

Tippecanoe County Drainage Board
January 06, 2016
Regular Meeting Minutes

Those present were:

Tippecanoe County Drainage Board President Tracy Brown, Vice President Thomas P. Murtaugh, member David S. Byers, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. Evan Warner-G.I.S. Technician and James Butcher-Project Manager, both with the Surveyor Office, were also in attendance.

Election of Officers

Attorney Doug Masson opened the floor to accept nominations for the 2016 Drainage Board President. David S. Byers made a motion to elect Tracy Brown as the 2016 Drainage Board President. Thomas P. Murtaugh seconded the motion. Motion carried. David S. Byers made a motion to elect Thomas P. Murtaugh as Vice President. Tracy Brown seconded the motion. Motion carried.

Appointment of Secretary

David S. Byers made a motion to appoint Brenda Garrison as the 2016 Drainage Board Secretary. Thomas P. Murtaugh seconded the motion. Motion carried.

2016 Legal Services Contract

Thomas P. Murtaugh made a motion to approve the 2016 Hoffman Luhman and Masson PC Legal Services Contract as presented. David S. Byers seconded the motion. Motion carried.

Approval of Minutes

David S. Byers made a motion to approve the December 9, 2015 Drainage Board Regular minutes as well as the December 9, 2015 Drainage Board Lydia Hopper #124 Regulated Drain Hearing. Thomas P. Murtaugh seconded the motion. Motion carried.

Kirkpatrick One #96 Regulated Drain Maintenance Contract Bid Opening

The Attorney stated the following regarding Maintenance Contract of the Kirkpatrick One #96 Regulated Drain. One bid was received by Tony Garriott in the amount of \$9,581.00. Thomas P. Murtaugh made a motion to take the bid under advisement and award at the end of meeting if all documents were in order. James Butcher, Surveyor's office Project Manager was to review the contract documents for approval by the Board. David S. Byers seconded the motion. Motion carried.

Samuel (S.W.) Elliott Regulated Drain #100-Branch #12 Maintenance Contract Bid opening

The Attorney reiterated the regulated drain was named Samuel W. Elliott not Southwest Elliott- as the drain has been referred to from time to time in the past. He stated the following contract bids were received for a maintenance contract of the S.W. Elliott #100 Branch #12; Milestone Contractors submitted a bid in the amount of \$18,895.00- Tony Garriott submitted a bid in the amount of \$3,835.00. Thomas P. Murtaugh made a motion to take the bids under advisement and award the maintenance contracts if all documents were in order at the end of meeting. James Butcher, Surveyor's office Project Manager was to review the contract documents for approval by the Board. David S. Byers seconded the motion. Motion carried.

Zach Beasley

S.W. Elliott Regulated Drain #100 Petition to Encroach

The Surveyor presented a Petition to Encroach and a Maintenance Agreement on the Wilson Branch (aka Treece Meadows) of the S.W. Elliott Regulated Drain #100 submitted to his office by Del Real Auto Sales owner Tony Del Real. Responding to Mr. Murtaugh's inquiry, the Surveyor stated he worked with Mr. Del Real on the petition. The area in question was the east bank of said ditch on the north side of State Road 38. The dealership put up multiple lights to curve vandalism. Due to a snafu in the process of construction, the poles were placed along the bank of the ditch prior to approval by the Surveyor office. It was agreed they would care and mow the ditch bank at their location. The Surveyor stated while it is closer than he liked to see, he felt it would not be a problem. This was similar to the Bob Rorhman site south of the Wilson Ditch. Twenty (20) feet has been the precedence set historically by the Board. The poles currently sit approximately 7 feet from top of bank. He requested approval of the Petition as presented. Thomas P. Murtaugh made a motion to approve the Petition to Encroach and Maintenance Agreement submitted by Tony Del Real for the Wilson Branch of the S.W. Elliott Regulated Drain #100.

David S. Byers seconded the motion. Motion carried. Responding to Tracy Brown, the Surveyor noted there were numerous areas along the S.W. Elliott Regulated Drain which the business owners mow the ditch bank in their location.

