

Montgomery County
Drainage Board Meeting

January 11, 2023

Prior to meeting, Karyn D Douglas Montgomery County Clerk swore in Drainage Board members Doug Mills and John Frey. Matt Mitchell will be sworn in at the February meeting.

The Montgomery County Drainage Board met on Wednesday, January 11, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present were Steve Akers, Troy Swan, Joe Miller of Banning Engineering and Tom Klein.

Election of Officers

John Frey moved; seconded by Lance Sennett, to retain the same officers as last year. Motion carried, 4-0.

Attorney Contract

John Frey moved, seconded by Dave Rhoads, to retain Dan Taylor as Drainage Board attorney for 2023. Motion carried, 4-0.

Approval of Minutes

Doug Mills moved; seconded by Lance Sennett, to approve the December 14, 2022 minutes. Motion carried 4-0.

Old Business

William Shelley #706 Update

Tom Cummins – introduced Joe Miller of Banning Engineering.

Joe Miller – reported Banning Engineering is compiling information for the land acquisition and appraisal. Would like to speak with the Board attorney, to ensure that groups are not duplicating work.

The rough estimate for purchasing land for the William Shelley #706 reconstruction is \$60,000.00 to \$70,000.00. It will take approximately six months. Reported that he and Tom Cummins met with INDOT for second round of permits and it went well. The time line, will then be formed to purchase the six parcels required for reconstruction. Will have formal information at February meeting.

Tom Cummins – reported once we get the proposal a special Board meeting could be set.

Doug Mills – inquired if the City of Crawfordsville would have some part in this. Also, inquired if anyone met with the City.

Tom Cummins – reported John Frey, Tom Cummins, Dan Taylor and Tom Klein met with the Mayor and explained why they could not build the retention ponds in the reconstruction. Reported the Mayor was agreeable to the cost.

John Frey – reported they requested the Mayor let them know by March 15, 2023 how much they will contribute to the reconstruction. Reported the grant process will not slow down the reconstruction process.

Doug Mills – inquired of the estimate of the reconstruction and engineering.

John Frey – reported he hoped the prices would come down for reconstruction. Reported the Mayor has the ability to secure grants, too. Believes the County has good relations with grant writers.

Tom Cummins – reported Joe Miller would look at revaluating the cost of reconstruction.

Joe Miller – reported will work with Marc Bonwell on the new County ordinances, concerning fencing retention ponds and they will be included in price. There could be money from State Highway grants to possibly assist funding.

John Frey – reported the Mayor still has American Rescue Plan money.

Dave Rhoads – inquired about total price.

Tom Cummins – reported the estimate was approximately 2.4 million and the total cost does not include engineering or land acquisition.

Joe Miller – reported once the land appraisal is completed will know more.

Dave Rhoads – inquired if the fee for the reconstruction will be passed on to landowners.

Tom Cummins – reported yes.

Dave Rhoads – inquired about cost of land purchase who pays for it.

Tom Cummins – reported part of cost of reconstruction to be assessed to landowners.

Doug Mills – inquired who is responsible to maintain and care for fence around the pond areas.

Tom Cummins – reported it is not us. We are to maintain the legal drain that it functions properly. We are not responsible to make it pretty.

Doug Mills – reported he guaranteed that if not maintained it would come back on the Board.

Tom Cummins – Spoke with Mayor about this issue too.

Doug Mills – inquired once ponds are built who owns them. Everything should be in writing as to who maintains the ponds.

Joe Miller – reported very good question that both parties agree to.

Tom Cummins – reported all has to be decided before reconstruction.

John Frey – reported Troy Swan was here from the City of Crawfordsville.

Troy Swan – reported he was here today to sit and listen only.

John Frey – inquired if the Board had issues with Troy Swan sitting in on meeting.

Dave Rhoads – reported no.

Joe Miller – reported it all works well when all parties are on the same page with questions from landowners.

Dave Rhoads – reported he agrees with everyone understanding the agreements in the start.

Dave Rhoads – inquired of attorney Tyler Nichols if he had any comments.

Tyler Nichols – reported all sounds good to him.

Claude Moody #583 Update

Tom Cummins – reported the **Claude Moody #583** was discussed at last meeting about reimbursement of engineering cost. Directed towards Mr. Frey about his meeting with Tom Klein, along with grant writers and currently kept on agenda for any updates as the General Drain Improvement Fund is in a deficit, due to the engineering expenditures.

John Frey – reported met yesterday with Steve Loy and will have joint meeting with Commissioners tomorrow and request the Council leave the money in the improvement account and support the general fund every year.

Tom Cummins – inquired so your intention is to leave the \$50,000.00 in the account.

John Frey – reported yes.

Tom Cummins - Inquired about the rest of debt, approximately \$170,000 to \$180,000.00 for the reconstruction engineering.

John Frey – inquired that was not part of any of the payments made.

Tom Cummins – reported it was paid for out of the General Drain Improvement Fund. Paid Clark Dietz \$50,000.00 for the study and an estimate of \$50,000.00 for the reconstruction. Have not received anything from grant for engineering

John Frey – inquired worst-case scenario that could be part of the assessment to landowners.

Tom Cummins – reported no, the Board told landowners they would not be assessed for any of the reconstruction. We are currently approximately \$170,000.00 in the hole. It has tapped our improvement fund.

John Frey – reported he would speak with commissioners and put on agenda.

Dave Rhoads – reported the Commissioner and Council member that he spoke with earlier thought the County would get the \$50,000.00 back.

Tom Cummins – reported the Surveyor was at one of Council meetings and the Surveyor did not mind the Council fronting the money as long as the landowners were assessed to pay it back. Not necessarily back to Council but to give money to the improvement fund as Council has not given money in forty years to improvement fund. Mr. Cummins reported it was good for the **Claude Moody #583** drain to get it started and to help the improvement fund as well.

John Frey – apologized for his misunderstanding of the debt.

John Frey – inquired of Tom Klein if he understand the issues.

Tom Cummins – reported he would send a report to lay out the information for them in a clear fashion.

Doug Mills – inquired if they would receive a maintenance assessment on the **Claude Moody #583**.

Tom Cummins – reported yes, last month came before Board with numbers not including engineering.

Doug Mills – reported to be fair they have to be charged through a maintenance assessment as everyone else is.

John Frey - inquired about annual assessment

Tom Cummins – reported they do have an annual assessment there are no flat rates for assessment.

Doug Mills – reported same fair assessment.

Dave Rhoads – reported there is one property owner who is not happy about not being able to hook up to new drain for septic. Inquired how many issues were there.

Tom Cummins – reported nine existing tiles that were capped off carrying septic material.

Dave Rhoads – inquired if they did not hook up what are they doing now for septic.

Tom Cummins – reported the office sent a letter to all landowners to be aware of slow drains and backups. Linnsburg and Macé in future may be able to have sewer hookups. Cannot tie into new tiles for septic legally. Do not know whose house the tiles came from, as some tiles were quite large possible serving more than one property. The old tiles were capped off. Don Orr from Health Department told Mr. Cummins they have options.

Doug Mills – reported it has been dry lately.

Tom Cummins – septic material can still seep through old tiles through the seams. Spoke with anyone Mr. Cummins thought was affected by it. Not an option to tie into new tiles.

Tom Cummins – inquired about discussing the debt at next meeting.

John Frey – reported we would have a plan.

Tom Cummins – reported will keep both the **William Shelley #706** and the **Claude Moody #583** on agenda.

Tom Cummins – recommends holding a rate increases assessment hearing for the **James Gilliland #519** drain at the March 8, 2023 meeting.

Dave Rhoads – inquired what the current rate is.

Doug Mills – reported he would not be at March meeting.

John Frey moved, seconded by Lance Sennett, to hold an assessment hearing for the James Gilliland #519 at the March 8, 2023 Drainage Board meeting at 9:30 a.m. at the Government Center. Motion carried, 4-0.

Tom Cummins – reported the current rate is \$4.50 an acre for the **James Gilliland #519**.

New Business

None

Public Comment

Dave Rhoads – inquired of Steve Akers if he had any questions.

Steve Akers – reported he would direct his questions to Tom Cummins and Troy Swan.

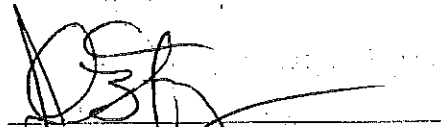
Dave Rhoads – reported the next meeting would be February 8, 2023.

Doug Mills moved, seconded by John Frey, to adjourn the meeting at 10:02. Motion carried, 4-0.

Vicki Emmert,
Recording Secretary

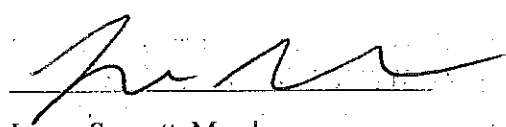


David Rhoads, Chairman

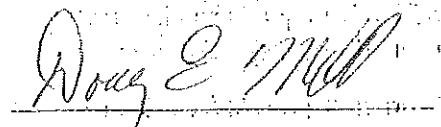


John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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Montgomery County
Drainage Board Meeting

February 8, 2023

The Montgomery County Drainage Board met on Wednesday, February 8, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present were Bart Maxwell, Chloe Maxwell, Brenda Foster, Bob Stwalley, and Steve Akers.

Approve the Minutes

John Frey moved, seconded by Doug Mills to approve the January 11, 2023 Drainage Board minutes. Motion carried, 5-0.

Due to technical difficulty today, the overhead projector and TV were not used.

Hearing

Tom Cummins – reported on the hearing for the **Benjamin Crabbs #517** petition to vacate a portion of a regulated drain. **Benjamin Crabbs #517** is located in the north portion of Union Township, north of Crawfordsville. It consists of tile and open ditch. The landowners Michael DeVore, Barbara Ellingwood and Raoul Moore request to vacate the tile portion and leave the open ditch regulated. The tile portion is old and undersized and the landowners would like to replace it. One landowner has purchased the property where the regulated tile is located. The landowner would like to replace it all without going through hearings, as he would be paying for the majority of the work anyway. The landowner would maintain the tile himself. It will not change the size of the watershed, only the open ditch would be regulated now.

John Frey – inquired if it ever comes back to Board that the tiles are being installed by code.

Tom Cummins – reported landowner plans to increase both tile sizes and depth; landowner can come back and inquire of Board to take back jurisdiction. This would be evaluated before it could become a regulated drain again. Received one phone call from a landowner with questions, but no objections.

Doug Mills – inquired how many feet of tile.

Tom Cummins – reported the main tile consists of 2,860 feet of 10", Tributary 1 consists of 397 feet of 12" and 1,022 feet of 10". Tributary 2 contains 2,546 feet of 12" tile. Based on information Mr. Cummins recommends vacating the tiles and the Drainage Board will still maintain the open ditch of the **Benjamin Crabbs #517**.

Doug Mills moved, seconded by Lance Sennett, to vacate the tile portion of the Benjamin Crabbs #517. Motion carried, 5-0.

Old Business

Tom Cummins – reported receiving a petition from Allen Brown and John Wendell Wiley for the **John Walkup #604** in Walnut Township to assume jurisdiction of a mutual drain in December. The old tile was undersized. Bart Maxwell, for the landowners in fall of 2022, installed 2,412 feet of 18” tile, replacing the existing 15” tile; new tile bedded with stone, per the Board’s specifications for reconstructions. Mr. Cummins recommends approving the request to assume jurisdiction of the mutual drain, to be established as the **John Walkup #604** drain. If approved contractor will then destroy the old tile.

John Frey – inquired about the assessment to set.

Tom Cummins – reported the assessment will not change and this tile is already in the **John Walkup #604** watershed, it will now become a regulated drain if approved.

John Frey moved, seconded by **Matt Mitchell**, to approve assuming the jurisdiction of a mutual drain to become part of the **John Walkup #604** drain. Motion carried, 5-0.

William Shelley #706

Tom Cummins – reported receiving an e-mail from Joe Miller of Banning Engineering and we should have the final proposal by end of week.

Dan Taylor – reported they met with the Mayor of Crawfordsville, and have not heard from City yet of what their contribution will be toward reconstruction. Deadline is March 1, 2023.

Doug Mills – inquired about the retention ponds has the process started to purchase land.

Dan Taylor – reported Banning Engineering would take care of the two to three parcels it will involve. The land will be appraised, then a counter offer and negotiation to make an agreement. Everything is on schedule to be ready for reconstruction in August. Hearing in May.

Claude Moody #583

Tom Cummins – reported the **Claude Moody #583** was on the agenda from last meeting, about the reimbursement of engineer fees for the **Claude Moody #583**. Tom Klein recommends that Mr. Cummins attend the Council Meeting next Tuesday.

Dave Rhoads – inquired what time is the meeting next week.

Tom Cummins – reported it is at 9:00 a.m.

Dave Rhoads – reported he plans to attend the meeting too.

John Frey – reported his intention is for the County Council to fund the engineering costs.

Dan Taylor – reported it is on the agenda. Inquired from the Tom Cummins the amount.

Tom Cummins – reported around \$225,000.00

Dave Rhoads – inquired of Tom Cummins if it goes into the general fund first, and then move money from there into correct fund.

Tom Cummins – reported money will go to **Funds without Drains #400** account and then will be transferred to the **Claude Moody #583**. Total is \$228,725.00 for engineering fees. Will contact Clark Dietz to see if they will be using the entire contract amount.

Tom Cummins – inquired if the plan is to approach the County Council for the total amount.

John Frey – reported that is correct.

