

**Montgomery County
Drainage Board Meeting
May 15, 2024**

The Montgomery County Drainage Board met on Wednesday, May 15, 2024, at 9:30 a.m. at the Montgomery County Government Center at 1580 Constitution Row, Crawfordsville, Indiana.

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

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

Also, present was Darrell Birge, Randy Geswein, John Spitznagel, Steve Wright, John Reeves, Ana Silvia Martinez, Israel Martinez, Stephanie Campbell, Brent Bible, Curt Hudson, Rebecca Scott and Heather Laffoon.

Approval of Minutes

Doug Mills moved, seconded by Matt Mitchell, to approve the April 10, 2024 minutes. Motion carried 5-0.

Hearings

John Gobin 2 #520 Main

Tom Cummins – reported using the overhead projector and handouts to the Board. Mr. Cummins reported the drain was constructed in 1893. This portion of the drain has never been reconstructed. It is located in T20N, R4W, Sections 17, 18, 19, & 20 Township in Madison Twp. The watershed is 317.93 acres; the tile Length: 5,223 ft. The tile Sizes are: 8”, 10”, 12”, & 18”. There is no open ditch. There are twenty-six parcels. Current Assessment is \$4.78/acre, w/\$5.00 min. The drain collects \$1,529.67 annually.

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 John Gobin 2 (Main) 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 undersized.

Based on this evidence, the Surveyor recommends approving the reconstruction of the John Gobin 2 (Main) regulated drain.

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
Installation of 18" smooth-corr HDPE pipe	1,479	LFT	\$24.00	\$35,496.00
Installation of 15" smooth-corr HDPE pipe	1,315	LFT	\$20.00	\$26,300.00
Installation of 12" smooth-corr HDPE pipe	417	LFT	\$17.00	\$7,089.00
Installation of 10" smooth-corr HDPE pipe	1,099	LFT	\$14.00	\$15,386.00
Destruction of existing tile	4,310	LFT	\$1.00	\$4,310.00
Additional excavation (scalping)	870.37	CYD	\$5.00	\$4,351.85
Installation of 6" Hickenbottom breathers	3	EA	\$500.00	\$1,500.00
Engineering	1 EA		\$16,400.00	\$16,400.00
15% Contingency	1 EA		\$16,624.93	\$16,624.93
Total =				\$127,457.78

Dave Rhoads – inquired if there were any comments from the public.

Anna Martinez – inquired how this would affect us.

Tom Cummins – reported this is a subsurface tile that drains the whole area. Used screen to display the area.

Anna Martinez – inquired about who pays.

Tom Cummins – reported it is a regulated drain and the affected landowners pay for it.

Anna Martinez- reported so we don't have a choice.

Tom Cummins – reported if the Board decides to do it, yes. Explained the procedure for payments.

John Frey moved, seconded by Doug Mills, to approve the reconstruction of the John Gobin 2 #520 for \$127,457.78.

Doug Mills – inquired if this will complete the reconstruction of the **John Gobin 2 #520**.

Tom Cummins – reported yes this is the last tile to be reconstructed.

Motion carried 5-0.

Tom Cummins – reported the next step will be to set a special meeting for the bid letting on May 29, 2024.

John Frey moved, seconded by Doug Mills, to hold a special Drainage Board meeting on Wednesday, May 29, 2024 at 9:00 a.m. at the Montgomery County Government Center to open sealed bids for the John Gobin 2 #520. Motion carried, 5-0.

James Grimes #521 Hearing

Tom Cummins – reported the **James Grimes #521** was constructed in 1898. There is no record that it has ever been reconstructed. It is located in T20N, R4W, Sections 2 & 3 Township in Madison Township. There are 277.9 acres in the watershed. The tile length: 6,101 feet. Tile Sizes are 8", 10", 12", & 15" No open ditch. There are 10 parcels in the watershed. The current assessment is \$5.63 an acre, with a \$5.00 minimum. The drain collects \$1,572.44 annually

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 **James Grimes #521** 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 undersized, with significant grade issues.

Based on this evidence, the Surveyor recommends approving the reconstruction of the **James Grimes #521** regulated drain.