Drain Reconstruction projects

Waples-McDill and J.B. Anderson Regulated Drains

The Surveyor reviewed Indiana Drainage Code requirements for Reconstruction Assessment collections to the Board. He noted the ten (10) percent interest penalty assessed to the landowner (if their total assessment for reconstruction was not paid within the first twelve (12) months of receipt of mailing) was a hindrance to getting a reconstruction cost approved by the landowners. The cost of the project was not necessarily the issue; the ten (10) percent penalty if not paid in first twelve (12) months was the issue for the landowners. He stated other counties were looking at several funding sources for drain reconstructions to avoid a reconstruction payment penalty. After several requests from landowners, he met with Attorney Masson and discussed county funding sources which could possibly be used for drain reconstructions. The sources discussed but not limited to: EDIT, Rainey Day and possibly borrowing funds from a local bank.

He stated he would like direction given to him regarding pursuit of funding today if at all possible. He had a reconstruction planned for the Waples McDill Drain (Hearing to be set for April 2016 - landowners voted to proceed in an unofficial meeting Feb. 2016) with a \$475 per acre assessment for a total of approximately \$700,000.00. The Waples McDill Reconstruction would be the most expensive to date since he took office. He noted the benefited landowners expressed their desire to reconstruct the drain in such a way that many future generations benefit from good drainage as well. They did say however they preferred to funding from a different source than the General Drain Improvement Fund (GDIF). Even if that meant borrowing from a bank and pay the bank back at a lesser interest rate. They implored the Surveyor to investigate additional ways of funding these projects. He stated he would like to offer a different funding source if at all possible for the reconstruction.

He noted the future J.B. Anderson Reconstruction project was not as urgent. He reiterated until a way of financing is found without interest penalty; the benefited landowners would not approve the project. He stated until he has an answer for another source of funding he would not be meeting with the landowners benefited as it would not be favorable.

Responding to Thomas P. Murtaugh's inquiry, the Surveyor noted there was no current legislation to lower the rate in the future. Just last year the Bartholomew County Drainage Board and their County Surveyor (25 years plus in office) drafted legislation eliminating the ten (10) percent interest penalty within the Drainage Code reconstruction process. It did not see the light of day. Responding to Thomas P. Murtaugh's inquiry, the Surveyor stated due to smaller or rural county's lack of financing of the General Drain Improvement- use of these monies by depositing them in their General Drain Improvement Fund accounts discouraged any change in the CODE at this time. He referred to Attorney Masson for further discussion. Attorney Masson reviewed the financial reconstruction payments process-payable in one year or spread over five (5) years with interest penalty. The Code also provides an alternative for a construction loan from a bank. This alternative keeps the five (5) year repayment schedule, however the County may choose to absorb the interest charges of the bank loan thereby saving the landowner's interest fees. Regarding repayment over five (5) years, there is a section in the Code which discusses the use of bonds – along with all the government bureaucracy to go with it (expensive option). He noted with the General Drain Improvement fund the Code allows gifts and grants from sources to the fund to assist with fees regarding drain maintenances and reconstructions. Council appropriating the funds from EDIT to the General Drain Improvement funds would be considered in this category. Another option would be to use Economic Development funds. Using EDIT funds would still require going through the legal reconstruction process and could include or exclude interest rates. Landowners would sign agreements set by the County Drainage Board regarding a repayment schedule of five (5) to ten (10) years. Those assessment monies would reimburse the EIDT fund from which the reconstruction was paid. The agreement could be written to account for the risk of interest rates changing over a ten (10) year period. The agreement would be offered to all benefited landowners on each specific project. He stated setting a policy on what cases would qualify and required steps to take when utilizing EDIT or Build Tippecanoe Funds should be established by the Board prior to utilizing a funding source other than the Drain funds. Discussion was then held on what the baseline requirements could be for use of funds other than Drain Funds. Another option would be to setup a revolving fund just for the large reconstruction projects that are upcoming in the near future. Responding to David S. Byers, the Surveyor noted the agricultural tiles currently in the ground have lasted twice their life expectancy; therefore this is a real issue at hand. He reminded the Board the GDIF was not exclusive for reconstructions. This fund also pays for maintenance on multiple county maintained regulated drains. When a drain's maintenance fund does not have enough money to pay for the maintenance, it would be paid from the GDIF and repaid as assessments are collected for that drain. So this fund does not only exist for reconstructions, it is also there to back up the maintenance funds for each drain. The amount of reconstruction costs are increasing due to size of pipes, size of watersheds and inflation. Responding to Mr. David S. Byer's inquiry, the Surveyor stated on an average year, the GDIF has a total of \$400-\$600,000 in expenditures and \$300-\$400,000 receipts. He noted the Urban Regulated Drain projects he planned on