Other Business

Financial reports

Tom Cummins – reported on the request for drain fund transfers.

John Frey moved, seconded by Doug Mills, to approve the 2023 drain transfer request. Motion carried, 5-0.

Tom Cummins – reported there would be ninety-five drains on the OFF list with more than four years of accumulations of funds. There will be eighty-nine drains on the ON list for assessment.

John Frey moved, seconded by Doug Mills, to approve the 2023 off list. Motion carried, 5-0.

Tom Cummins – reported on the totals of the ditch listing report, which reflect the amounts that today, were approved for transfer. The Improvement fund owes (\$150,835.46) to the Reconstruction account and the Maintenance account balance is \$1,362,684.73.

John Frey – reported it has come a long way.

Dave Rhoads – reported many dollars have changed over the years.

Tom Cummins -- reported it is in better shape than it was in 2005.

Tom Cummins – reported some drains are paying very little assessment. Some drain assessment rates will need to be raised, as the costs for repairs increases.

Doug Mills – inquired if most of the drains that are OFF assessment, drains that we have reconstructed.

Tom Cummins – reported not necessary for some who have been reconstructed. Most reconstructions were completed in phases or only a portion was reconstructed. It has to be assumed that maintenance will be needed at some time even on drains that have been reconstructed.

Doug Mills -- inquired usually older tiles.

Tom Cummins – reported yes.

Tom Cummins -- reported this is only for information for the Board, no action necessary.

Tom Cummins – reported on the proposed assessment rate reductions for 2023.

Drain #	Drain Name	Current Rate	Proposed Rate
650	Elva Thompson	\$16.55/acre; w/\$5.00 min.	\$4.69/acre; w/\$5.00 min.
510	Charles Cowan	\$19.18/acre; w/\$5.00 min.	\$6.21/acre; w/\$5.00 min.

This is in line with what the Board requested at time of hearing when the current rate was set.

Lance Sennett moved, seconded by John Frey, to reduce the rate of the Elva Thompson #650 from \$16.55 an acre with a \$5.00 minimum to \$4.69 an acre with a \$5.00 minimum. The Charles Cowan #510 from \$19.18 an acre with a \$5.00 minimum to \$6.21 an acre with a \$5.00 minimum. Motion carried, 5-0.

Dave Rhoads – reported when Greg Woods was here he worked on putting drains back on assessment. We had rooms full of landowners. It was like Drainage 101 School. Once they understood it, they are okay with it.

Tom Cummins – reported that is the reason for notices and hearings to inform the landowners.

The next meeting will be Wednesday, March 8, 2023 at 9:30 in the Government Center.

Tom Cummins – reported the **James Gilliland #519** the hearing would be a little different as we are spending more money on maintenance than what we are collecting. It will be the same rate but with revisions to the watershed area.

Doug Mills – inquired how the acreage got off that much.

Tom Cummins – reported the original watershed does not include a “lobe” of the watershed served by a private tile. Please have landowners with questions call him to explain.

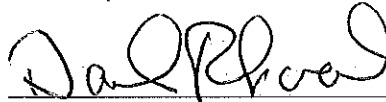
New Business – None

Public Comment – None

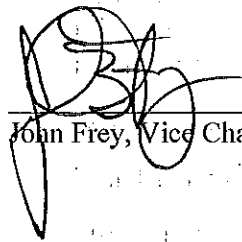
John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:10 a.m. Motion carried, 5-0.

Vicki Emmert,

Recording Secretary

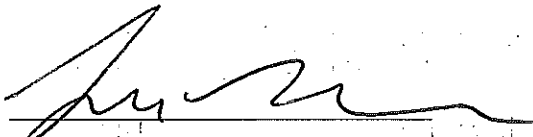


David Rhoads, Chairman



John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member

Doug Mills, Member

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Montgomery County
Drainage Board Meeting

March 8, 2023

The Montgomery County Drainage Board met on Wednesday, March 8, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present were Troy Swan, Steve Akers, Tom McMurry, Tom Klein and Brenda Foster.

Approve the Minutes

John Frey moved, seconded by Lance Sennett, to approve the February 8, 2023 minutes. Motion carried, 3-0.

Hearings

James Gilliland #519 Assessment Hearing

Tom Cummins – reported we could not hold the **James Gilliland #519** assessment hearing due to a conflict of interest with Board member Dave Rhoads. We do not have a quorum with two Board members not present.

John Frey moved, seconded by Lance Sennett, to continue the James Gilliland #519 assessment hearing to the April 10, 2023 Drainage Board meeting at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

Motion carried, 3-0.

Petitions

Tom Cummins – reported receiving a petition requesting a variance from Brendan Freeman to install a twelve to sixteen foot driveway over the **John McCorkle #608** drain. It is west of the Wingate town limits. The overhead projector displayed the area. Mr. Cummins recommends the approval of the petition.

John Frey moved, seconded by Lance Sennett, to approve the petition for variance of the John McCorkle #608 as submitted from Brendan Freeman.

Dave Rhoads – inquired if there was enough cover.

Tom Cummins – reported yes around two and half to three feet of cover with no excavation.

Dave Rhoads – inquired if Mr. Freeman understands it may require digging up his driveway in future.

Tom Cummins – reported he made it clear to Mr. Freeman that it was a possibility in the future his driveway could be excavated and he understands.

Dan Taylor – reported language about digging up the area is in the code.

Motion carried, 3-0.

Old Business

William Shelley #706

Tom Cummins – reported receiving the land acquisition proposal from Banning Engineering, which was forwarded to Dan Taylor. The Board is requested to approve the land acquisition proposal for Mr. Cummins to sign off on.

Dave Rhoads moved, seconded by John Frey, to approve the land acquisition proposal for the William Shelley #706 from Banning Engineering and that Tom Cummins may sign the document.

Motion carried, 3-0.

Dan Taylor – reported having a brief conversation with the Mayor of Crawfordsville concerning the **William Shelley #706** reconstruction. Mr. Taylor relayed the City still plans to donate something towards the reconstruction. Deadline is March 15, 2023.

Dave Rhoads – inquired if there were any public comment about the **William Shelley #706**.

Steve Akers – inquired if the Board will know Crawfordsville's contribution by March 15, 2023.

Dan Taylor – reported yes and the County has applied for a grant as well. The hearing should be in May or June 2023 and a schedule of assessments will be ready then from Tom Cummins explaining the landowners share in cost.

John Frey – inquired of Tom Klein about an e-mail for March 23, 2023

Tom Klein – reported yes hopefully by then we will know the City's contribution.

Dan Taylor – reported the Mayor to contribute to the reconstruction just not sure how much, which is good news. Every dollar will count.

Claude Moody #583

John Frey – reported attending the County Council meeting to see what their options were concerning the **Claude Moody #583** and it was more confusing than he had anticipated. Believe the backup step is to clean it up using the Ready grant, if the Commissioners had known this bill was pending from the start. There were concerns about why other County taxpayers were paying for somebody else's drainage and this and that. SWIF and ARPA money was used to fund the project. I know we all pay our federal taxes but this was not direct general fund tax dollars. So that eliminates that argument as well. It was our intention all along to clean it up what was left over. It was a much bigger number than anticipated. Glad for Covid money. Appreciates Dave Rhoads attending the Council meeting. There are four new Council members this year.

John Frey – reported Tom Cummins should put in a budget request for the General Drain Improvement Fund each year.

Dave Rhoads – inquired how you trim your budget then. It is a catch 22.

Tom Cummins – inquired if there were a time line for the money.

John Frey – inquired of Tom Klein if the County had received the second half yet.

Tom Klein – not sure if we've received yet, but this issue is up for vote at the Commissioner's next meeting

Dave Rhoads – inquired if the Council is still to vote.

John Frye – reported the Commissioners would handle it.

Dave Rhoads – reported going out to observe the Mace community after the big rain on Friday twice and Saturday. Said, most of the water was gone by Sunday and Monday.

John Frye – reported he went out to Mace also.

Dave Rhoads – reported water standing on Friday and Saturday mornings was gone in twenty-four hours.

Tom Cummins – reported going out to Mace and speaking with the some of the landowners on Monday. Some landowners still had concerns. We received two and half inches of rain. It was recommended that some reshaping and grading of yards to road ditch and outlet would help some of the landowners. This heavy rain was a very good indicator of how it was working. Still some work to do with tree removal.

Dave Rhoads – inquired if the trees are marked.

Tom Cummins – reported yes, trees are marked total of fifteen to come down. A letter will be sent to landowners concerning what they would like done with the wood; keep it or we will haul it away. Some of the tree roots were compromised with the reconstruction. Contractor to come out this week to give estimate as a bucket truck will be required.

Other Business

None

New Business

None

Public Comment

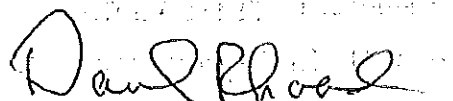
None

Dave Rhoads – reported the next Drainage Board meeting would be April 12, 2023.

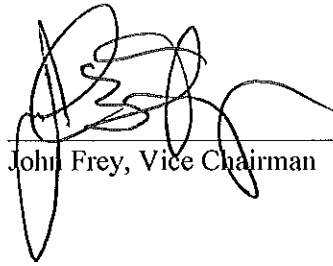
John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 9:50 a.m. Motion carried, 3-0.

Vicki Emmert,

Recording Secretary



David Rhoads, Chairman

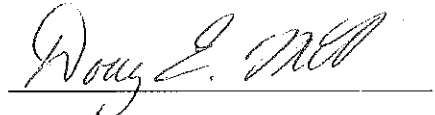


John Frey, Vice Chairman



Matt Mitchell, Secretary

Lance Sennett, Member



Doug Mills, Member

Montgomery County
Drainage Board Meeting

April 12, 2023

The Montgomery County Drainage Board met on Wednesday, April 12, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

Board members in attendance were Chairman Dave Rhoads, Vice Chairman John Frey, Matt Mitchell secretary and member Doug Mills. Lance Sennett was not present. John Frey arrived at 9:33 a.m. Present were Tom Cummins, Surveyor, Vicki Emmert, Secretary and Attorney Dan Taylor.

Also, present were Steve Akers, Tom McMurry, Kent Priebe, Tom Klein and Brenda Foster.

Approve the Minutes

Doug Mills moved, seconded by John Frey, to approve the March 8, 2023 minutes. Motion carried, 4-0.

Hearings

James Gilliland #519 Continuation

Tom Cummins -- reported the **James Gilliland #519** hearing was continued to the April 12, 2023 due to not have a quorum at the March 8, 2023 meeting. The reason for hearing there is more money being spent than coming in. After researching the area, the Surveyor realized there is a private tile that serves a sub-watershed that drains into the regulated open ditch. This would add approximately 330 acres to regulated watershed. Presented the Board a proposed new watershed and proposed new schedule of assessments. Mr. Cummins presented the classification report for the **James Gilliland #519** drain. The drain was constructed in 1903 and reconstructed in 1948. It is located in T18N R4W, Sections 29, 30, 31, and 32 T18N, R5W, Sections 25 and 36. Total watershed acres is 528.16 acres. The tile length is 9,235 feet, consisting of 8", 10", 14", 15" and 18" tiles. The open ditch is 2,955 feet. There are twenty-seven parcels assessed in the watershed, currently. The Surveyor's notes reported the outlet is functioning well, numerous tiles holes due to age of tile, open ditch brush and tree removal completed, bank stabilization needed in areas, open ditch banks to be sprayed and approximately 1,000 feet of 8" tile replaced, between CR 500 S and the abandoned railroad, in 1988.

The Surveyor displayed the area with the overhead projector.

The Surveyor recommends the current maintenance assessment of \$4.50/acre w/\$5.00 minimum, continue with a revision to the assessed watershed. The revised watershed would assess 861.41 acres. This revision includes an additional 333.25 acres to the watershed. This previously unassessed area is served by a private tile, which eventually outlets into the **James Gilliland #519** regulated open ditch. As this open ditch serves as the outlet, this area is affected acreage. The additional acreage increases the annual collections, making it unnecessary to increase the per acre rate.

The overhead projector displayed the maintenance and improvement ledgers.

Dave Rhoads -- inquired if there was more work to do or just maintenance.

Tom Cummins -- reported just maintenance.

Dave Rhoads – inquired if there was any public comment?

Dave Rhoads – reported there was none.

Doug Mills moved, seconded by Matt Mitchell, to increase the James Gilliland #591 watershed from 528.16 acres to 861.41 acres. To keep the current assessment of \$4.50 an acre with a \$5.00 minimum for a total yearly assessment collection of \$3,925.43. Motion carried, 3-0. Dave Rhoads abstained.

Petitions – None

Old Business

William Shelley #706 Updates

Tom Cummins – reported the William Shelley #706 has everything in place to set the reconstruction schedule of assessments. It is similar to the Foster Fletcher #573, as it will have commercial, residential and agriculture. Believes the farm ground will be developed, once the reconstruction is complete.

Doug Mills – reported farmland should be assessed as farmland, change it after sold for development.

Tom Cummins – inquired of maintenance assessment.

Doug Mills – reported yes. Understands Mr. Cummins is actually speaking about the reconstruction part.

Tom Cummins – reported he spoke with Dan Taylor about it, other Surveyors and looked at code as to whether it can be assessed differently if the ground is sold for commercial afterwards.

Doug Mills – reported fairest way is to assess as farm ground then change if sold as commercial.

John Frey – reported first step is to make it an urban drain. Not sure what that process is.