Description	Quantity	Unit	Unit Price	Amount
Installation of 18" smooth-corr HDPE pipe	4,260	LFT	\$24.00	\$102,240.00
Installation of 15" smooth-corr HDPE pipe	865	LFT	\$20.00	\$17,300.00
Installation of 10" smooth-corr HDPE pipe	665	LFT	\$14.00	\$9,310.00
Destruction of existing tile	5,100	LFT	\$1.00	\$5,100.00
Additional excavation (scalping)	2,449.7	CYD	\$5.00	\$12,248.50
Installation of 6" Hickenbottom breathers	5	EA	\$500.00	\$2,500.00
Gravel road crossing(s)	2	EA	\$5,000.00	\$10,000.00
Engineering	1	EA	\$17,400.00	\$17,400.00
Contingency	1	EA	\$24,879.53	\$24,879.53

Total = \$200,978.03

Breakdown of watershed there are 277.90 acres, with a proposed reconstruction estimate of \$200,978.03
Total Reconstruction Assessment per Acre is \$723.20.

Used overhead to display area and explain.

Public comments:

Randy Geswein – reported from RDG farm there is no problem on his farms and it is too expensive. He does not support it. Inquired why the eight inch is being cut off.

Tom Cummins – reported they are not cutting it off. Just not replacing it.

Randy Geswein – inquired what the balance is in the maintenance account.

Tom Cummins – reported the Board could use up to 75% of the funds available. It is currently in debt for \$15,840.43. Most of that is from the engineering fees. The drain only collects \$1,309.03 a year. It is not out of the ordinary to have a reconstruction cost \$200,000.00. What is out of the ordinary is there is only 277.90 acres in the watershed. Mr. Cummins explained part of the engineering drainage report, and the drainage coefficient. The **Fraley-Coleman #670** had to be reconstructed before the **James Grimes #521** could be reconstructed, as it currently serves as the outlet for the **James Grimes**.

Brent Bible – representing Farmland Reserve Inc. inquired how much maintenance has been done over the last five years and is the watershed accurate.

Tom Cummins – reported there has been no repairs.

Brent Bible – reported he feels it is way oversized and cost prohibitive.

John Frey – inquired so you want to reduce the drainage from a tile from the 1800’s.

Brent Bible – reported I want to request to reduce the proposed size of tile

I am not opposed drainage in general. Very seldom does Farmland Reserve challenge a design. Just needs to be tweaked to make it more acceptable to the majority of the landowners. Seventy percent of landowners do not agree with the cost benefits they will receive. Do a partial reconstruction and the outlet.

Dave Rhoads – reported we have been down that road before.

Doug Mills – reported and it’s off the table.

Brent Bible - reported this is somewhere in the middle and should bear some consideration.

Dave Rhoads – inquired of Tom Cummins what the size of the existing tile is.

Tom Cummins – reported 15”.

Dave Rhoads – inquired so you want to replace the 15” with another 15” not increase it to 18”.

Brent Bible – reported that is correct.

Dave Rhoads – reported we have all been there. How many times if you leave it the same and then landowners want to pattern tile and the tile carries more water then. Should last over one hundred years with the increase in size.

Brent Bible – reported it would still fall in the engineering acceptable range. Don’t have the risk of 1,000 acres being attached. Most is already patterned tile. Inquired about providing a private outlet.

Tom Cummins – reported we could not repair the outlet without doing a reconstruction.

Mr. Bible and Mr. Cummins discussed back and forth about cost and what should have been done with the **Fraleley Coleman #670**.

Brent Bible – reported he has about five acres in the proposed area. Would like to have been better prepared.

Doug Mills – reported it has been on the list for three years. Every year we put out a plan as to what is going to be reconstruct. It’s been out there and to say give time to prepare, we have informed the public as to what our plans are for the next five years.

Brent Bible – inquired how often does that plan change.

Tom Cummins – reported once a year.

Doug Mills – reported generally what is on there is what we do.

John Frey – reported the co-efficient will be addressed with the engineer.

Max Kolb spoke from Banning Engineering

- If we downsize, as requested, the drainage coefficient would be 0.30" and we want 0.375" +
- Many restraints, including connection to **Fraley Coleman #670**
- Current design 0.26" under best conditions, with no deterioration/no sediment
- NRCS recommends. 0.375" - 0.5"
- Costs will rise – a delay may actually be more expensive
- His design has no extras – "slim design"

Steve Wright – reported Vice President of Bane Tara Inc. We have a little over thirty acres and have no problems and think it's too expensive.

John Frey – inquired if 100% of the landowners want to vacate the drain they can.

Tom Cummins – reported that has been the policy of the Drainage Board.

Matt Mitchell – inquired if any landowners have problems in this area.