using the Build Tippecanoe Funds for reconstructions. Historically for Economic Development purposes, we have used EDIT monies for these types of drains. The Attorney reiterated the process, an estimate is completed by the Surveyor which may or may not be the final cost. Each landowner is assessed a certain percentage depending on amount of benefited acreage indicating their portion to pay. Once assessments for a regulated drain reconstruction have been certified by the Auditor, the percentage and per acre/lot/minimum amount indicated on the certification is billed to the taxpayer. President Tracy Brown suggested the Surveyor contact his surveyors across the state to inquire if a policy has been set by their county similar to the needs at this time.

The Surveyor requested to form a subcommittee from the Board including himself, the Attorney and a Board representative to meet before the February Drainage Board meeting to discuss the issue, form verbiage for adoption of an ordinance and/or resolution for Reconstructions Funding Options. Thomas P. Murtaugh made a motion to nominate President Tracy Brown to serve on the subcommittee along with the Attorney and the Surveyor. David S. Byers seconded the motion. Motion carried.

Storage Fees Detention Basins

Regarding Drain Storage Basins, it was never the County's intention that the entire amount spent would be reimbursed. The required storage fees (\$15,000.00 per cubic foot) for developments are intended for future maintenance of that basin. On these particular reconstructions the monies come directly from EDIT or Build Tippecanoe Funds. Responding to Tracy Brown's inquiry, the Attorney stated the form of repayment would be stated within the Findings and Order of the Board.

Joint Board Request /Montgomery County

The Surveyor presented a letter received from the Montgomery County Drainage Board regarding the George Barnett/William Grimes Joint Legal Drains. The letter requested Tippecanoe County Drainage Board appoint two members to serve on a future Joint Drainage Board landowner hearing regarding the aforementioned drains. Responding to inquiry, the Surveyor noted, the letter did not state a date or time for the hearing. Thomas P. Murtaugh made a motion to grant the President authority to appoint two members from the Board once the date and time was confirmed. David Byers seconded the motion. Motion carried.

Waples McDill Regulated Drain Reconstruction Hearing

The Surveyor requested an April 2016 Drainage Board Reconstruction Hearing on the Waples McDill #85 Regulated Drain. Thomas P. Murtaugh made a motion to set the Waples McDill #85 Regulated Drain Reconstruction Hearing on April 6, 2016 to immediately follow the Regular Drainage Board meeting scheduled that day. David Byers seconded the motion. Motion carried.

Contract(s) Award

Kirkpatrick One #96 Regulated Drain Maintenance Contract Bid Opening

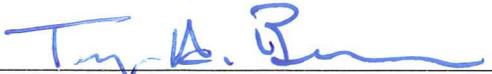
Thomas P. Murtaugh made a motion to award the maintenance contract regarding Kirkpatrick One #96 regulated drain maintenance to Tony Garriott in the amount of \$9,581.00. David Byers seconded the motion. Motion carried.

S.W. Elliott Regulated Drain #100-Branch #12 Maintenance Contract Bid

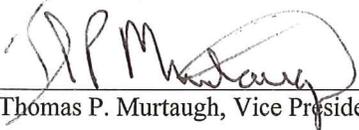
Thomas P. Murtaugh made a motion to award the maintenance contract for the S.W. Elliott Drain #100-Branch #12 regulated drain maintenance to Tony Garriott in the amount of \$3,835.00. David Byers seconded the motion. Motion carried.

