

Drainage Board met in their regular meeting place in the Rush County courthouse on July 18, 2011 at 10:00 a.m. with the following present: Marvin L. Cole, Ken Masters, members; Leigh Morning, Drainage Board attorney; Marvin L. Rees, Surveyor; Michele Gordon, secretary. T.H. Barnes was absent.

Minutes of the previous meeting were approved and signed by motion of Masters, with a 2<sup>nd</sup> by Cole.

JOHN LAWLESS TILE

The Surveyor reported that the partial reconstruction project is complete.

JAMES CASSIDY TILE

The Surveyor reported that the reconstruction project should be completed today.

TILE QUALITY

A local tile supplier is questioning the quality of some of the tile that is being installed. He claims that some companies are using recycled material in their tile and because of this they can charge a lower price. His tile is higher priced and because of this contractor's are not purchasing from him. The Surveyor will contact him and ask him to attend a future meeting to voice these concerns. The Surveyor will also do some investigating on the quality of tile.

At this time a motion was made by Masters, with a 2<sup>nd</sup> by Cole, to move the meeting to the Assembly Room to accommodate the increasing crowd. Motion carried.

GILSON-HERKLESS TILE & OPEN

The following quotes were received for the two proposed projects:

	<u>TILE PROJECT</u>	<u>OPEN PROJECT</u>
Kevin Peggs	\$15,045.00	\$2,600.00/\$1,400.00
Owens Excavating	\$15,040.00	\$ 850.00
Gettinger Excavating	\$14,212.00	\$ 850.00
R L Coon Excavating	\$15,430.00	\$1,218.00

A motion was made by Masters, with a 2<sup>nd</sup> by Cole, to take the quotes under advisement. Motion carried.

LUCINDA HARCOURT TILE – HEARING

Interested parties present can be found on a list in the file in the Surveyor's office. The Surveyor gave his report and stated that he had received no objections. A motion was made by Masters, with a 2<sup>nd</sup> by Cole, to approve the proposed partial reconstruction and to sign the Final Order. Motion carried. A second motion was made by Masters, with a 2<sup>nd</sup> by Cole, to establish a maintenance account. Motion carried and the Final Order was signed.

ALBERT (IRA) SOMMERVILLE TILE – HEARING

Interested parties present can be found on a list in the file in the Surveyor's office. The Surveyor gave his report which listed all the letters of remonstrance he had received along with his written response to those objections. The Surveyor recommended dismissing this proposed project. The Board listened to the following landowners: Weiler, Wicker, Meer, Dierckman and Mauer. After the discussion a motion was made by Masters, with a 2<sup>nd</sup> by Cole, to dismiss the proceedings. Motion carried and the Final Order was signed.

SAMUEL COHEE OPEN DRAINAGE BOARD – HEARING

The Board assembled for the hearing on the proposed extension and reconstruction of the open drain. Interested landowners present can be found on a list in the file in the Surveyor's office. First order of business was to reorganize the Board. A motion was made by Jackman, with a 2<sup>nd</sup> by Ripberger, to appoint Cole as chairman. Motion carried. A second motion was made by Jackman, with a 2<sup>nd</sup> by Cole, to appoint Ripberger as vice-chairman. Motion carried.

The minutes of the previous meeting were read, approved and signed by motion of Ripberger, with a 2<sup>nd</sup> by Cole.

Chairman Cole asked for the Surveyor's report. The Surveyor read his report which included the letters of remonstrance he had received along with his written response to the objections. He stated the remonstrance letters represented 2.215% of the total acres in the watershed. This report can be found in the file in the Surveyor's office.

Cole then opened the floor for discussion.

