reconstruction for connecting of laterals and fence repair.

Quantity	Unit	Description	Rate	Amount
28	EA	Lateral connection 4", 5", 6"	\$350.00	\$9,800.00
1	EA	Lateral connection 8"	\$550.00	\$ 550.00
1	EA	Repair fence – install gate	\$1,250.00	<u>\$1,250.00</u>
		Total		\$11,600.00

John Frey moved, seconded by Matt Mitchel, to approve the change order for the Clarence Widener #582 reconstruction in the amount of \$11,600.00 from Author Excavating and Farm Drainage.

John Frey – inquired why the change order.

Tom Cummins – reported there were twenty-eight lateral connections and the number of lateral connections is unknown at the time of the reconstruction approval. The change order includes the installation of a new gate to access the easement, in an existing fence line. Used overhead projector to display the area. The red dots displayed the connections to laterals. There were only a few downstream, but multiple connections upstream. There has been pattern tiling in the area. It is better to connect the laterals at time of reconstruction then connect later. A "tap-T" was used to connect for the four, five and six inch laterals.

Doug Mills – reported if they go in and redo it would have to close the laterals off in the future.

Tom Cummins – reported correct.

Motion carried, 4-0.

Tom Cummins - reported the next item is to approve the final payment to Arthur Excavating and Farm Drainage for the **Clarence Widener #582** reconstruction. The original bid was \$159,385.70, with a final bill of \$170,985.70 after the change order, for the **Clarence Widener #582**. Mr. Cummins recommends approving final payment to the contractor.

John Frey moved, seconded by Matt Mitchell, to approve the final payment to the Arthur Excavating and Farm Drainage in the amount of \$170,985.70 for the Clarence Widener #582 reconstruction. Motion carried, 4-0.

Tom Cummins – reported he would submit requests to banks for loan rates. Once he has, the numbers will bring them back to Board. It actually looks like the amount should be under the original schedule assessment by \$5,000.00.

Otis Thompson #708 updates

Tom Cummins – reported the **Otis Thompson #708 Main & Trib. 1** reconstruction is complete. Now connecting laterals and leveling up the soil. This work was awarded to Maxwell Farm Drainage. The next is construction of the **Otis Thompson #708 Trib. 1-1**, pending the rain forecast. Mr. Cummins displayed the areas with the overhead projector.

Doug Mills – inquired near the 10” tile going northeast there is a line going northwest, would like to know what that is.

Tom Cummins – reported that is showing the access for the contractor.

Doug Mills – inquired about short runs of tile how are the 6-8 inch tiles are completed.

Tom Cummins – reported there are grade issues have plenty of cover until middle area. The engineer has designed it this way, based on the topography.

Joel Tobin #576 Updates

Tom Cummins – reported a special Drainage Board meeting was set for last week but there was not a quorum and no bids submitted. Mr. Cummins recommends bidding it out again after January 1st, 2022.

John Frey – inquired if the open ditch and the tile portion of the project were separated out would there be more contractors to bid.

Tom Cummins – reported maybe part of the contractors concern. There were weather concerns from some of the contractors. It wasn't appealing to the contractors he spoke to, and they suggested that bids would be more appealing after the first of the year.

Doug Mills – reported his recommendation is to re-bid it out in January.

Tom Cummins – reported that he recommends to re-bid it out in January

Tom Cummins – inquired if the Board intends to use the same meeting schedule as this year.

Dave Rhoads – inquired of Board if the current schedule works for everyone.

John Frey moved, seconded by Dave Rhoads, to hold the 2022 Drainage Board meetings on the second Wednesday of the month at the Montgomery County Courthouse at 9:30 a.m. Motion carried, 4-0.

John Frey moved, seconded by Dave Rhoads, to accept bids on Wednesday, January 12, 2022 for the Joel Tobin #576 reconstruction at 9:30 a.m. at the Montgomery County Courthouse. Motion carried, 4-0.