Public Comment

There was no other public comment. David S. Byers made a motion to adjourn. The meeting was adjourned.



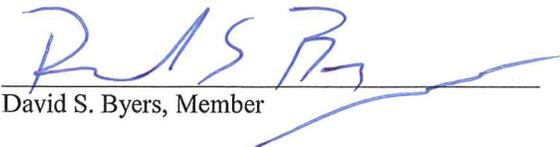
Tracy Brown, President



Thomas P. Murtaugh, Vice President



Brenda Garrison, Secretary



David S. Byers, Member

FACTS Copy to Review

**MONTGOMERY COUNTY/TIPPECANOE COUNTY
DRAINAGE BOARD JOINT MEETING
May 31, 2016
MINUTES**

The Montgomery County and Tippecanoe County Joint Drainage Board met on Tuesday, May 31, 2016 at 9:30 a.m. at the Crawfordsville District Public Library in the basement conference room.

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

Montgomery County Board members in attendance were Dave Rhoads and Phil Rice Board members. Present were Tom Cummins, Surveyor; and Vicki Emmert, Secretary and Suanne Milligan attorney.

Tippecanoe Board members in attendance were, Tom Murtaugh and Tracy Brown Commissioners; Present were Zach Beasley, Tippecanoe Surveyor; Outside Board member Eric Wathen.

Also present were Joe Virgin, David Virgin, Barry Virgin, Curt Hudson, Randy Gaswein, Joe Fry, Penny Walter, Brent Bible, and Kyle Knight.

**Eric Wathen moved, seconded by Phil Rice, to approve the March 31, 2016 minutes.
Motion carried, 5-0.**

Reconstruction Hearing – George Barnett #N/A

Tom Cummins reported the **George Barnett #N/A** is in T20N, R4W, Sections 1 and 12, T20N, R3W, Sections 5, 6 and 7 and T21N, R3W, Sections 31 and 32 in Montgomery and Tippecanoe Counties. The old watershed was 1294.76 acres and with the updated topographical information from Tippecanoe County the total is 1311.05 acres. There are three tributaries connected to the main tile. The purposed reconstruction estimate is \$331.97 an acre for a total of \$435,225.00.

The proposed project is:

Description	Quantity	Unit	Unit Price	Amount
Installation of 36" smooth-corr HDPE	4,500	LFT	\$30.00	\$135,000.00
Installation of 30" smooth-corr HDPE	2,700	LFT	\$25.00	\$ 67,500.00
Installation of 24" smooth-corr HDPE	3,650	LFT	\$20.00	\$ 73,000.00
Installation of 18" smooth-corr HDPE	3,350	LFT	\$15.00	\$ 50,250.00
Installation of 15" smooth-corr HDPE	5,700	LFT	\$12.00	\$ 68,400.00
Installation of 10" smooth-corr HDPE	1,750	LFT	\$ 8.00	\$ 14,000.00
Destruction of existing tile	21,575	LFT	\$ 1.00	\$ 21,575.00
Gravel road corssing(s)	3	EA	\$1,000	\$ 3,000.00
Paved road crossing	1		\$2,500	\$ 2,500.00

The Joint Board, Surveyors and the landowners discussed the following: where the county line road is; the project cannot go higher than 10% of the bid based on Indiana code; the assessment rate is based on the attributes of the drain using a formula; the project could be done in July or August 2016; will take three weeks to prepare the bid packet and send to contractors; reconstructions are best done in the summer; the tributaries were included in the reconstruction price as to not to hold another hearing if work needs to be done on them; leaving the tributaries out of the reconstruction is an option; if a tributary is left out it could be repaired out of