Tom Cummins – reported the process is to decide before the reconstruction hearing.

Dave Rhoads – reported as the Board today we have to give Tom Cummins the direction to classify it as an urban drain. Then Mr. Cummins can start the process of assessment.

John Frey – inquired about using professional help to break it down the assessment.

Tom Cummins – reported he would make several options of schedule of assessments for the May meeting. The Board then can choose which one for the reconstruction in June. Reported receiving from Banning Engineering the new watershed. The area was displayed with the overhead projector. Total affected acres is 573.47. Less than one percent is out of the city limits of Crawfordsville. Total of 5.25 acres outside of city limits. The schedule of assessments to break down out of residential, commercial, Ag and impervious. The driving force for the scale of reconstruction is impervious surface runoff

Doug Mills – reported options are better.

Dave Rhoads – reported go forward with plan.

Tom Cummins – reported at May meeting will have information. This meeting room is not large enough to accommodate everyone. Inquired if they want the hearing to be at the regular meeting or hold a special meeting.

Dave Rhoads – inquired Mr. Cummins will have everything ready at May meeting.

Tom Cummins – reported at May meeting will have the schedule of assessments ready for the Board to select one for the June meeting.

Dave Rhoads – inquired if we could have a regular June meeting and special meeting for the William Shelley #706 reconstruction.

Tom Cummins – reported absolutely.

Dave Rhoads – reported have a regular meeting and a special meeting.

Doug Mills – reported special meeting should be at night.

Dave Rhoads – inquired of Board if having a regular meeting and a special meeting works for the Board in June.

Board - reported yes.

Dave Rhoads – inquired if we can keep on moving forward without the land purchases secured for the ponds.

Dane Taylor – reported believes we can move forward. These are damages and landowners will have to appeal if no agreement can be reached. This is a unique area. Board makes an order.

Dave Rhoads – inquired can landowners delay with an appeal.

Dan Taylor – reported possible. Can ask for a stay while their appeal is pending. The judge may or may not grant that. This is just money. Have day in court about money later.

Dave Rhoads – reported just thought about if it could be delayed because of it.

Dan Taylor – reported it is more likely than not to delay project.

Dave Rhoads – inquired if there was any comment from landowners.

Kent Priebe – inquired about getting information about how much it would cost each landowner. Had heard \$5,000.00 per acre.

Tom Cummins – reported if assessed at a flat, per acre rate, the estimate would be \$5,000.00 to \$6,000.00 per acre; and assured that those are soft numbers. A notice will be sent in mail with your parcel and the break down for your estimated assessment.

Kent Priebe – inquired about other funding.

Tom Cummins – reported that will happen at the reconstruction hearing.

Dave Rhoads – reported that he is finding issue after speaking with John Frey and Tom Klein with the new watershed and only one percent in the County. The County should not even get involved to find funding.

Kent Priebe – reported he was on City Council.

Dave Rhoads – reported that Mr. Priebe was in the position to ask the right people and to ask others about funding too.

Dave Rhoads – reported if it were 50/50, the position to fund it would be different. Since only one percent. We the Board cannot get into the position for searching for funding for every reconstruction.

Dave Rhoads – reported to give Tom Cummins the authority to make schedule of assessment options.

Doug Mills – reported the Federal Government has thrown out so much money the last three years and people are getting used to getting it. Need to get that idea out of our heads. Grants take time. This is a decade old project, put off and put off and has to be done.

Kent Preibe – reported at Condo meeting they were glad to see headway is being made.

Dave Rhoads – reported they are aware of the issues at the Condos.

Kent Priebe – reported wait for the hearing and thank you.

Steve Akers – First Baptist Church. Inquired if detention pond purchase to be separate.

Doug Mills – reported part of whole project.

Steve Akers – reported does not know the difference between detention and retention ponds.

Dan Taylor – reported part of the reconstruction process and if so what are the damages to landowners. We are going to make land un-useful. Normally land can be used for farming etc. Board has to make a determination in June as part of the reconstruction. Law gives an easement of seventy-five feet on both sides of the drain is automatic with no compensation. Construction basis cannot use land. Plan to buy and compensate owner. Other landowners not affected.

John Frey – reported Mr. Frey did not think deed would change. Just paying him for property.

Doug Mills – reported having to pay assessment to put tile in. It is all in the wording

Tom Cummins – reported justifiable damages.

Dan Taylor – reported damages are when land is not useable or less useable. Board is required to make that determination. Most are zero damages. We hardly ever make damage assessments. The assessment that all landowners pay is to capture all of the costs of the project for the reconstruction.

John Frey – reported estimate of cost of six parcels.

Tom Cummins – reported only two parcels to require easements purchase. Other parcels are easements. Only the property used for location of the ponds will be purchased.

John Frey – reported Banning Engineering is doing the acquisition for the land at an estimate of \$40,000.00 an acre for the ponds.

Tom Cummins – reported properties currently owned by Mark Wilson and First Baptist Church

Steve Akers – inquired about assessment for land; is it separate or is it all one project.

Dan Taylor – reported it is all one process. Would like to come to an agreement with landowners. If the landowners cannot come to an agreement, the Board will use appraisal price. Landowners have right to litigate later. Reconstruction order will contain all of the elements of the reconstruction. In June, if the Board makes all determinations they will award a contract in July or August. Health, Safety and Welfare, law says can be done. Flood control issue.

Steve Akers – inquired if there would be a public hearing for all landowners.

Dave Rhoads – reported at the June public meeting.

Steve Akers- inquired how it all takes place.

Tom Cummins – reported it would be like all other reconstruction hearings and will open up for discussion.

Dan Taylor – reported affected landowners will be contacted for ponds before hearing. Notice will go out in May for cost and break down at least thirty days before hearing. Public comment at hearing.

Dave Rhoads – reported first meeting for **William Shelley #706** drain was a large meeting and landowners thought it was only one in City but was not the case.

Dan Taylor – reported Board could continue it to another night or make a decision that night. Sometimes more information is given for a continuation. When the County Drainage Board does drainage in County, most of the farmers understand the statue process is designed to enhance agricultural. I represent Cities with a different point of view. This could have been dealt with differently with City managing this as Stormwater but that has not happened. The Board would have liked to never heard of the **William Shelley #706**. The law says the Board must deal with the issue. The Board has jurisdiction over all regulated drains in County. For example, one of his clients is Avon, Indiana they did not like the way their Drainage Board dealt with their drainage in City. They asked their Drainage Board to cede of all their legal drains within the City limits to them. Their County did it. This has been an issue for years, decades, but the City did not do that. The City could contribute money to relive its citizens of a heavy assessment, but that has not happened either. The Board has no choice, has to make it work, as no one else will touch it.

John Frey – reported we're not political; we are here to fix problems. That is what we are tasked with. Politics are obviously involved in this. That is not our job.

Dan Taylor – reported the Board knows there is a flooding issue and if they do nothing they could be liable. Reported last resort to go into City; not the best option to relieve flooding. Tom Klein, Avon wanted to be in charge in City stormwater.

Steve Akers – inquired no contribution from City is that what I heard.

Dan Taylor – reported none from City.

Kent Priebe – reported the thought was that the City was going to pay for the retention pond.

Dave Rhoads – reported was intended to be done by the street department, however, the project cannot be pieced out for reconstruction; it's all one project.

Kent Priebe – inquired if City does not contribute will come back on landowners.

Tom Cummins – reported approximately \$300,000.00 will come from INDOT, for the work in their right of way.

Dan Taylor – reported funding with grants would delay a year or two. City can appropriate money and gave the City a deadline of March 15, 2023; no commitment as of April 12, 2023.

Kent Priebe – reported believes that is true.

Dan Taylor – reported with flood control and health issues in agricultural County has put in some money to make it work with grants. Hoped to give different answer. The Board's job is to solve the problem. Big expensive fix.

Tom Cummins – reported the Army Corps of Engineers looked into the project back in the 1980's. Their estimate was not much less than price now. Working on it for the last fifteen years.

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John Frey – reported being on the Board the last six years. Work has been done behind Kroger to State Rd 47. Now have an outlet.

Dave Rhoads – reported work in progress. We have had Ag issues in reconstructions with same kind of questions. We have done a lot of reconstructions. Once it has been explained to everyone, they understand. Can count on one hand the landowners that have had issues.

Dan Taylor – reported the Drainage law states 100% to be paid by landowners unlike stormwater. The Board exists to break ties.

Tom Cummins – reported “as justice requires” is the verbiage in Code.

Dan Taylor – reported it is not a democracy, about neighbors flooding. Ag landowners solve my problem but I do not care about the others. Even if every landowner says, it is stupid. Board has a job to prevent flooding.

Dave Rhoads – reported by holding up the Indiana Drainage Code handbook if anyone would like to read it.

Dan Taylor – reported Title 36 is the longest section in the Indiana Code over 100 sections. Can make order to do nothing.

Dave Rhoads – reported the Board could just vacate and all the problems would come back to the City. That is not our goal. I have been involved almost as long as Tom Cummins has. Ready to see finished project.

Steve Akers – reported that was a lengthy explanation with good information.

Dave Rhoads – reported he wished the room were full to all to be informed.

Tom Cummins – reported will have to go through all this at the hearing again.

Tom McMurry – reported is Chairman of the board of Trustees at the First Baptist Church and thanks the Board for their work. Reported a more mature lady came up to him at church and said he would be her hero if he can get it fixed. Inquired about who would own the detention pond.

Dan Taylor – reported it could be either the church or the County. Could be a fee-simple transaction

Tom McMurry – reported prefers that the County would own it because of liabilities.

Dan Taylor – reported the church insurance agency would be, too.

Dave Rhoads – inquired if the ponds will be wet or dry.

Tom Cummins – reported will not have water all the time with a wet bottom. That is why you have heard retention and detention for the ponds. Retention ponds are always full. These will not always be full.

Dave Rhoads – inquired will there be a fence.

Tom Cummins – reported yes.

Matt Mitchell – inquired about the contour of ponds.

Tom Cummins – reported ten feet deep with bank and over flow pipe.

Matt Mitchell – inquired about if the area would be kept up by mowing.

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Tom Cummins – reported it will be mowed but not for aesthetics.

Matt Mitchell – inquired if it will be sprayed for trees.

Tom Cummins – reported yes.

Doug Mills – inquired could an additional assessment be for maintenance of grounds around ponds.

Tom Cummins – reported all that will be figured into the maintenance assessment. The original assessment was collected for investigation. Will call the Board for an assessment hearing.

Tom McMurry – inquired will there be a fence or not.

Tom Cummins – reported yes.

Dave Rhoads -- reported the next meeting will be May 10, 2023 at 9:30 a.m. at the Montgomery County Government Center.

Tom Cummins – reported the schedule of assessment options will be ready for breakdown for the Board at that meeting for the Board's review. Once the hearing is set, the letters will go out signature confirmation. Not picking up your notice does not waive your assessment.

Vicki Emmert – reported the office can check to see who signs for the mailing or not if required. Sometime landowners report they never receive it.

Other Business

None

New Business

None

Public Comment

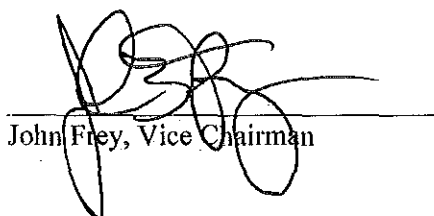
None

John Frey moved, seconded by Doug Mills to adjourn the meeting at 10:38 a.m. Motion carried 4-0.

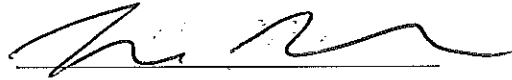
Vicki Emmert,

Recording Secretary

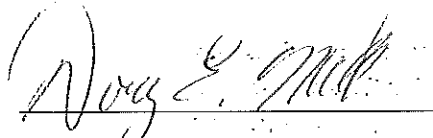

David Rhoads, Chairman


John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

Montgomery County
Drainage Board Meeting

May 10, 2023

The Montgomery County Drainage Board met on Wednesday, May 10, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

Chairman Dave Rhoads, followed by the Pledge of Allegiance, called the meeting to order.

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

Also, present were Steve Akers, Tom McMurry, Tom Klein, Brenda Foster, Todd Barton, Ben Cody, Stan Hamilton, DeAntha Wright-Thornburg, Tory Thornburg, Bill Jeffers, Andy Biddle and Bob Cox (Journal Review).

Approval of Minutes

John Frey moved, seconded by Doug Mills, to approve the April 12, 2023 minutes. Motion carried, 5-0.

Hearings

None

Petitions

Tom Cummins – reported receiving a petition to attach to the **Arthur Fraley 2 #709** from D-O LLC located in Madison Township. Used overhead projector to display the area. Mr. Cummins recommends approving the petition as submitted. **Lance Sennett moved, seconded by Dave Rhoads to approve the petition to attach to the Arthur Fraley 2 #709 as submitted. Motion carried, 5-0.**

Old Business

William Shelley #706 Reconstruction update

Tom Cummins – reported on gathering numbers and information to put together a schedule of assessments that makes sense and at this point, has been unable to do that. Surveyor recommends an assessment based on an impervious surface metric, and has submitted a request to the Crawfordsville Stormwater Dept., for impervious surface data from the watershed area. The method of assessment used for the **Foster Fletcher #573** will not work for this project, as it was primarily agricultural with a small amount residential and commercial. The **William Shelley #706** is more residential, commercial, industrial with very little agricultural. No hearing can be set today.