New Business

2022 Regulated drain reconstructions

Tom Cummins – reported having discussed with landowners concerning reconstruction information. We used to have landowner informational meetings before a reconstruction hearing. Plan to set reconstruction hearings for February and March. Should give landowners plenty of time to plan. The past informational meeting would have one set of landowners and the hearing would have another set of landowners. Which meant going through all the information again.

Doug Mills – reported an article should be published in the newspapers concerning future reconstructions that are planned in the next three years, as a public service. It would give landowners more time to plan financially.

John Frey – inquired if we are discussing the reconstructions the Board deems necessary to reconstruct without the 10% landowners petition.

Tom Cummins – reported correct.

Doug Mills – reported should use website and articles in newspapers for reconstructions not prompted by the landowner petitioner, who wants them moved up for reconstruction.

Tom Cummins – inquired about publishing the long-range plan in the newspaper.

Tom Cummins – inquired from the attorney about deducting money from the general improvement fund to pay for newspaper notices.

Dan Taylor – reported yes.

Doug Mills – reported it is the right thing to do.

Dave Rhoads – reported it is like Drainage 101 when everyone understands the drainage issues.

Tom Cummins – reported at the Board's direction to run press releases with the long-range plan and description and to run it twice in different months. Also, guide them to our website. Inquired if Board wants landowner informational meetings.

John Frey – reported no.

Tom Cummins – reported already daylighting the tiles now on the drains proposed for reconstruction for next year to gather information.

John Frey – reported working on public relations.

Doug Mills – inquired if the **William Shelley #706** reconstruction is on hold from the State.

Tom Cummins – reported receiving an email from State, will be meeting with the State to find out what they want to do at the intersection of State Road 47 and State Road 32.

Tom Cummins – reported there are six-drain reconstructions on the schedule for 2022.

William Shelley #706, Claude Moody #583, Charles McFarland #545, Levi Hawkins #523, Allie Peterson #549. The **Otis Thompson #708** was to be completed in 2022 but was able to get it done this year.

Other Business

None

Public Comment

Tom Klein – thanked the Board for working on the Temper Sealy project in a timely manner.

Tom Cummins – reported he did not have it on the agenda today, as he had not heard back from the contractor whether the structures have been built or not. Was out there end of last week and nothing had been delivered yet. Waiting for structures to be shipped in.

Brenda Foster – inquired what is the issue with the **William Shelley #706** drain.

Tom Cummins – reported the State is looking into what their options are for the guardrail issue as the curve is tight and semis have trouble making the corner. Looking to move the bridge farther to the north and widen the intersection to allow trucks to make the corner. Mr. Cummins and Joe Miller are to meet with the State.

John Frey – reported this would start another conversation about an urban drain.

Tom Cummins – reported the Board may want to make this an urban drain reconstruction, for assessment purposes, to be more fair to all.

Brenda Foster – inquired what is an urban drain.

Doug Mills – inquired if the City would be involved.

Tom Cummins – reported the last Mr. Cummins knew the County would handle the regulated drain reconstruction and the City would handle the stormwater structures.

Tom Cummins – reported urban drain means the land use has changed, and allows the Board multiple ways to assess the landowners more fairly for stormwater runoff.

Dan Taylor – reported an example is water on mall pavement runoff. More fair way to assess, with urban and farm.

Tom Cummins – reported the **Foster Fletcher #573** is an example of commercial, Ag and urban. The commercial area paid for most of the reconstruction.

Dave Rhoads – inquired if there was a TIEFF area for the **William Shelley #706**

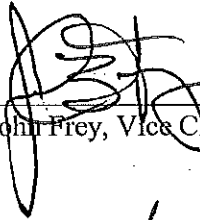
Tom Cummins – reported no.

Doug Mills moved, seconded by John Frey, to adjourn the meeting at 10:06 am. Motion carried, 4-0.