Tom Cummins – reported yes, the biggest problem is on the east side of road, which is Curt Hudson's property.

Curt Hudson – reported when it was decided to do this with the other drain (**Fraley Coleman #670**) it was decided to do this separately with the five-year plan. We need to continue with that decision. I don't like to spend a lot of money either. Would like to see the project done as planned.

Doug Mills – reported what we have encountered over the years, is usually the majority of the problems is the upper end. We've had this issue before when landowners did not want to pay for a landowner who had seven acres to be able to have the right to drainage. My philosophy and I believe the Board's by law and by code, is that everyone has their property adequately drained. That is the reason for replacing the whole thing. My question to Tom Cummins is we provide an outlet that is the role of the Drainage Board.

Tom Cummins – reported some regulated drains seem arbitrary, especially with tributaries, when considering which tiles are regulated and which are private.

Tom Cummins – reported he considered a tributary for the farm south of main, but he didn't add to the design because of complaints of cost. It would cost about \$8,000.00 – final cost could be more if we have a lot of laterals.

Dave Rhoads – reported he was in favor of adding to the tributary.

Lance Sennett – reported he understands the worries with cost and with \$4.00 corn and the \$723.20 per acre cost.

Tom Cummins – reported with the soils in this County you don't have to see water standing in the field, to have a problem.

Doug Mills – reported he supports the extra tributary if we are going to provide everyone access.

Tom Cummins – reported receiving three objection letters. RDG Properties, Bane Tara Inc, and Annes Prairie Inc. and that the three represent 37% of the affected acres.

John Frey moved, seconded by Doug Mills, to approve the reconstruction of the James Grimes #521 for \$200,978.03 and to add two additional access points. Discussion with Board, Surveyor: to whether

to include the new tributary or not; landowners if we have to pay this much per acre they want an outlet too; Board should stick with their philosophy that everyone has an outlet for agriculture; should Yundt have an outlet too; Surveyor yes. **Motion carried, 5-0.**

Francis Hoss #627

Tom Cummins – reported the **Francis Hoss #627** was constructed in 1910, No record of being Reconstructed: it is located in T17N, R4W, Sections 5, 6, 7, & 8 Township: Scott Twp. Watershed consists of 138.92 acres; the tile length is 3,739 ft. The tile sizes are 5”, 10”, & 12”. The open ditch length is 458 feet. There are 14 parcels. The current assessment is \$4.89 an acre, with a \$5.00 minimum. The drain collects \$684.65 annually.

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 Francis Hoss 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 undersized, with significant sedimentation.

Based on this evidence, the Surveyor recommends approving the reconstruction of the **Francis Hoss #627** regulated drain. Project description and estimate is attached.

Description	Quantity	Unit	Unit Price	Amount
Installation of 12”smooth-corr HDPE pipe	719	LFT	\$17.00	\$12,223.00
Installation of 10” smooth-corr HDPE pipe	1,675	LFT	\$14.00	\$23,450.00
Installation of 8” smooth- corr HDPE pipe	313	LFT	\$12.00	\$3,756.00
Destruction of existing tile	2,707	LFT	\$1.00	\$2,707.00
Installation of 6” Hickenbottom breathers	2	EC	\$500.00	\$1,000.00
Paved road crossing @ 700 S	1	EC	\$7,500.00	\$16,400.00
Engineering	1	EC	\$10,055.40	\$10,055.40
			Total =	\$77,091.40

Tom Cummins – reported the total proposed cost is \$77,091.00 with a reconstruction per acre of \$554.93. The screen was used to display the area and Mr. Cummins explain the proposed reconstruction design.

John Frey – inquired about cost of additional tributary.

Tom Cummins – reported it would cost about \$17,000.00 and would be taken out of the 15% contingency and the code allows a change order up to 20% of the total reconstruction estimate.

Dave Rhoads – inquired if there were any landowners present.

John Reeves – reported he has a pond and how will it affect him; and discussed adding a new tributary.

Dave Rhoads – inquired about where the tile would be placed.

Tom Cummins – reported the proposed tributary would cross CR 700 S. and end outside of the county road right-of-way.

Marilee Pearson inquired how many parcels are affected.

Surveyor reports 14 parcels in the watershed.

John Frey moved, seconded by Doug Mills, to approve the reconstruction of the Francis Hoss #627 for \$77,091.40 with the additional tributary. Matt Mitchell abstained from voting. Motion carried, 4-0.