Dave Rhoads – opened the **William Shelley #706** to the public for comments.

DeAntha Wright-Thornburg – spoke of her concerns

Dave Rhoads – reported with some history of the **William Shelley #706** concerning when it was put back on assessment.

Tom Cummins – reported just recently received the necessary programming to upload “keyword searchable” minutes to the County website. There is no lack of transparency of the minutes to the public. They are always available in the office.

Dave Rhoads – reported we are still in the process of creating an assessment rate. At this point in time it cannot be given out.

Tom Cummins – reported uploading the minutes on line is a curtesy and not required by law.

Mayor Todd Barton – addressed the Board, acknowledged the problems of the William Shelley drain, and discussed possible funding sources. The City is willing to be a partner, with an inter-local agreement between the City and the County. Willing to contribute significantly to make this project happen.

Requests that the Board designate a member to work with the City, to spell out the parameters.

John Frey – We could vacate this drain and you can take charge of the problem.

Dave Rhoads – How long to get an answer on funding. Expressed concern about why the City has not looked into funding, after being a part of this plan over the last few years.

Mayor Todd Barton – was suggesting the County look for funding, not the City

Dave Rhoads – explained how the County secured grant funds for the **Claude Moody #583** drain, in Mace; explained the difference; because Mace is unincorporated, the County is the governmental body in Mace. The Shelley drain is almost entirely within the City limits. Asks the Mayor if they have pursued any grant monies.

Mayor Todd Barton – unable to secure grant funds for a County project, they are ineligible.

Doug Mills – expressed concern that every time we get to the point of getting something done with this drain, something stops us.

Mayor Todd Barton – confirms that the inter-local agreement will fix this problem.

Dave Rhoads – reports that the Army Corps of Engineers estimated this project cost at approximately three million dollars, back in the 1980’s.

Tom Cummins – cautions the Board that any delay could result in an increase to the estimate, based on the current market forces.

Tom Klein – reports that the County Commissioners have authorized \$250,000.00 from the American Rescue Plan Act Fund to be utilized for this project.

Tom Cummins – reports that the Commissioner’s appropriation and the INDOT reimbursement were both reflected in the spreadsheet balance.

Dan Taylor – reported that the Board has some time, and recommends appointing a member to work with the City.

John Frey – would need a deadline, if delaying the project to pursue grant money.

Dan Taylor – agrees and confirms that can be in the inter-local agreement.

Doug Mills – concerns about the project construction schedule, and the project being delayed for possibly a year. Reports that we have not had a heavy rain event in a while and the problems can be forgotten.

Dan Taylor – reported that it's possible that the City and County cannot come to an agreement, in which case the County can move forward as planned.

Tom Cummins – reported that the Board had an inter-local agreement with the City in the past, on the **Foster Fletcher #573 reconstruction**. TIFF funds were used to offset the costs to the landowners.

Dave Rhoads – appoints Doug Mills as liaison to work with the City.

Charles McFarland #545 – Reconstruction report

Tom Cummins – requests the Board change the date of their June meeting, from June 14th to June 21st, to allow for the necessary mailings for upcoming reconstruction hearings.

Doug Mills moved, seconded by John Frey, to move the Drainage Board meeting to Wednesday, June 21st, 2023 at 9:30 am at the Government Center in the Commissioners meeting room. Motion carried, 5-0.

Tom Cummins – reported that the initial design, estimate, and schedule of assessments are completed, and recommends setting a reconstruction hearing for the **Charles McFarland #545** at the June meeting. Explains that the reimbursement from INDOT is required by the Drainage Code.

Dan Taylor – clarifies that the drains were there first, and that is why reimbursement is required by the code.

Doug Mills moved, seconded by Matt Mitchell, to set a reconstruction hearing for the Charles McFarland #545, for June 21st, 2023 at 9:30 am at the Government Center in the Commissioners meeting room. Motion carried, 5-0.

Richard Virts #560 – Reconstruction report

Tom Cummins – reported that the initial design, estimate, and schedule of assessments are completed, and recommends setting a reconstruction hearing for the **Richard Virts #560** at the June meeting.

John Frey moved, seconded by Dave Rhoads, to set a reconstruction hearing for the Richard Virts #560, for June 21st, 2023 at 9:30 am at the Government Center in the Commissioners meeting room. Motion carried, 5-0.

James Wilson #588 – Reconstruction report

Tom Cummins – reported that the initial design, estimate, and schedule of assessments are completed, and recommends setting a reconstruction hearing for the **James Wilson #588** at the June meeting.

Lance Sennett moved, seconded by John Frey, to set a reconstruction hearing for the James Wilson #588, for June 21st, 2023 at 9:30 am at the Government Center in the Commissioners meeting room. Motion carried, 5-0.

Other Business

None

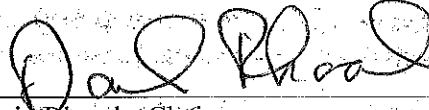
New Business

None

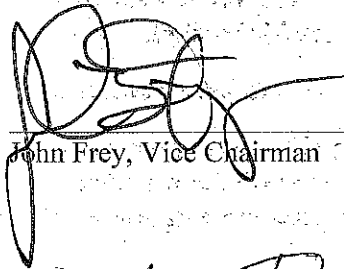
Public comment

Dan Taylor – reports that he will have a summary of any new legislation affecting the Drainage Board, at the next meeting.

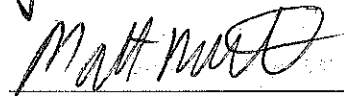
John Frey moved, seconded by Lance Sennett to adjourn the meeting at 9:58 am. Motion carried, 5-0.



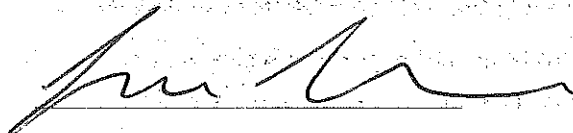
David Rhoads, Chairman



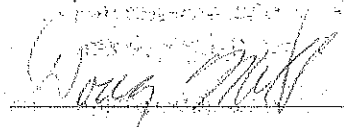
John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

**Montgomery County
Drainage Board Meeting**

June 21, 2023

The Montgomery County Drainage Board met on Wednesday, June 21, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present were William Jeffers, Cynthia Long, Ray Faber, Curt Thompson, Nadeara Dillon, Deantha Wright, James Rosen, Steve Akers, Paul Stewart, Dan Stewart, Jason Grimes, Nick Bell, Megan Purrell, Joe Miles, John Binder, Dan Booher, Randy McCormick, Mark Snyder, Kurt Priebe, Brenda Foster, Mark Barclay, Karen West, Michael Sowers, Dave Peach, Annette Peach, Rex Ballard, Rhoda Grimes, Vorina McDonald, Susan Weliever, Paul Parry, Andy Biddle, Chetra Whittinghill, Rita Stabler, Mark Wilson and Dan Gwin. Ten names were illegible.

Approval of Minutes

John Frey moved, seconded by Doug Mills, to approve the July 27, 2022 and May 10, 2023 minutes. Motion carried, 5-0.

Hearings

Charles McFarland #545

Tom Cummins – reported giving the report to the Board at the May 2023 meeting. Mr. Cummins then presented a review along with use of the overhead projector. The **Charles McFarland #545** drain was constructed in 1917, reconstructed in 1938. It is located in T18N, R6W, Sections 1, 2, & 12 in Ripley Township. The watershed consists of 290.51 acres. The tile length is 8,152 feet consisting of 8” 10” 12” 14” & 15” tiles. There is no open ditch. There are total of sixteen parcels with a maintenance assessment of \$4.78 an acre with a \$5.00 minimum. Annually collecting \$1,388.75.

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) 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 or changes.

(1) The existing **Charles McFarland #545** 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 **Charles McFarland #545** regulated drain, as submitted. A map was displayed with the overhead projector of the watershed.

Description	Quantity	Unit	Unit Price	Amount
Installation of 18" smooth-corr HDPE pipe	1933	LFT	\$24.00	\$46,392.00
Installation of 15" smooth-corr HDPE pipe	3491	LFT	\$19.00	\$66,329.00
Installation of 12" smooth-corr HDPE pipe	1665	LFT	\$16.00	\$26,640.00
Installation of 8 " smooth-corr HDPE pipe	773	LFT	\$12.00	\$ 9,276.00
Installation of 18" outlet with animal guard	1	EA	\$500.00	\$ 500.00
Destruction of existing tile	7862	LFT	\$ 2.00	\$15,724.00
Additional excavation	7801.85	CYD	\$ 3.00	\$23,405.55
Installation of 6" Hickenbottom breathers	4	EA	\$500.00	\$ 2,000.00
Engineering	1	EA	\$16,100.00	\$16,100.00
			Total	\$206,366.55
			15% contingency	\$ 30,954.95
			Total Estimated	\$237,321.53

The proposed watershed would be 300.06 acres in the watershed for an estimated per acre reconstruction cost of \$790.91.

The maintenance assessment will stay the same at \$4.78 an acre, with a \$5.00 minimum with an annual collection of \$1,437.37.

Don Mills- reported it needs to be done.

Mark Barclay – reported he is at top end and inquired about turning the 8" towards him, and inquired about the State Road 32 and about a bore and depths.

Tom Cummins – reported that INDOT would pay for the bore. Existing crossing at SR 32 is adequate, but will need a jack and bore at SR 25.

Doug Mills – inquired of Tom Cummins to explain why the State pays for the bores.

Tom Cummins – reported the Drainage Code requires that INDOT be responsible for any costs associated with replacement of a regulated drain crossing. Reason being, the regulated drain was there before the state road. Surveyor's estimate of portion to be paid by INDOT, is \$63,250.00.

Mike Sowers – inquired who repairs culvert pipe under the highway.

Tom Cummins – reported it would be INDOT.

Dave Rhoads – reported the bid could not be higher than the estimated amount of \$237,321.53.

Doug Mills moved, seconded by John Frey, to approve the Charles McFarland #545 reconstruction for \$237,321.53. Tom Cummins reported that he had sent copies of three objection letters to the Board: Motion carried, 4-0. Lance Sennett abstained.

John Frey moved, seconded by Matt Mitchell, to hold the Charles McFarland #545 bid letting at the Wednesday, July 12, 2023 Drainage Board meeting at the Montgomery County Government Center at 9:30 a.m. Motion carried, 4-0. Lance Sennett abstained.

Richard Virts #560 Hearing

Tom Cummins – reported the **Richard Virts #560** had been placed on the Long Range Plan for 2023. It was constructed in 1905, located in T18N, R6W, Sections 2,3,10, & 11 in Ripley/Wayne Township. There are 366.48 acres in the existing watershed with 9,350 feet of tile. Consisting of 6”, 8”, 10”, 12” and 15” tiles. There is no open ditch. There are seventeen parcels with an assessment rate of \$3.66 an acre with a \$5.00 minimum with an annual collection of \$1,353.23.

- (1) The existing **Richard Virts #560** drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. 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 **Richard Virts #560** drain.

The overhead projector was used to display the area.

Description	Quantity	Unit	Unit Price	Amount
Installation of 24” smooth-corr HDPE pipe	700	LFT	\$33.00	\$23,100.00
Installation of 18” smooth-corr HDPE pipe	2,283	LFT	\$24.00	\$54,792.00
Installation of 15” smooth-corr HDPE pipe	1,917	LFT	\$19.00	\$36,423.00
Installation of 12” smooth-corr HDPE pipe	2,217	LFT	\$16.00	\$35,472.00
Installation of 10” smooth-corr HDPE pipe	1,000	LFT	\$14.00	\$14,000.00
Installation of 8” smooth-corr HDPE pipe	418	LFT	\$12.00	\$ 5,016.00
Installation of 6” smooth-corr HDPE pipe	608	LFT	\$10.00	\$ 6,080.00
Installation of 24” outlet with animal guard	1	EA	\$500.00	\$ 500.00
Destruction of existing tile	9,143	LFT	\$2.00	\$18,286.00
Additional Excavation	3,159.26	CYD	\$4.00	\$12,637.04
Installation of “6” hickenbottom breathers	6	EA	\$500.00	\$ 3,000.00
Open ditch grading	70	LFT	\$5.00	\$ 350.00
Gravel road crossing @ Division Rd	1	EA	\$5,000.00	\$ 5,000.00
Engineering	1	EA	\$16,100.00	\$16,100.00
			Total	\$230,756.04
			15% contingency	\$34,616.41
			Total Estimate	\$265,369.45

The new proposed watershed would be 359.68 acres in the watershed.

The proposed maintenance assessment will stay the same at \$3.66 an acre, with a \$5.00 minimum with an annual collection of \$1,333.60. Estimated reconstruction assessment of \$737.79 an acre.

Reporting there are more tile holes every year. Riprap has filled the tile under State Road 32. Have tried to remove riprap over the years but it was not possible. INDOT will pay for the jack and bore under the highway.

Gary Moore – reported representing his Dad and himself. Has a map of hole in wheat field, will continue getting larger.

Tom Cummins – reported the tiles are over one hundred years old and when they are dug up they crack and break when repaired. Average cost per year to repair over the last eighteen years is \$1,274.00.

Tom Cummins – reported would like to install cattle panel gates in existing fences, to ensure access to the drain, in the future.

Randy McCormick - reported he represents the Suiters Farm. Inquired about metal structures on State Road 32.

Tom Cummins – reported INDOT plans to remove one culvert and increase the size of the adjacent culvert; clarified these are surface water structures.