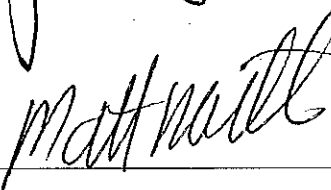
Vicki Emmert,

Recording Secretary

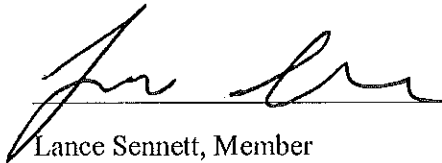
David Rhoads, Chairman



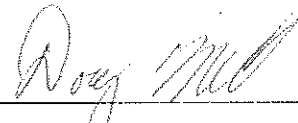
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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Montgomery County
Drainage Board Meeting
December 8, 2021

The Montgomery County Drainage Board met on Wednesday, December 8, 2021, at 9:30 a.m. at the Montgomery County Courthouse, Crawfordsville, Indiana.

Vice Chairman John Frey, followed by the Pledge of Allegiance, called the meeting to order. There was no prayer.

Board members in attendance were, Vice Chairman John Frey, Secretary Matt Mitchell, members Doug Mills and Lance Sennett. Chairman Dave Rhoads was not present. Present were Tom Cummins, Surveyor, Vicki Emmert Secretary and Attorney Dan Taylor.

Also, present were Kristen Latzke of SWCD and Tom Klein.

Minutes Approved

Lance Sennett moved, seconded by Matt Mitchell, to approve the October 20, 2021 and November 10, 2021 Drainage Board minutes. Motion carried, 4-0.

There were no hearings, petitions or stormwater items.

Old Business

Tom Cummins presented the Board with the final reconstruction schedule of assessments for the **Clarence Widener #582**.

Tom Cummins – reported to the Board there are 404.06 acres in the **Clarence Widener #582** watershed, and total reconstruction cost to landowners is \$193,806.38, which total a rate of \$479.65 per acre, for reconstruction. Mr. Cummins used the overhead projector to display the numbers. The reconstruction was approved at an estimate of \$190,055.80. The invoice was \$170,985.70, engineering \$13,550.00, newspaper notices cost \$41.60, and a change order of \$11,600.00. The loan amount total is \$184,577.50. Mr. Cummins recommends approving the **Clarence Widener #582** final reconstruction assessment.

Doug Mills moved, seconded by Lance Sennett to approve the final reconstruction schedule of assessments for the Clarence Widener #582 of \$193,806.38. Motion carried, 4-0.

Otis Thompson #708 Main and Trib. 1 Reconstruction

Tom Cummins presented the change order to the Board for the **Otis Thompson #708, Main and Trib. 1**. Mr. Cummins used the overhead projector to display the information.

Quantity	Unit	Description	Rate	Amount
1,600	EA	Destruction of existing tile	\$2.00	\$3,200.00
4	EA	Installation of 6" Hickenbottom breathers	\$500.00	\$2,000.00
1	EA	Tree clearing – 100" easement in fence line	\$2,500.00	\$2,500.00
10	EA	6" lateral	\$500.00	\$5,000.00
3	EA	8" lateral	\$750.00	\$2,250.00

1	EA	10" lateral	\$1,000.00	\$1,000.00
1	EA	12" lateral	\$1,000.00	\$1,000.00
1	EA	15" lateral	\$1,500.00	\$1,500.00
Total				\$18,450.00

Tom Cummins recommends the change order.

Doug Mills moved, seconded by Lance Sennett, to approved the change order for the Otis Thompson Main and Trib. 1 in the amount of \$18,450.00

John Frey – inquired about the large lateral.

Tom Cummins – reported the large lateral is the connection of the main that was installed in the first phase of reconstruction. Also reported they found two County mains, added more breathers and replaced the four that were already there. Did tree clearing through the fence line area, as it was never kept up. Plans a spraying plan in future through maintenance. **Motion carried, 4-0.**

Tom Cummins – reported the invoice from Maxwell Farm Drainage includes the change order for a total invoice of \$118,037.00 and recommends approving it.