- Chuck Peggs – Is Shelby County going to work on Little Blue also?
- Rees – They have been notified of our proposed project, not sure if they are going to do anything
- Tom Monka – NRCS had a program to provide money for the river – What happened to this program? Is it still continuing?
- Rees – I believe that program was for filter strips and it has ended
- Bill Keaton – My wife, Rita, took water samples for this program. No contaminants were found in water
- Mark Schwomeyer – hearing letter did not mention Little Blue, a map should have been sent out. Mays has all problems. Good fish in river
- Keaton – total cost about \$750k, Marvin Rees said no work was needed south of Arlington, extending the drain from 6 miles to 33 miles is not a reconstruction, according to a case from the Indiana supreme Court in 1955, it is not proper to use the statute to reconstruct a drain and extend it when you are actually constructing a new drain, can sue for inverse condemnation, assessments too much for his neighbors to pay.....request board to deny project
- Kent Prather – verbally entered his objection, did not send letter in because he was blown off last time, why should the Nelson Plummer drain pay to fix Mays
- Jerry Dierckman – beaver dams problems (?)
- Gordon Hall – Mays tile brings water back into town
- Prather – why extend drain, need maps
- Schwomeyer – break project up, do silt first
- Donald Stoten – many problems, water in Mays comes to them but goes no farther
- Board member Bob Jackman – If we fix problems around Mays we will flood down stream properties
- Bob Halgarth – has lived on Little Blue took care of his own property
- Ann Reddick – river condition is damaging other property, wants to do more tile work but can't until Little Blue is cleaned
- Keaton – water in river will move faster but the volume of water will not change and will not be increased
- Janet Earnest – enjoys river, many log jams between 300 N and 400 N, mother's property did drainage work many years, tree down with huge roots, suggests that the project be moved to 300 N instead of 400 N
- Dierckman to Keaton – water will flow south much faster if the work that is being discussed up north is done, will flow south in 5 to 10 hours instead of 3 to 4 days
- Monka – where will it end, need to work with everyone, need to make sure everything downstream is cleaned out; how far will you go since the water all flows into the Gulf of Mexico in the end
- Carol Hester – no problems on us, because of the bad economy shouldn't do anything
- Phil Dalrymple – CR 400 flooded 7 times this spring, 3 cars pulled out, need to have place for water to go
- Lee Orshell – cost too much
- David Hiner – tile outlet under silt, will flood other if stopped too soon, put tile in, cleaned small drain, should have done Little Blue first, better to work from the bottom up than the top down, have already worked from the top down and it has not worked
- Cindy B. Neal Hargrove – Little Blue good, lived there 25 years with no problems, send water up north not south
- Phillip Hester – suggests relook at proposed work, cost too much for little benefit
- Monka – debt, collect money first
- Dierckman – do sections first
- L. Barley(?) – spoke for her father, Ray Griffith, where is 33 miles
- Tom Mahan – farms Barley's father's ground, need a balance of work done, livestock in river kept some silt out in past
- Barley – just paid off one project
- Ray Griffith – fix problem, get new bids,
- Mickey Pile – fights Big Blue, cost, had to pay twice on one project
- Rees – Pile paid upfront on other project, had cost overrun to pay off
- Keaton – cost is hardship on small farms, \$800k will be nothing if sued
- Jackman – Look at help the Flatrock River project did for community, let's have a vision and fix this problem
- Schwomeyer – hardship on us
- Keaton – The concrete placed to help with erosion and the mud in the channel along Flatrock River is not beauty. There is no way to prevent the river from flooding.
- Rees – neither the channel or the concrete were Drainage Board projects

After this discussion a motion was made by Ripberger, with a 2<sup>nd</sup> by Jackman, to proceed with the proposed extension and reconstruction of the drain. Motion carried and the Final Order was signed. A second motion was made by Ripberger, with a 2<sup>nd</sup> by Jackman, to establish a maintenance fund of \$1.00 per acre for the drain. Motion carried and the Final Order was signed.

There being no further business to come before the Board a motion to adjourn was made by Jackman, with a 2<sup>nd</sup> by Ripberger. Motion carried.

RUSH COUNTY DRAINAGE BOARD

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Marvin L. Cole

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Ken Masters

SAMUEL COHEE OPEN DRAINAGE BOARD

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Marvin L. Cole

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Tom Ripberger

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Robert N. Jackman