Randy McCormick – reported water dumps into the metal structure and runs west.

Tom Cummins – reported it is not a County tile, as he has dye tested it and confirmed the outlet. The structure is for surface water. The tile is below the structure.

Randy McCormick – reported someone spent a lot of money to build this structure.

Doug Mills – reported it is more like a relief.

Craig Runyon – reported he believes it is private.

Tom Cummins – reported again, it has been dye tested and not the structure mentioned is not part of the regulated drain.

Dan Stewart – reported that he has no issues, the problem is downstream. \$28,000.00 is his part, and he believes it would be cheaper to repair issues at the bottom end.

Tom Cummins – reported the majority of the tile problems are located in the middle of the drain and cannot just repair the middle. Worst problem is at the SR 32 crossing.

Randy McCormick inquired about private tile put in the last fifteen years.

Tom Cummins – reported the existing regulated drain tile will be destroyed and will hook up laterals. The tiles are 120 years old.

Craig Runyon – reported as tenant farmer for Jason Grimes farm. In the last five or six years there has been huge holes. Eroded tile is exposed in places.

Tom Cummins – reported landowners are considering grassed waterways. Until the subsurface tile is repaired, cannot tell what surface water structures are needed.

Dave Rhoads – reported you can pay over five years or make one payment if you like.

Tom Cummins – reported how the process works with the Drainage Code.

Dan Taylor – reported interest rate is market rate. State Law is 10% rate.

Tom Cummins – reported some Counties have a large general drain improvement fund, which they use to fund reconstructions. We do not.

John Frey moved, seconded by Matt Mitchell, to approve the Richard Virts #560 reconstruction for \$265,360.45. Motion carried, 5-0.

John Frey moved, seconded by Matt Mitchell, to hold the Richard Virts #560 bid letting on Wednesday, July 12, 2023 Drainage Board meeting at the Montgomery County Government Center at 9:30 a.m. Motion carried, 5-0.

James Wilson #588

Tom Cummins – reported the **James Wilson #558** was constructed in 1892. It is located in T20N, R3W, Sections 7 & 18, T20N, R4W, and Sections 12 & 13 in Sugar Creek/Madison Townships. There are

520.17 acres in watershed, 5,807 feet of 7" 8", 10", 12", 15" and 18" tiles. The open ditch is 1,030 feet. There are 23 parcels. The current maintenance assessment is \$2.49/acre, with a \$5.00 minimum, which collect \$1,312.46 annually.

Per IC 36-9-27-34 (1)

(1) The existing James Wilson #588 drain does not perform the function for which it was designed because it fails to adequately drain all affected land under its current condition. 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 James Wilson #588 regulated drain, as submitted.

Description	Quantity	Unit	Unit Price	Amount
Installation of 24" smooth-corr HDPE pipe	1,303	LFT	\$33.00	\$42,999.00
Installation of 18" smooth-corr HDPE pipe	933	LFT	\$24.00	\$22,392.00
Installation of 12" smooth-corr HDPE pipe	3,648	LFT	\$16.00	\$58,368.00
Installation of 10" smooth-corr HDPE pipe	756	LFT	\$14.00	\$10,584.00
Installation of 24" outlet with animal guard	1	EA	\$500.00	\$500.00
Destruction of existing tile	6,640	LFT	\$2.00	\$13,280.00
Additional Excavation	1,203.7	CYD	\$5.00	\$6,018.50
Installation of 6" hickenbottom breathers	3	EA	\$500.00	\$1,500.00
Paved road crossing @ 1000 N	1	EA	\$8,000.00	\$8,000.00
Engineering	1	EA	\$14,350.00	\$14,350.00
			Total =	\$177,991.50
			15% contingency	\$26,698.73
			Total Estimate	\$204,690.23

The proposed watershed consists of 520.17 acres, with an estimated reconstruction assessment of \$393.51 per acre.

The proposed maintenance assessment will stay the same at \$2.49 an acre, with a \$5.00 minimum; with an annual collection of \$1,335.85.

Area is extremely flat and the tile needs to be larger, to make up for lack of grade. Received an objection letter from Curt Thompson.

Curt Thompson - reported he owns 114 acres and is currently purchasing 50 acres. He has the second highest amount of the assessment and does not have access to the reconstruction. It is a pretty high cost for him. If he does get access, it will cost everyone else more and that is a concern.

Tom Cummins - used the overhead projector to display Curt Thompson's property. As you can see Mr. Thompson's land does not have access to the regulated drain. Mr. Cummins believes it would be a good idea to add a new tributary with a change order to solve this.

Dave Rhoads - inquired how big of a tributary.

Tom Cummins - reported he calculated for a 12" tile estimated at 700 feet in length.

Curt Thompson - reported it is four years of wages for him, on the farm.

Doug Mills - reported the whole point is for everyone in the watershed to have access to the legal drain.

Inquired as to why it was not engineered into the plan in the first place?

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Tom Cummins – reported we do not dwell into each parcel. Curt Thompson contacted Mr. Cummins about this issue prior to the meeting and sat down to come up with an option. This was not a surprise today.

Dave Rhoads – reported he was glad Curt Thompson came to meeting and spoke up, as this will give him an outlet.

Tom Cummins – used the overhead projector to show possible new tile that will come across two fields and give access to both. Mr. Cummins said he spoke with the engineer and feels this will work. The contractor will be able to shoot grade to determine grade, depths, etc.

Dan Gwin – reported he tenant farms some of this, too. Believes Curt Thompson should have an outlet. Second or third generation farmers are getting caught with the cost of the reconstructions. It benefits all. It is a cost of ownership. Should have been done forty or fifty years ago. Has been involved with several reconstructions the last ten or twelve years and have been a great benefit.

Tom Cummins – reported he wished it could have been done two years ago. The estimated numbers have increased about 40% since then.

Curt Thompson – inquired of the Board if there were any more projects near him that he would be involved with, soon?

Tom Cummins – reported no reconstruction currently planned for the **Samuel Marsh #639** but a maintenance hearing in the future.

Doug Mills – reported there is a long-range plan, which sets a schedule for upcoming reconstructions.

Lance Sennett moved, seconded by Doug Mills to approve the reconstruction of the James Wilson #588 for \$204,690.23. Motion carried, 5-0.

Doug Mills moved, seconded by Lance Sennett, to hold the James Wilson #588 bid letting on Wednesday, July 12, 2023 Drainage Board meeting at the Montgomery County Government Center at 9:30 a.m. Motion carried, 5-0.

Dave Rhoads – reported to the Board, the **James Gilliland #519** findings and order were ready to sign.

Dan Taylor – reported it was already approved just to need sign the order.

Petitions

Foster Fletcher #573

Tom Cummins – reported he received a petition for variance from Mercury Real Estate Holdings LLC for a proposed asphalt parking lot, two asphalt driveway entrances, gravel lay-down area, and stormwater detention basin in the **Foster Fletcher #573** watershed. Used overhead projector to display the area. The Surveyor recommends approving the request, as submitted.

Doug Mills moved, seconded by Lance Sennett, to approve the petition for variance from Mercury Real Estate Holdings LLC, as submitted for the Foster Fletcher #573.

Tom Cummins – reported this is a concept plan.

John Frey -- inquired why the **Foster Fletcher #573** it is not an urban drain

Dave Rhoads – reported it is an urban drain.

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Motion carried, 5-0.

Foster Fletcher #573

Tom Cummins – reported receiving a petition to attach to the **Foster Fletcher #573** from Mercury Real Estate Holdings, LLC. The plan shows a 24” pipe outlet for the proposed detention area, and recommends approving the request, as submitted.

John Frey moved, seconded by **Dave Rhoads**, to approve the petition to attach to the **Foster Fletcher #573**, as submitted from Mercury Real Estate Holdings, LLC. Motion carried, 5-0.

Phillip Dewey #584

Tom Cummins – reported receiving a petition for variance to right-of-way from Vince and Susan Ricketts, for the **Phillip Dewey #584**. Used overhead projector to display the area. The Ricketts would like to install a wooden privacy fence along the property line, which would place it approximately 8 feet from the regulated drain tile. If we have to go in for repairs, this would be difficult to do. Mr. Cummins has met with the Ricketts, and explained it to them and recommends not approving it as submitted. Believes in the next five years will have to go in for repairs.

Doug Mills – inquired we could approve with the landowner knowing the expense would be on him for any repairs for fence if work had to be completed.

Tom Cummins – reported the issue is not only the fences but also the existing driveway and existing structures at time of work. Cannot prove when existing structures were put in and whether the Drainage Board approved them.

Dave Rhoads – reported this would be creating a gray area to work in.

Tom Cummins – reported the petitioners are not here today.

Doug Mills moved, seconded by **John Frey**, to deny the petition for a variance to right-of-way from Vince and Susan Ricketts for the **Phillip Dewey #584**. Motion carried, 5-0.

Old Business

William Shelley #706 – Consideration of Resolution #2023-1

Dave Rhoads – reported he enjoys when we have a crowd, he calls it Drainage 101; we oversee over 200 drains in County. Tom Cummins job has more to it than that. At the last meeting, the Mayor was present. An interaction committee was created to communicate about the issues and possible solutions.

Doug Mills – reported the **William Shelley #706** was constructed in 1906. In early 1960's it was removed from maintenance assessment. In 2010, it was put back on assessment. In the last thirteen years, the Board has worked on options to deal with the problem. Previously, five or six years ago, the first phase of reconstruction was completed. The next phase of reconstruction is estimated to cost over \$3,000,000.00. After meeting with the Mayor, he would like the city of Crawfordsville to take over the responsibility of the entire drain. There were conditions for the proposal. Over \$130,000.00 has been spent on engineering. The ditch is currently in debt. The reality is that if the drain was vacated, all existing easements are nullified, and the use of eminent domain would have to be used, which is costly and time consuming. Tom Cummins pointed out it could all be transferred to the City. The Board is willing to transfer the responsibility of the **William Shelley #706** to the City of Crawfordsville. The Board is not trying to walk away from it but only 5% is agricultural, outside of the City limits, and 95% is inside the City; best that the City takes care of it. The Mayor asked for a memorandum of understanding.

Dave Rhoads – inquired of Dan Taylor to explain.

Dan Taylor – reported of having a positive meeting and thanked Doug Mills. A transfer is better than a vacation. Section 20 of the code allows for a County to transfer jurisdiction of a regulated drain, if the City accepts. Stormwater fees are collected by all who live in the City. The current drain fund balances were explained. The negative balance of \$36,459.76 would be paid to the County, by the City, to create a zero balance by July 1, 2023. The County Drainage Board would transfer any fall settlements to the City by December 31, 2023. The regulated drain tiles and open ditch are all located within the City of Crawfordsville corporate limits.

Doug Mills – reported all the engineering plans will be transferred to the City and they will acquire the property for the proposed ponds.

Dan Taylor – reported there would be no assessment in 2024. New order for reconstruction is easier than eminent domain.

Dave Rhoads – inquired of the Board for comments.

There were no comments from Board.

Dave Rhoads moved, seconded by Lance Sennett, to relinquish responsibility of the William Shelley #706 to City of Crawfordsville in Resolution #2023-01.

Mayor Barton – reported development in past was done without adequate planning or retention ponds. Water flows from one property to another. Have been able to identify funding source to make it work so it will not be an assessment to the property owners. The City engineer has been working with Banning Engineers. Reported of possible east side development in the future. Thank you for considering this.

Annette Peach – reported lives on the Eastern Acres on Tranquil Trail concerns lies in old part, explained how contractor built a concrete hole for water to drain with a grate. Washes out to her place. Inquired who is responsible and accountable for water when the basement fills. The contractor building homes out there is not accountable to anyone. Pays \$6.00 monthly stormwater fee for probably ten years.

John Frey – reported part of approval in all new development, retention is part of the process and runoff will be reduced, through metered outlets as part of the stormwater plan.

Annette Peach – reported just a matter of time to when someone drowns in the free swim at the apartments.

Dave Rhoads – reported all new questions would go to the City in the future as of July 1, 2023.

Dan Taylor – reported we do subsurface drainage; this will be City.

Ray Faber – reported lives at 501 Louise Avenue lives across from John Beard school, and one of the legs runs under there. Excellent to let City take over jurisdiction. On Dunn Avenue, no storm drainage on new places. Nothing done last fifty years. Substandard development and streets, a lot of people in area cannot borrow money to for pay for work.

Nick Bell – reported he lives on 1504 East Main on three acres and supports the City taking over. Drain where he mows slowly eroding away.

Susan Weliever – reported she lives at 506 Binford St., lives in a habit for humanity house reported her concerns.

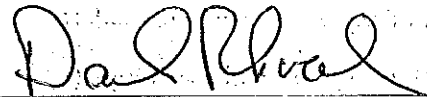
Mayor Barton – reported Susan Weliever’s property is not in the William Shelley #706. The Traction Road development will have run off control. We have a request for another one hundred homes, but that is tabled for now. Work in planning the William Shelley #706 and Traction Road traffic needs to be completed first. Engineering planning is ongoing for those projects. We to have a place for the drainage.

Motion carried, 5-0.

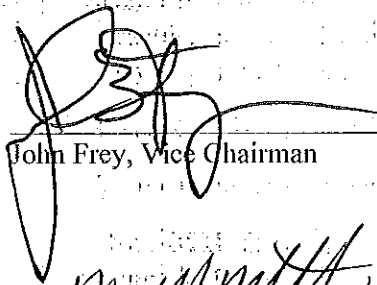
Tom Cummins – reported he would bring the drain classification report and long-range plan to the July meeting.