Doug Mills moved, seconded by Lance Sennett, to approve the Otis Thompson #708 Main and Trib. 1 invoice for \$118,037.00. Motion carried, 4-0.

Tom Cummins- reported he has created the final schedule of reconstruction assessment for the **Otis Thompson #708 Main and Trib. 1**. The total cost of the reconstruction is \$133,477.73. There are 628.52 acres in the watershed with a reconstruction rate of \$212.37 per acre. Mr. Cummins used the overhead projector to display the figures. The loan amount of \$127,121.65. Mr. Cummins recommends suspending the rules to approve it.

Doug Mills moved, seconded by John Frey to suspend to the rules. Motion carried, 4-0.

Doug Mills moved, seconded by Lance Sennett to approve the final reconstruction schedule of assessment of the Otis Thompson #708 Main and Trib. 1 for \$133,477.73. Motion carried, 4-0.

Otis Thompson #708 Trib. 1-1 Reconstruction

Tom Cummins presented the change order to the Board for the **Otis Thompson #708, Trib. 1-1**. Mr. Cummins used the overhead projector to display the information.

Quantity	Unit	Description	Rate	Amount
2	EA	Installation of 10" smooth-corr HDPE pipe	\$12.00	\$24.00
8	EA	Installation of 8" smooth-corr HDPE pipe	\$10.00	\$80.00
8	EA	Installation of 6" smooth-corr HDPE pipe	\$10.00	\$80.00
1	EA	Installation of 6" Hickenbottom Breathers	\$500.00	\$500.00
6	EA	6" lateral	\$500.00	\$3,000.00
2	EA	8" lateral	\$750.00	\$1,500.00
Total				\$5,184.00

Mr. Cummins recommends approving the change order.

Lance Sennett moved, seconded by Doug Mills, to approve the change order for the Otis Thompson #708 Trib. 1-1. Motion carried, 4-0.

Tom Cummins -- recommended approving the invoice of \$42,086 from Maxwell Farm Drainage.

Matt Mitchell moved, seconded by Lance Sennett, to approve the final payment to Maxwell Farm Drainage for \$42,086.00. Motion carried, 4-0.

Tom Cummins -- presented the Board the final reconstruction schedule of assessment for the **Otis Thompson \$708 Trib. 1-1**. There are 218 acres in the watershed for a total reconstruction cost of \$49,424.49. The reconstruction rate is \$226.72 per acre. Used overhead projector to display the figures. The loan is for \$47,070.94. Mr. Cummins recommends suspending the rules to approve it.

Doug Mills moved, seconded by Lance Sennett to suspend the rules. Motion carried, 4-0.

Matt Mitchell moved, seconded by Lance Sennett, to approve the final reconstruction schedule of assessment for the Otis Thompson #708 Trib. 1-1 for \$49,424.49. Motion carried, 4-0.

Other Business

Tom Cummins presented the Board with 2021 Regulated Drain Fund Transfers from maintenance to improvement for \$63,620.15 to cover deficits. Transfer from maintenance to reconstructions that have been paid back, but are still carrying a deficit balance of \$762.74.

Matt Mitchel moved, seconded by Lance Sennett to approve the transfers. Motions carried, 4-0.

Tom Cummins introduced the new Soil and Water representative Kristen Latzke.

Kristen Latzke- reported Sinna Parks had applied for a grant before she came to work for Soil and Water. Reported 319 watershed grants that have been approved with twenty different partners. Will be working with Boone, Clinton and Tippecanoe Counties. It is a two-year watershed management plan. There will be water quality testing at sixteen different sites. Ms. Latzke passed out the letter of support from the Drainage Board and map of test sites. Inquired whom she should communicate with on the Board.

Tom Cummins -- reported to send him the information and he would pass it on.

Kristen Latzke -- reported there would be quarterly steering committee meetings.

John Frey -- reported Doug Mills is the Soil and Water representative from the Board.

Kristen Latzke -- reported they are receiving \$133,000 from IDEM and \$84,000 match and in kind from partners.