maintenance if the tile size is not increased; this is a lot of money to be spent on project, can it be assured this will work; once the subsurface tiles are repaired the surface water should disappear in 24 hours; there is 14 feet of fall to the outlet; the tile is stopped up in places to county line and stands for 5-6 days; the overhead projection of the maps showed the low area where the dark spots are on the map; using surface inlets is not the best option as only a partial fix; Welshimer property loses 10-15 acres a year from wet ground; Welshimer and Halstead properties need a good outlet; if reconstructing only the main area will cost approximately \$370,750.00 at \$282.00 an acre; Mr. Cummins recommends reconstructing the main drain; the County line area is in bad condition; could possibly use maintenance funds to replace tributaries with same size tiles if landowners want to split project up; it is required to have a petition to attach to the drain and approved by the Board; not a lot of private tile in the watershed; please let contractor know of any private tiles in area if project is approved; assessment rate would be approximately \$61.00 an acre to do tributaries out of maintenance; cheaper to do whole project than portions of it; Tom Murtaugh and Tracy Brown believe it should all be done now; connecting existing laterals are included in the cost of reconstruction; could be an option to destroy the existing tile after the crop has been harvested; the Virgin family is okay with the reconstruction; Bray and Welshimer notices were returned to the office and personally noticed in the newspapers; all notices are sent signature confirmation; no written objections; if reconstruction is completed this year payments will not start until 2017 and landowners can pay whole bill off or make payments over five years with 10% interest by Indiana Code; installing a 36" pipe versus a 30" pipe will give almost 50% more capacity; the Surveyor recommended only connecting to the old tile as necessary; the payment plan was explained again; possibly could vacate old tile. **Tom Murtaugh moved, seconded by Eric Wathen, to reconstruct the whole George Barnett #N/A Montgomery/Tippecanoe Counties joint drain at a cost of \$331.97 an acre for a total cost of \$435,225.00 Motion carried, 5-0.**

The bid opening will be on Wednesday, June 22, 2016 at 1:30 p.m. at the Crawfordsville District Public Library. No further notice to individual landowners regarding the bid opening is required.

Assessment Hearing – George Barnett #N/A

Tom Cummins reported the proposed assessment for the **George Barnett #N/A** is \$6.19 an acre with a \$5.00 minimum for a total yearly assessment of \$8,115.40 was sent to landowners. Mr. Cummins now recommends a proposed assessment of \$1.00 an acre. **Phil Rice moved, seconded by Tracy Brown, to raise the current assessment of \$0.00 to \$1.00 an acre with a \$5.00 minimum for a total yearly rate of \$1,358.55 for the George Barnett #N/A Montgomery/Tippecanoe Counties joint drain. Motion carried, 5-0.**

Phil Rice moved, seconded by Tom Murtaugh, to adjourn the meeting at 10:40 a.m. Motion carried, 5-0.

Brenda Garrison

From: Cummins, Tom <Tom.Cummins@montgomeryco.net>
Sent: Monday, June 20, 2016 4:54 PM
To: Brenda Garrison
Subject: Joint Board Agenda and Minutes
Attachments: D B Minutes Montgomery-Tippecanoe joint 5-31-2016.pdf; June 22nd, 2016 - Joint Drainage Board Agenda.pdf

Good Afternoon Brenda,

Attached, you will find the minutes from the Montgomery/Tippecanoe Joint Drainage Board meeting of May 31st, 2016.

If possible, please distribute to Tom Murtaugh and Tracy Brown.

Thank you,



Tom Cummins
Montgomery County Surveyor
(765) 361-3234 -- Office
(765) 366-2498 -- Cell

MONTGOMERY / TIPPECANOE COUNTY JOINT DRAINAGE BOARD

*110 W. South Boulevard
Crawfordsville, IN 47933
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drainageboard@montgomeryco.net*

*David Rhoads - Chair
Phil Rice - Member
Tracy Brown - Member
Tom Murtaugh - Member
Eric Wathen - Vice Chair
Tom Cummins - Surveyor*

MONTGOMERY / TIPPECANOE COUNTY JOINT DRAINAGE BOARD

Wednesday, June 22nd, 2016 at 1:30 p.m.

Crawfordsville Public Library

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF MINUTES
 - *May 31st, 2016 – George Barnett Hearings*
- IV. BID LETTING:
 - *George Barnett Reconstruction Bid Opening*
- V. NEW BUSINESS
- VI. OTHER BUSINESS
- VII. PUBLIC COMMENT
- VIII. ADJOURNMENT

Next meeting: To be determined