Lance Sennett moved, seconded by John Frey, to adjourn the meeting at 11:22 a.m. Motion carried, 5-0.

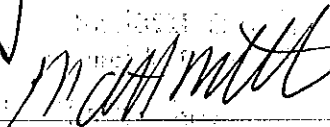
Vicki Emmert,
Recording Secretary



David Rhoads, Chairman

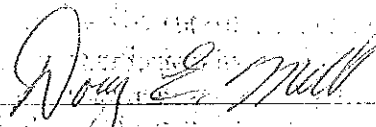


John Frey, Vice Chairman



Matt Mitchell, Secretary

Lance Sennett, Member



Doug Mills, Member

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**Montgomery County
Drainage Board Meeting**

July 12, 2023

The Montgomery County Drainage Board met on Wednesday, July 12, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present were Jacob Arthur, Chloe Maxwell, Suzie Ricketts, Don Mills and Brenda Foster.

Approval of Minutes

John Frey moved, seconded by Doug Mills, to approve the June 21, 2023 minutes. Motion carried, 4-0.

Bid Openings

Charles McFarland #545 Reconstruction

Tom Cummins reported the **Charles McFarland #545** will be completed in two phases; the bore under State Road 25 and the tiling were bid out separate.

Phase I bore under the road

Arthur's Excavating & Farm Drainage \$84,400.00

Phase II Tile installation

Arthur's Excavating & Farm Drainage \$191,715.00

Phase I

Riley Contracting Inc. from Norwalk Ohio

\$64,473.00

Recessed for the Surveyor to review the bids to confirm that they are responsive to the bid packet.

Tom Cummins – reported both bids were responsive. Mr. Cummins understands the bid is higher for Phase I. Recommends awarding Phase I and Phase II bids to Arthur's Excavating rather than splitting the project up.

John Frey – reported his assumption is Riley is working in area. Inquired of Jacob Arthur if he had worked with Riley Contracting.

Jacob Arthur – reported he had not.

John Frey – reported it is a time issue when the Surveyor is ready to do the bore. Inquired what the timeline is.

Tom Cummins – reported the deadline is October 1, 2023.

John Frey – inquired if there was a representative here today from the company.

No representative was present.

John Frey – reported that is a big number. It is a \$20,000.00 savings towards the projects.

Tom Cummins – reported the **Charles McFarland #545** reconstruction was approved for a proposed amount of \$237,321.53. The engineers estimate for the bore was \$104,707.50 both bids were well under their estimate.

Doug Mills – inquired were there any landowners present from the **Charles McFarland #545** drain.

Don Mills – reported he will yield to the wisdom of the Drainage Board. It will cost us more and weigh that against the timeliness and being local, he understands.

Tom Cummins – reported this portion will be paid by INDOT for Phase I and does not affect the estimate for the reconstruction.

Dan Taylor – inquired of Tom Cummins based upon the bid you received from Riley Contracting do you have any information on their work skill and experience.

Tom Cummins- reported Mr. Cummins does not. The bid packet requests information about the bidder and there is nothing but the bid received from them. Never worked with them.

Doug Mills – reported it is always best to work with local and state if possible.

Dan Taylor – reported as a Board, you are required to award work to the lowest bidder that is qualified. The Board must determine if they are qualified, one is the complexity and magnitude of work and the second is skill and experience of the bidder. That is why we ask the bidder to provide that information about their skill and experience. Mr. Taylor recommends rejecting their bid as not being qualified and then you may award bid to the other bidder. That is the appropriate step to take.

Tom Cummins – reported that INDOT approved the bore estimate from engineers.

Dave Rhoads – inquired of wording of motion.

John Frey moved, second by Matt Mitchell, to reject the bid from Riley Contracting for the Charles McFarland #545 reconstruction as is not qualified based on lack of information of skill and experience. To award the contract to Arthur's Excavating and Farm Drainage for \$84,000.00 for Phase I and \$191,715.00 for Phase II, subject to posting of a performance bond for amount of bid. Motion carried, 4-0.

Richard Virts #560 Bid Opening

Tom Cummins – reported receiving one bid each for Phase I and Phase II of the **Richard Virts #560**.

Phase I bore under State Road 32.

Arthur's Excavating and Farm Drainage \$98,200.00

Phase II tile installation

Arthur's Excavating and Farm Drainage \$215,585.50

Tom Cummins – reported the proposed estimate was \$214,656.04 for Phase II and Phase I bore \$76,000.00. The engineers estimate for bore was \$120,865.00

Tom Cummins – requested a recess to review the bid

Tom Cummins – reported the bid was responsive to the bid packet and recommends the Board approve the bid to Arthur's Excavation and Farm Drainage for \$98,200.00 Phase I and \$215,585.50 for Phase II, subject to posting a performance bond.

Doug Mills moved, seconded by John Frey, to award the bid to Arthur's Excavation and Farm Drainage for the Richard Viris #560 reconstruction for Phase I \$98,200.00 and Phase II \$215,585.50 subject to posting a performance bond for bid. Motion carried 4-0.

Dave Rhoads – inquired what the deadline for work to be completed is.

Tom Cummins – reported October 1, 2023.

James Wilson #588

Tom Cummins – reported receiving one bid.

Maxwell Farm Drainage Inc. \$179,754.00

Tom Cummins – reported the Surveyor's estimate was \$163,641.50.

Tom Cummins – requested a recess to review the bid.

Tom Cummins -- reported the bid was responsive to the bid packet and recommends awarding the bid to Maxwell Farm Drainage for \$179,754.00 subject to posting a performance bond.

Dave Rhoads – inquired about the total cost of reconstruction.

Tom Cummins – reported it includes the engineering costs and 15% contingency that was approved at the May meeting for \$204,690.23. After discussion with the attorney, it falls under the allowances of the code.

Doug Mills moved, seconded by John Frey, to award the bid to Maxwell Farm Drainage Inc. for the James Wilson #588 reconstruction for \$179,754.00 subject to posting a performance bond for bid. Motion carried, 4-0.

New Business

Tom Cummins – presented the Board with the 2023 Drain Classification and Long Range Plan Reports.

Doug Mills – inquired about the 2024 reconstructions

Tom Cummins – reported

Chrineyance Schenek #506 - bore and tile

John Gobin 2 #520 -- tile

James Grimes #521 -- tile

Fred Maxwell #585 – bore and tile

Roy Harper #592 – Reconstructed downstream end in 2016, upstream only affects a few landowners

Francis Hoss #625 – tile south of Crawfordsville, across from Bane Equipment

Tom Cummins – reported recommended adopting the reports.

John Frey moved, seconded by Dave Rhoads to adopt the 2023 Drain Classification and Long Range Plan reports. Motion carried, 4-0.

Tom Cummins – reported a request to transfer spring settlement money from maintenance to improvement for \$45,389.13 for the listed drains presented to Board.

Doug Mills moved, seconded by John Frey, to approve the transfer from maintenance to improvement for \$45,389.13. Motion carried, 4-0.

Tom Cummins – presented the Board with a letter of support to the Soil and Water to apply for an IDEM 319 grant for conservation project implementation for the Sugar Creek Watershed, for \$5,500.00.

John Frey moved, seconded by Matt Mitchell, that Chairman Dave Rhoads sign the letter of support that Soil and Water may apply for the IDEM 319 grant. Motion carried, 4-0.

Public Comment

Susan Ricketts 10508 N 350 W New Richmond spoke of her concerns of not being able to put up a privacy fence on the easement of the **Phillip Dewey #584**, her view, tree stumps, dead trees, money spent and possible constructing a shed to block her view of neighbor.

The Board, Surveyor and attorney discussed her issues after Mrs. Ricketts left.

Dan Taylor – reported it is not legal what Susan Ricketts wants Board to do as the tree removal is not necessary for the project. She may file to encroach the easement with a shed.

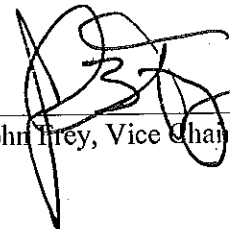
John Frey moved, seconded by Dave Rhoads, to adjourn the meeting at 10:15 a.m. Motion carried, 4-0.

Vicki Emmert,

Recording Secretary



David Rhoads, Chairman



John Frey, Vice Chairman

Matt Mitchell, Secretary

Lance Sennett, Member

Doug Mills, Member

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**Montgomery County
Drainage Board Meeting
September 13, 2023**

The Montgomery County Drainage Board met on Wednesday, September 13, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present were Brenda Foster and Heather Laffoon.

Approval of Minutes

Doug Mills moved, seconded by John Frey, to approve the July 12, 2023 minutes. Motion carried, 5-0.

Petitions

None

Old Business

James Wilson #588 Reconstruction

Tom Cummins – presented a contract change order for approval. Reported at the James Wilson #588 reconstruction hearing, one of the landowners requested a new tributary be constructed to provide him an outlet on his property. The change order includes the installation of the new tributary and the connection of the other private laterals found during construction. The change order is as follows:

Quantity	Unit	Description	Rate	Amount
802	LFT	12" smooth-corr HDPE pipe	\$20.00	\$16,040.00
30	LFT	10" smooth-corr HDPE pipe	\$15.00	\$450.00
760	LFT	Destruction of existing tile	\$1.00	\$750.00
1	EA	Paved road crossing	\$5,000.00	\$5,000.00
12	EA	6" lateral connection	\$500.00	\$6,000.00
3	EA	8" lateral connection	\$750.00	\$2,250.00
1	EA	10" lateral connection	\$1,000.00	<u>\$1,000.00</u>
				Total= \$31,500.00

Mr. Cummins recommends approving the contract change order.

John Frey moved, seconded by Doug Mills, to approve the change order for the James Wilson #588 for \$31,500.00.

Brenda Foster – inquired what size was the pipe for the 802 feet.

Tom Cummins – reported it is 12”.

Motion carried, 5-0.

Tom Cummins – reported \$211,254.00 would be the final payment amount to the contractor for the reconstruction of the **James Wilson #588**.

Doug Mills moved, seconded by Lance Sennett, to approve the final payment to the contractor for the James Wilson #588 reconstruction for \$211,254.00. Motion carried, 5-0.

New Business

Tom Cummins – reported the Foxes Run Subdivision is north of North Montgomery School. Foxes Run Subdivision has received secondary plat approval from the Plan Commission. Today we are to establish the Foxes Run drain as a regulated drain.

John Frey – inquired we are approving the plan or what.

Dan Taylor – reported the Board to approve as a legal drain, it has already received stormwater and zoning approvals.

John Frey moved, seconded by Matt Mitchell, to approve as a new legal drain, the Foxes Run Subdivision drain. Motion carried, 5-0.

Doug Mills – inquired if according to the health code do the lots have to be one-acre lots.

Tom Cummins – reported yes, anything that requires a septic has to be a one-acre lot.

Doug Mills – inquired if you have city water can you have smaller lots.

Tom Cummins – reported city sewer affects the size of lot not water.

Doug Mills – inquired if water is brought in then can you have smaller lots.

Dan Taylor – reported there is a standard code to size of lots.

Dave Rhoads – inquired if each would have their own septic and water.

Tom Cummins – reported yes.

Tom Cummins – reported an assessment hearing should be set for the Foxes Run Subdivision Drain for November 8, 2023.

Dave Rhoads – inquired who would come to the meeting.

Tom Cummins – reported the current owner; and as lots are sold, the lots would be then put on individual assessment.

Doug Mills – inquired if the hearing should be moved to December 2023 because of harvest.

Tom Cummins – reported he would then recommend changing the date from November to December 13, 2023.

Dave Rhoads moved, seconded by John Frey, to hold the assessment hearing for the Foxes Run Subdivision drain to December 13, 2023. Motion carried, 5-0.

Other Business

Tom Cummins – reported there are drain reconstructions that were completed in phases. Would like to discuss whether we should invite the landowners in for a discussion as to how the drains are functioning now or just move forward. All are different and have different scenarios. The drains initial reconstructions have either have been paid off or will be in 2023.

John Frey – reported the phases should never have happened and to move forward.

Doug Mills – reported an information meeting would be a good.

John Frey – reported he disagreed with having an informational meeting.

Dave Rhoads – inquired of Matt Mitchell what his thoughts were.

Matt Mitchell – reported he could see both sides of the issue.

Tom Cummins – reiterated; there are different scenarios. Using the overhead to display the **Edward Berry # 593** on Division Road and **Joseph Conway #700** has many tributaries for examples. There is lots to discuss, as to what is working better now, what to focus on next, etc.

Lance Sennett – reported there is a major problem on the **Joseph Conway #700** in one section.

Tom Cummins – reported grade and size.

Lance Sennett – reported starting to back up and taking up fifteen acres now.

Tom Cummins – reported on the upstream area have had conversations with Clark Sennett over the years. Some of the engineers did full designs and others not.

Lance Sennett – reported that near Brian Smith’s area there is a problem.

Tom Cummins – reported using the overhead projector, showing the areas the Surveyor already knew about. Not sure about all the tributaries.

Lance Sennett – reported he had not seen anything in that area.

Dave Rhoads – reported the Board should have landowner information meetings, at the Surveyor’s discretion.

John Frey – reported he now agrees.

Tom Cummins – inquired if the meetings should be held in the day or evening.

Dave Rhoads – reported it depends on the season.

Tom Cummins – reported December or January or after harvest.

Dave Rhoads – reported during the day.