John Fred moved, seconded by Lance Sennett, to include the James Grimes #521 and the Francis Hoss #727 at the special Drainage Board meeting on Wednesday, May 29, 2024 at 9:00 a.m. at the Montgomery County Government Center to open sealed bids for the reconstructions. Motion carried, 5-0.

Petitions

James Hose #572

Tom Cummins – reported receiving a petition from Darrell Birge to attach to the **James Hoss #572** drain. The screen was used to display the area. Mr. Cummins explained the area. My recommendation would be to approve the petition and revise the watershed.

Darrell Birge – reported need to make a change for it to flow into the open ditch, due to utilities.

Tom Cummins – reported there is a gas line and approves of changing the map to where the water flows.

John Frey moved, seconded by Dave Rhoads, to accept the James Hoses #572 petition from Darrell Birge with the revisions to the watershed that were stated and for the map be amended to outlet into the open ditch due to gas line in area. Motion carried, 5-0.

Old Business

James Hose #572

Dan Taylor – reported each of you received a copy of Birge settlement agreement and recommend approving the release.

John Frey moved, seconded by Lance Sennett, to approve the settlement agreement and release of the Birge case. Motion carried, 5-0.

Chrineyance Schenck #506 reconstruction report

Tom Cummins – reported receiving the **Chrineyance Schenck #506** engineering report with an estimated cost of \$711,560.37 with an estimated cost of \$77.65 an acre. Mr. Cummins would like to set the hearing for June 20, 2024 at 9:30 a.m. Mr. Cummins recommends changing the date of our regular meeting of June 12, 2024 to June 20, 2024. This will time to get the notices out to the landowners.

Doug Mills – reported he will not be able to attend.

Matt Mitchell moved, seconded by Doug Mills, to move change the June meeting to Thursday, June 20, 2024. Motion carried, 5-0.

Dave Rhoads moved, seconded by Lance Sennett, to hold a reconstruction hearing for the Chrineyance Schenck #506 on Thursday, June 20, 2024 at 9:30 a.m. at the Montgomery County Government Center. Motion carried, 5-0.

Fred Maxwell #585

Tom Cummins – reported receiving the Fred Maxwell #585 engineering report with an estimated cost of \$208,380.47 with an estimated cost of \$370.24 an acre. The Fred Maxwell #585 consists of 562.82 acres. Mr. Cummins recommends holding the hearing at the June 20, 2024 meeting.

John Frey moved, seconded by Lance Sennett, to hold the reconstruction hearing for the Fred Maxwell #585 on Thursday, June 20, 2024 at 9:30 a.m. at the Montgomery County Government Center. Motion carried, 5-0.

New Business

None

Other Business

None

Public Comment

Per Dan's Notes

Darrell Birge – reported twelve years ago, the Board allowed Curt Hudson to connect. Need to disconnect him and get him back to his own watershed. He wants permission to take it out.

Darrell Birge- reported twelve years ago, that the Board allowed Curt Hudson, to jump watersheds. Put a 12-inch smooth tile into a 10-inch cement tile. We lose anywhere from an acre to four acres a year because of excess water. Has received different stories on who gave permission for Mr. Hudson to do this. Mr. Hudson now wants to do put in another tile and the Board will then have Steve Hudson at the meetings. I want to take it out with no cost to the Board.

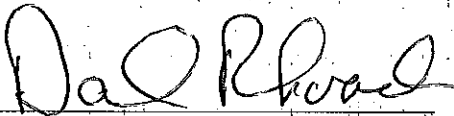
Dan Taylor – reported just let him make his comments.

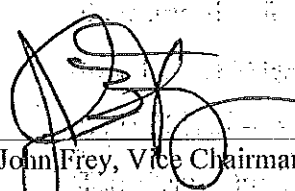
Dave Rhoads – reported it will be decided at a later date at another meeting.


Next meeting will be May 29, 2024.

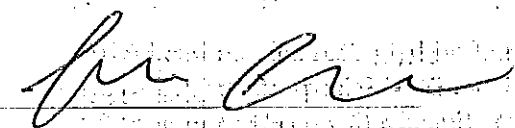
John Frey moved, seconded by Dave Rhoads to adjourn at 11:00 a.m. Motion carried, 5-0.

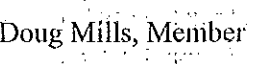
Vicki Emmert,
Recording Secretary


David Rhoads, Chairman


John Frey, Vice Chairman


Matt Mitchell, Secretary


Lance Sennett, Member


Doug Mills, Member

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38