Claude Moody # 583

Tom Klein -- reported the town of Mace (**Claude Moody #583**) has received money to reconstruct the **Claude Moody #583** through the American Recovery Plan. Clark Dietz, commissioners and Thrive West Central to be in charge of project.

Tom Cummins -- inquired about a public outreach meeting. In addition, to hold a reconstruction hearing at the end of January for hearing notices. Inquired what will be the landowners be responsible for.

Tom Klein -- reported nothing will be assessed

Tom Cummins – reported there are approximately 34 Ag acres and 34 residential acres.

Doug Mills – reported this has never been done before, with 100% of the cost to be covered. Inquired about future reconstructions.

Tom Klein – reported it is site specific.

Doug Mills – reported if it covers all farm ground would not be fair and equal to other landowners. Someone is always paying even if it is free money. Landowner should contribute something.

John Frey – reported he does not disagree, but Mace is a non-incorporated town.

Doug Mills – it is a County Drain.

Tom Klein – reported it is through INDOT, Commissioners, using ARP funds

Doug Mills – reported residents should have skin in the game. This is setting a precedent, which will cause a problem down the road.

Lance Sennett – inquired is Ag involved or just Mace.

Tom Cummins – reported they would be using the outlet on the farms.

Matt Mitchell – inquired who pays for basements etc.

Doug Mills – reported he does not agree with this plan.

Matt Mitchell – inquired about sewers in the right of way.

John Frey – reported process to follow up with water and sewer.

Matt Mitchell – inquired who is responsible for basement hookups

Dan Taylor – reported will find and locate when working in area.

Doug Mills – reported he does not like the way this project is set up.

John Frey – reported not all communities are asking for it. We all pay federal and state taxes.

Dan Taylor – Mace is a lesson of what not to do. Best to avoid taking drains through towns. This is really an urban drain. Farm drainage runs through the City for the **William Shelley #706** and is a perfect example of how not to do it.

Doug Mills – reported farm drains were there first.

Dan Taylor – reported as we do reconstructions, it is best to go around areas of towns.

John Frey – reported if funding is available for small towns we should use it.

Dan Taylor – inquired how many acres.

Tom Cummins – reported approximately 67 acres in **Claude Moody #583**.

Tom Klein – reported Clark Dietz will have it.

Tom Cummins – inquired about setting up a reconstruction hearing for the **Claude Moody #583** in addition to where to have hold the hearing.

John Frey moved, seconded by Lance Sennett, to hold the reconstruction hearing for the Claude Moody #583 on Wednesday, January 26, 2022 at 9:00 a.m. Location will be secured and announced at a later date.

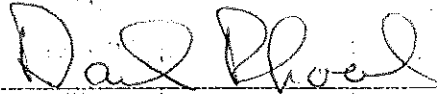
John Frey – reported grant administrator to work with them.

Vicki Emmert – reported even if hearing notice reports it will be free. They will still call the office asking if it will go across their property.

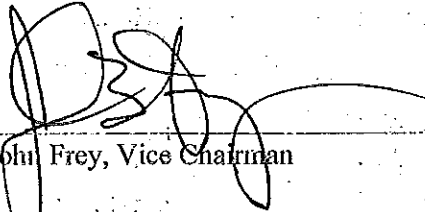
Toni Cummins – reported some people called him about the Temper Sealy project and they were not even in the watershed.

John Frey moved, seconded by Doug Mills, to adjourn the meeting at 10:15 a.m. Motion carried, 4-0.

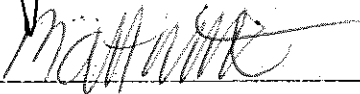
Vicki Emmert,
Recording Secretary



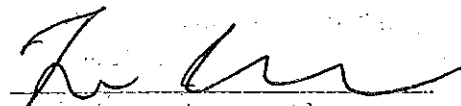
David Rhoads, Chairman



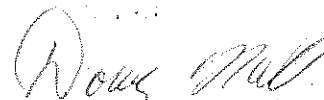
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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