Dave Rhoads – inquired if there was any public comment.

There was none.

Dave Rhoads – inquired about what was on the agenda for October.

Tom Cummins – reported possibly a housing development that will affect the Clarence Widener # 582 drain. Does not have a timeline when they will have all the information to him. Recommends we keep the regular meeting scheduled for now, and will send out an email when more information is received.

Dave Rhoads – reported if nothing earth shattering, then to cancel meeting.

Vicki Emmert – inquired about the two current reconstructions.

Tom Cummins – reported they could be approved at any time.

Dave Rhoads – inquired if they are done.

Tom Cummins - reported Richard Virts #560 will be completed in the next day or two and the Charles McFarland # 545 the bore is complete.

Tom Cummins – reported Heather Laffoon from the treasurer’s office was here today. Ms. Laffoon went to bat for the Drainage Board with the bank and we are now receiving triple the interest rate. This money will go into the General improvement fund. (Funds without Drains #400).

John Frey – reported that has taken some effort from Heather Laffoon to make this happen.

Heather Laffoon – reported speaking with Vicki Emmert earlier about reconstructions. We have put out a letter to reconstruction landowners to help them understand and slow down the coming into office.

Tom Cummins – reported years ago actual drain names used to be put on the property tax papers that were sent out to landowners. Inquired if it possible to be able to do that again. Said past treasurer said it would be an additional page and did not have money in budget. Some farmers pay on several drains and come into Surveyor’s office to get a break down. Will set up a meeting with treasurer’s office to discuss.

Heather Laffoon – reported she would look into it for the Board, as there are State requirements.

Doug Mills – reported a letter sent out about future reconstructions would be helpful to landowners.

Dan Taylor – reported a request this year was made for budget for money for the general improvement fund.

Tom Cummins – reported \$50,000.00.

Dan Taylor- reported to help pay for engineering etc.

Dave Rhoads – reported he thought other Counties do this.

Dan Taylor – reported Tom Cummins explained it well to the County Council. Glad it will be in the budget.

John Frey – reported it is pro-active, forward looking Council.

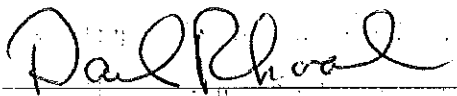
Tom Cummins – reported this would help in transferring settlements in the future instead of playing catch up and making transfers twice a year, only one in future, possibly. Maybe able to fund small reconstructions without borrowing money from a bank.

John Frey – reported 10% interest in code.

Tom Cummins – reported I am sure code would be adjusted if it goes above 10%.

John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:05 a.m. Motion carried, 5-0.

Vicki Emmert,
Recording Secretary

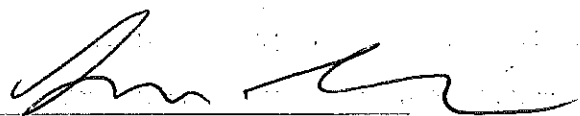


David Rhoads, Chairman

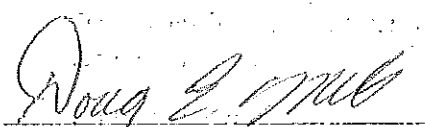


John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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**Montgomery County
Drainage Board Meeting**

October 25, 2023

The Montgomery County Drainage Board met on Wednesday, October 25, 2023, at 9:00 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present was Heather Laffoon, Treasurer.

Approval of Minutes

John Frey moved, seconded by Lance Sennett, to approve the September 13, 2023 minutes. Motion carried, 4-0.

Petitions

None

Old Business

James Wilson #588 Reconstruction

Tom Cummins – reported and presented the **James Wilson #588** final schedule of reconstruction assessments to the Board.

Total Watershed Acres = 520.17
Maintenance Assessment per Acre = \$2.49
Minimum Maintenance Assessment = \$5.00
Total Annual Maintenance Assessment = \$1,335.85
Total Cost of Reconstruction = \$236,948.16
Total Reconstruction of Assessment per Acre = \$455.52

John Frey moved, seconded by Lance Sennett, to approve the James Wilson #588 final schedule of reconstruction assessments. Motion carried, 4-0.

Charles McFarland #545 Reconstruction

Tom Cummins – presented the contract change order for the **Charles McFarland #545**. The overhead projector displayed the information.

Description	Quantity	Unit	Unit Price	Amount
Installation of 10" smooth-wr HDPE pipe	622	LFT	\$10.50	\$6,531.00
6" laterals	9	EA	\$500.00	\$4,500.00
8" laterals	1	EA	\$1,000.00	\$1,000.00
12" laterals	2	EA	\$1,200.00	\$2,400.00
			Total	\$14,431.00

John Frey moved, seconded by Lance Sennett, to approve the Charles McFarland #545 contract change order for \$14,431.00. Motion carried, 4-0.

Tom Cummins – recommended the Board approve the final payment to the contractor for the **Charles McFarland #545** reconstruction.

Phase I = \$100,200.00 Bore under State Rd 25

Phase II = \$206,146.00 Tile installation

Doug Mills moved, seconded by Lance Sennett, to approve the final payment to contractor for the Charles McFarland #545 for \$306,346.00.

Dave Rhoads – inquired if Arthur Excavating did the work.

Tom Cummins – reported yes. Mr. Cummins used the overhead projector to display the area. The proposed bore under the road with an 18” tile was determined to not be feasible; due to sandy soil and large rocks. It was decided to use a 30” tile. Waiting on INDOT before presenting the final schedule of reconstruction as still negotiating with the cost of the 30” tile. **Motion carried, 4-0.**

Tom Cummins – reported would like to keep the **Charles McFarland #545** on the agenda for November meeting for the approval of the final schedule of reconstruction assessments.

Richard Virts #560 Reconstruction

Tom Cummins – presented the contract change order for the **Richard Virts #560**. The overhead projector was used to display the information.

Description	Quantity	Unit	Unit Price	Total
8” smooth-corr HDPE pipe	(418)	LFT	\$10.50	(\$4,389.00)
6” laterals	23	EA	\$500.00	\$11,000.00
8” laterals	2	EA	\$1,000.00	\$2,000.00
			Total	\$9,111.00

John Frey moved, seconded by Lance Sennett, to approve Richard Virts #560 change order for \$9,111.00. Motion carried, 4-0.

Tom Cummins – recommended the Board approve the final payment to the contractor for the **Richard Virts #560** reconstruction.

Phase I = \$131,600.00 Bore under State Rd 32

Phase II = \$223,738.00 Tile installation

John Frey moved, seconded by Lance Sennett, to approve the final payment to the contractor for the Richard Virts #560 reconstruction for \$355,338.00.

Dave Rhoads – inquired who pays for the bore under the State Highway.

Tom Cummins – reported the code states when it is in their right of way, the State pays for it. They have to agree to the final costs. Waiting for approval.

Dave Rhoads – inquired they have paid for previous bores.

Tom Cummins – reported yes.

Motion carried, 4-0.

Tom Cummins – reported would like keep the **Richard Virts #560** on the agenda for November meeting for the approval of the final schedule of reconstruction assessments.

New Business

None

Other Business

Dave Rhoads – inquired if we had ever received the money from the City of Crawfordsville for the **William Shelley #706** drain.

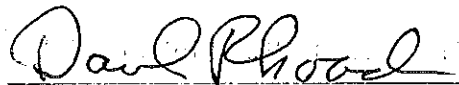
Tom Cummins – reported yes, and after fall settlement, we will completely settle with the City.

Dave Rhoads – reported the next meeting would be on Wednesday, November 8, 2023 at 9:30 a.m. in the Montgomery County Government Center.

Dave Rhoads moved, seconded by John Frey, to adjourn the meeting at 9:17 a.m. Motion carried, 4-0.

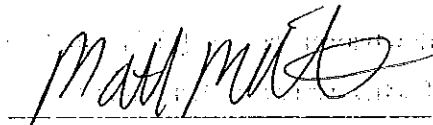
Vicki Emmert,

Recording Secretary

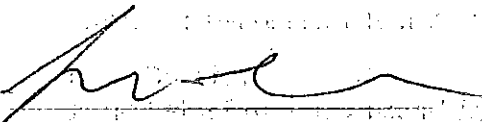


David Rhoads, Chairman

John Frey, Vice Chairman



Matt Mitchell, Secretary



Lance Sennett, Member

Doug E. Mills

Doug Mills, Member

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**Montgomery County
Drainage Board Meeting**

November 8, 2023

The Montgomery County Drainage Board met on Wednesday, November 8, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present was Phil Rice.

Approval of Minutes

Lance Sennett moved, seconded by Matt Mitchell, to approve the October 25, 2023 minutes. Motion carried, 4-0.

Petitions

Harrison Doyle #617

Tom Cummins -- reported receiving a petition requesting a variance to the right-of-way for the Harrison Doyle #617 from INDOT. INDOT is planning to replace an 11 ft. x 6 ft. box culvert under State Road 47. The TV monitor displayed the area.

Dave Rhoads -- inquired where it was.

Tom Cummins -- reported south of Crawfordsville near 700 South.

Dave Rhoads -- inquired what is the time frame.

Tom Cummins -- reported not sure, maybe this fall.

Lance Sennett moved, seconded by Matt Mitchell, to approve the petition for a variance to the right-of-way for the Harrison Doyle #617 from INDOT as submitted. Motion carried, 4-0.

Old Business

Charles McFarland #545 Reconstruction

Tom Cummins + presented the Board the Contract Change Order for the Charles McFarland #545 reconstruction.

Quantity	Unit	Description	Rate	Amount
1	LS	Increase pipe size from 18" to 30"	\$15,800.00	\$15,800.00
135	LFT	Grout existing tile	\$10.00	\$1,350.00
2	EA	Installation of 48" manhole for bore	(\$500.00)	(\$1,000.00)
1	EA	Settlement monitoring plan	\$7,000.00	\$7,000.00
		Total		\$23,150.00

22

Tom Cummins – reported in the past there has never been a settlement-monitoring plan required. There is more work required by the engineer, pre & post construction. Mr. Cummins contacted INDOT and they reported this has always been the case. We did not know and was not included in the bid, from now on will be included in cost. This is INDOT's responsibility.

Doug Mills – inquired why the change in pipe size from 18" to 30".

Tom Cummins – reported when contractor excavated the area they went found sand with head-sized boulders in area. The rocks would bind the auger. With a larger pipe, the auger could be removed and a person could crawl in and remove the rocks. This was worked out with the engineer and INDOT. The Surveyor recommends approving it.

Doug Mills moved, seconded by Dave Rhoads, to approve the change order for the Charles McFarland #545 reconstruction.

Dave Rhoads – inquired about the \$7,000.00 payment to INDOT

Tom Cummins – reported it is the engineering required to complete the settlement monitoring plan that is required by INDOT. In the future, this will be included in the estimate.

Motion carried, 4-0.

Tom Cummins – presented the Board with the final reconstruction schedule of assessments for the **Charles McFarland #545**.

Total Watershed acres = 300.06

Maintenance Assessment per acre = \$4.78

Minimum Maintenance Assessment = \$5.00

Total Annual Maintenance Assessment = \$1,437.37

Total Cost of Reconstruction = \$233,426.13

Total Reconstruction Assessment per Acre = \$777.93

Tom Cummins – reported the original estimated cost of reconstruction was \$237,321.53.

Tom Cummins – reported if INDOT does not agree to pay the difference of 18" to 30" tile not sure about the schedule of assessments. Mr. Cummins contacted INDOT immediately when finding there was an issue with the tile size. Explained INDOT's responsibility, based on the Drainage Code.

Dan Taylor – recommended to send a bill to INDOT as the code says they are to pay it and the Board should not budge on the issue.

Dave Rhoads – inquired if INDOT was okay with the increased pipe size.

Tom Cummins – reported giving an estimate is only an estimate and does not include the unforeseen. The increased pipe size was necessary. Never expected INDOT to complain about cost.

Dave Rhoads – inquired when you decided to upgrade the size of pipe. You contacted engineer and they were okay with it.

Tom Cummins – reported yes. Five or six years ago when INDOT asked for estimates of the projects. Mr. Cummins reported to INDOT they are only estimates, as we have not done the engineer work two

years ahead of time. They only wanted estimates for budgeting purposes, which he was okay with. Believes in the future we can work a plan better to side-step some of these issues. The plan to change the pipe size was out of necessity, not that we had a larger pipe and wanted to use it instead. I called INDOT immediately to let them know. Never thought the cost was going to be an issue. The schedule of assessment presented to the Board only has the original portion we agreed on for landowners.

Dave Rhoads – inquired of Dan Taylor of what to do.

Dan Taylor – reported make the motion to approve the schedule of assessments as submitted and include billing of INDOT for pipe increase.

Dave Rhoads moved, seconded by Matt Mitchell, to approve the reconstruction schedule of assessments as submitted for the Charles McFarland #545 and to bill INDOT for the improvements in the right-of-way. Motion carried, 4-0.

Richard Virts #560 Reconstruction

Tom Cummins – presented the Board with Richard Virts #560 reconstruction change order.

Quantity	Unit	Description	Rate	Amount
11	LFT	Jack & Bore @SR 32 – steel 18”	\$900.00	\$9,900.00
1	LS	Increase pipe size from 18” to 30”	\$23,500.00	\$23,500.00
110	LFT	Grout existing tile	\$10.00	\$1,100.00
2	EA	Installation of 48” manhole for bore	(\$500.00)	(\$1,000.00)
1	EA	Settlement of monitoring plan	\$7,000.00	\$7,000.00
Total				\$40,500.00

Tom Cummins – reported that the length of bore was extended by 11 feet, to avoid existing utilities, and an INDOT right-of-way marker. The total change order is \$40,500.00.

Doug Mills – inquired if same material found was it rocks too.

Tom Cummins – reported yes, found after excavating. It is Ripley Township.

Doug Mills moved, seconded by Matt Mitchell, to approve the change order for the Richard Virts #560. Motion carried, 4-0.

Tom Cummins – presented the Board with the final reconstruction schedule of assessments for the Richard Virts #560.

Total Watershed Acres = 359.68

Maintenance Assessment per Acre = \$3.66

Minimum Maintenance Assessment = \$5.00

Total Annual Maintenance Assessment = \$1,333.60

Total Cost of Reconstruction = \$252,906.22

Total Reconstruction Assessment per Acre = \$703.14

Tom Cummins – reported the original estimated cost of reconstruction was \$271,113.65 and recommends approving.

Doug Mills moved, seconded by Dave Rhoads, to approve the reconstruction schedule of assessments for the Richard Virts #560 as submitted and to bill INDOT for the improvements in the right-of-way. Motion carried, 4-0.

New Business

Tom Cummins – reported that after the first of the year he will be bringing a list of drain names for assessment hearings. We will have the Foxes Run Subdivision hearing at our December meeting.

Dave Rhoads – inquired if we approved the legal drain for Foxes Run Subdivision. Will the road ever be widened there? Inquiring about the pond.

Tom Cummins – reported would have to look at the plans. Plans for the subdivision were approved by the State, as well.

Doug Mills – reported someone had to approve road construction.

Tom Cummins – reported if pond were in the easement, it would be INDOT’s responsibility to move the pond.

Other Business

None

Public Comment

Dave Rhoads – inquired of Mr. Rice if he had any comments:

Phil Rice – reported he would like to speak with Tom Cummins after meeting.

Dave Rhoads – reported next meeting would be December 13, 2023 at 9:30 a.m. in the Montgomery County Government Center.

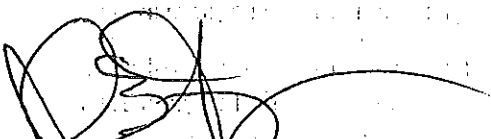
Tom Cummins – reported he would like the Board to think about what dates work best for them to schedule meeting dates for 2024.

Doug Mills moved, seconded by Lance Sennett, to adjourn the meeting at 9:56 am. Motion carried 4-0.

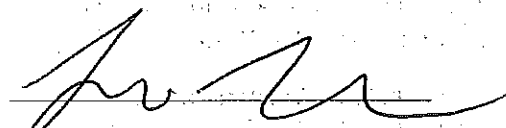
Vicki Emmert,

Recording Secretary

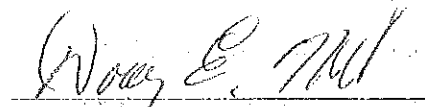

David Rhoads, Chairman


John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member

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Montgomery County
Drainage Board Meeting
December 13, 2023

The Montgomery County Drainage Board met on Wednesday, December 13, 2023, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present was Brenda Foster, Ron Dickerson and Heather Laffoon, Treasurer.

Approval of Minutes

John Frey moved, seconded by Lance Sennett, to approve the November 8, 2023 minutes. Motion carried, 4-0.

Hearing

Foxes Run Subdivision #N/A

Tom Cummins – reported the **Foxes Run Subdivision #N/A** is located north of North Montgomery High School on US 231. Mr. Cummins used the overhead projector to display the area. There are only two parcels and the proposed assessment is \$100.00 each. As the parcels are split off, each will be assessed at \$100.00, annually. Displayed plat, and the proposed drainage pipes. The drain plan was approved and is all part of the regulated drain now.

Doug Mills- inquired if the outlet runs into the side ditch.

Tom Cummins – reported there is stormwater culvert and used the overhead projector to display the area.

Tom Cummins – reported it outlets into the **Joe Hall #581** and landowners will pay assessment on that drain, also.

John Frey moved, seconded by Lance Sennett, to set the Foxes Run Subdivision #N/A assessment at \$100.00 per lot. Motion carried, 4-0.

Dave Rhoads – inquired about moving forward with the expansion of US 231 and how it will affect detention pond.

Tom Cummins – reported it is forty feet away from the road and believes it was factored into the design. Dan will put the findings and conclusion together for the next meeting to sign. Then will be submitted to the Auditor's office for assessment in 2024.

Petitions

Tom Cummins – requested the petition be tabled to the next meeting.

Old Business

Tom Cummins – reported INDOT has agreed to pay for the larger pipe as submitted, and reimbursed to the **Richard Virts # 560 & Charles McFarland #545** drains. (Waiting on cleaning up with seeding and strawing. Explained to them that this could not be completed until spring for the grass seed to grow. May have to go back in spring again.

Other Business

Tom Cummins – inquired if the current second Wednesday of the month will work for the Board to hold the Drainage Board meetings in 2024. Everyone agreed it would.

New Business

2024 Reconstruction schedule

Tom Cummins – reported there are six drains proposed to reconstruct in 2024. South of South Montgomery School is the **Francis Hoss # 627**. In Madison Township, we have the **James Grimes #521**. It drains into the **Fralely-Coleman #670**. The plan is to give the **James Grimes #521** its own outlet. In Linden, we have the **John Gobin #520** to reconstruct the main tile. Used overhead projector to display the area.

Dave Rhoads – inquired if this is behind Wade Bennett’s property.

Tom Cummins – reported yes. Has been failing for ten years. In Ripley Township the **Fred Maxwell #585** and in Wayne Township **#585 Chrineyance Schenck #507/Guy Little #534**. The point today is let the Board know the schedule for 2024 and get permission to schedule engineering for the drains.

Dave Rhoads – inquired is this the Randy McCormick place.

Tom Cummins – reported yes.

John Frey moved, seconded by Doug Mills, that Tom Cummins may move forward with engineering for the Francis Hoss #627, James Grimes #521, John Gobin 2 #520, Fred Maxwell #585, Chrineyance Schenck #507 and the Guy Little #534. Motion carried, 4-0.

Doug Mills – inquired if Tom Cummins could send out an e-mail to the Board with the proposed reconstruction.

Tom Cummins – reported yes.

Tom Cummins – reported using the overhead projector to display and describe the **Chrineyance Schenck #507** and the **Guy Little #534** proposed reconstructions. The two drains should be combined and reconstructed all at once. Years ago, a couple of Board members and a few landowners were not in favor of combining.

John Frey – reported with the Surveyor’s explanation, the landowners would understand.

Dave Rhoads – inquired how many landowners and how many acres.

Tom Cummins – reported combining would be about a 1,200-acre watershed.

John Frey – inquired what the current assessment is.

Tom Cummins – reported he believes the assessment is \$6.00 an acre for the **Guy Little #534** and **Chrineyance Schenck #507** is \$4.00 an acre.

Dan Taylor – reported the name is not a common name.

Tom Cummins – reported knowing how to pronounce is a problem.

Doug Mills – inquired how you determine which is the main and which one is the tributary.

Tom Cummins – reported he found an old map, which determined it. Used overhead to display area.

Doug Mills – inquired if you were designing it from scratch the main would be the red part and the other two green lines would be the tributaries.

Tom Cummins – reported one would be a tributary and the other a main. Cannot split.

Dave Rhoads – inquired about the part that dumps into the outlet, is that part of the open drain.

Tom Cummins – reported there is about 600 feet of open ditch before it hits the culvert. Only regulated up to CR 150 N.

Dave Rhoads – inquired how many acres in the two drains.

Tom Cummins – reported 1,200 affected acres, approximately.

John Frey – inquired do landowners have a say if it goes to the road or not.

Tom Cummins – reported go by code. Randy McCormick stated in the past, that he is in favor of open ditch and knows it will come up at the hearing, as he raises cattle.

Dave Rhoads – inquired what size is the tile.

Tom Cummins – reported 20 and 15 inches coming into a 24 inch.

Tom Cummins – reported some small projects to mend and used overhead projector to display. Replaced some tile in past. Need to keep cows out. Constant maintenance.

Dave Rhoads – inquired past the fencerow south, who owns it.

Tom Cummins – reported Rex Ballard.

Tom Cummins – reported Rex Ballard and Randy McCormick started a reconstruction in 2008 and they stopped the reconstruction.

Tom Cummins – reported wasting money now. Plan do to do all at once if combined. Do not have cost of project yet.

Doug Mills – reported when completed in phases someone has to wait.

Tom Cummins – reported the **Chrineyance Schenck #506** is classified as in need of reconstruction on the long-range reconstruction plan. Has not classified the **Guy Little #534** yet. Usually repair ten or twelve tile holes every year. The problem is the outlet of tile into open ditch, which then flows back into a tile.

John Frey – reported do not talk about the solution without the answer. Combine first.

John Frey – reported do not worry about the reconstruction until we get it combined.

Tom Cummins – reported he would like to set an assessment hearing to combine drains for the **Chrineyance Schenck #506** and the **Guy Little #534** at the January meeting but move the meeting from January 10, 2024 to January 17, 2024.

Dave Rhoads – reported he would rather have two meetings. One for an organizational meeting for 2024 and a special meeting for the assessment hearing.

Tom Cummins – reported is fine with holding two meetings.

Dave Rhoads – reported he could foresee the meeting will have several people here.

The Board agreed it would okay to hold two meetings.

Doug Mills moved, seconded by John Frey, to hold a special meeting for an assessment hearing to combine the Chrineyance Schenck #506 and the Guy Little #534 on Wednesday, January 17, 2024 at 9:30 a.m. in the Montgomery County Government Center.

Lance Sennett – reported he has already received a phone call.

Tom Cummins – reported he was led to believe all the landowners are in favor of it.

Lance Sennett – reported he would disagree.

Doug Mills – reported everyone wants to get it done, until they see the cost of it, then no one wants to do it.

Tom Cummins – reported it is absolutely, necessary for both drains repaired with open ditch and tile issue.

Lance Sennett – reported I am not saying they are all against it. However, if it were to be combined and everybody pays it might help.

Doug Mills – inquired was it 1,200 acres

Tom Cummins – reported yes when it is all combined. Used overhead projector to display the area.

Dave Rhoads – inquired will there be a bore under highway.

Tom Cummins – reported yes, this bore and two on the **Fred Maxwell #585** most likely three INDOT bores in 2024. Used the overhead projector to display the areas.

Doug Mills – inquired about size of tile

Tom Cummins – reported possibly 30 to 36 inch.

Dave Rhoads – inquired where open ditch is and fence is will it be done away with and have tile on either sides or will it stay open ditch.

Tom Cummins – reported plan to leave it; will serve as makeshift detention for stormwater runoff.

Doug Mills – inquired if that is what happened at Alamo.

Tom Cummins – reported yes.

Doug Mills – reported water has to be accounted for.

Tom Cummins – used overhead projector to show flow of water.

John Frey- inquired why deal with surface water.

Tom Cummins – reported it is because of lack of subsurface drainage. Let us fix the subsurface and then deal with the surface.

Motion carried, 4-0.

Brenda Foster – inquired who the landowners are.

Tom Cummins – reported Rex Ballard, Kirkpatrick Farm, Rush, Legg, Randy McCormick are 60 to 70% of the landowners.

John Frey – inquired about who owns west of pasture

Tom Cummins – reported K&D Martin, LLC.

Other Business

None.

Public Comment

Heather Laffoon- inquired about the long-range plan website July, 2023. Is that something you visit every year.

Tom Cummins – reported yes. They are classified as in need of maintenance, reconstruction or vacated.

Tom Cummins – reported it can be found under reports, on the Surveyor site.

John Frey – reported gives landowners time to figure what they want.

Tom Cummins – reported would like to have hearings in February and March to give landowners a chance to figure out about what to plant in area.

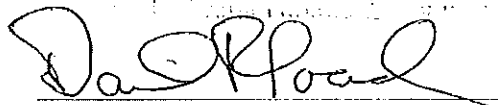
Dave Rhoads – inquired of Mr. Taylor is he had anything.

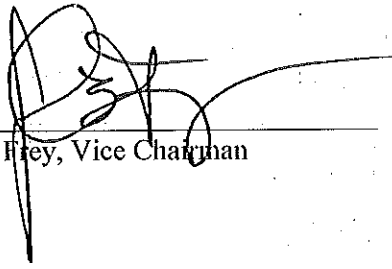
Dan Taylor – reported he would like to give a bit of training at the January meeting. Please put on the agenda at the organizational meeting. Would like to discuss what has gone on with other Drainage Boards.

Dave Rhoads – reported would like everyone to have happy holidays and be careful. See everyone in January.

John Frey moved, seconded by Lance Sennett, to adjourn the meeting at 10:13 a.m. Motion carried 4-0.

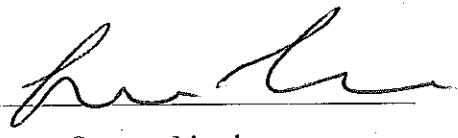
Vicki Emmert,
Recording Secretary


David Rhoads, Chairman

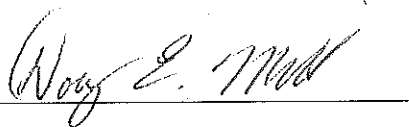


John Frey, Vice Chairman

Matt Mitchell, Secretary



Lance Sennett, Member



Doug Mills, Member