

**CASS COUNTY DRAINAGE BOARD MEETING**  
**November 2, 2015**

The Cass County Drainage Board met at 1:45 p.m. in Room 203 of the Cass County Government Building. Those in attendance were members: Ralph Anderson, Jim Sailors, Jeff LeDonne, Surveyor Jenny Clark, Attorney John Hillis, and Acting Secretary Vicky Conrad.

Ralph Anderson called the meeting to order.

**AMEND AGENDA**

The agenda was amended to add Work Order #127 for the (93) Lybrook Kitchell drain. Jim Sailors made a motion to amend the agenda to add Work Order #127. Jeff LeDonne 2<sup>nd</sup>; Motion carried unanimously.

**MINUTES**

Jim Sailors made a motion to approve the minutes for the regular meeting on October 5, 2015, and the Special Drainage Board Meeting on October 19, 2015. Jeff LeDonne 2<sup>nd</sup>; Motion carried unanimously.

**EXPENSE CLAIMS**

Jim Sailors made a motion to approve expense claims CCS-0962 and CCS-0963. Jeff LeDonne 2<sup>nd</sup>; Motion carried unanimously.

**NEW WORK ORDERS**

A. Work Order #123: (106) Clary Tile

Jim Musselman reported a small hole. He plans to do the work himself. There is enough money in the fund to cover the repair.

B. Work Order #124: (24) Charles Wilson – Coleman Trib

Howard Goodrich requested the replacement of 150-160 feet of 15” tile. The original main is off grade significantly and has sunk causing him to lose a lot of acreage. Mr. Goodrich contacted Blackman Excavating for an estimate. Blackmans estimated \$3,500 to repair. Jenny Clark reported that it will be about 3-4 years before a full reconstruction can be completed on the Coleman Trib; however, we will still have the \$7/acre funds coming in on (24) Charles Wilson Open & Tile. The debt in the fund will be repaid by the reconstruction; this will free up money for repairs that the current \$7/acre maintenance assessment can cover. The first assessment of 2016 should wipe the debt clean. Ralph Anderson stated that repayment should be made to Kennells first before Goodrich. Jenny Clark stated that with the \$609/acre reconstruction assessment for Charles Wilson 1 and \$298/acre reconstruction assessment for Charles Wilson 2, there should be more than enough money in the fund to repay both Kennell and Goodrich. Jim Sailors commented that the money will be collected.

- C. Work Order #125: (130) Zollman Tile  
Steve Reed has a few tile holes and called Randy Ault to repair. No further comments.
- D. Work Order #126: (67) Galbreath Open  
Dennis with Heartland Heritage Farms reported a backup of water at 9608 W 250 N due to log jams and the ditch needing dredged. No further comments.
- E. Work Order #127: (93) Lybrook Kitchell  
John Hardy requested a repair to a tile hole on his land and a second tile hole in the fence row between Hardy and Plank (east of 200 East). We do not have an estimate yet. Jenny Clark explained that this tile has had a segment replaced on Bell and James Nelson and is now ready to go thru the next phase on Hardy (need money first).

Jim Sailors made a motion to approve Work Orders #123 thru #127, even though funds are not available on Work Order #124 for the Charles Wilson – Coleman Trib. Jeff LeDonne 2<sup>nd</sup>;  
Motion carried unanimously.

### **CURRENT PROJECT UPDATES AND DISCUSSION**

#### **A. (131) DeHaven Tile**

Jenny Clark reported that we are still going back and forth with INDOT on their commitment. INDOT has requested unit prices, so she and Jeff Healy have talked with Brad Sparks to determine unit prices. INDOT's share is about \$300,000 which is a little lower than what will be assessed. After reviewing the contract, Steve Benczik with INDOT didn't believe they were assessed on a percentage or a per acre basis. The unit prices were sent to Steve Benczik with INDOT late last week and we haven't received a response yet. We are holding the Award Notice until everything is OK with INDOT.

Jenny Clark also reported that the resolution dated August 3, 2015, was incorrect because it listed First Farmers Bank and Trust doing the loan instead of Logansport Savings Bank. Attorney John Hillis has corrected this and prepared a corrected version to be signed again.

Attorney John Hillis stated that he and Chad Geer of Logansport Savings Bank have had discussions and decided to go up to \$525,000 in case of cost overruns. Logansport Savings Bank will keep the money and we will draw down as necessary. If it goes above \$525,000 we have the capability of going up since the original amount was \$575,000.

Chad Geer, Logansport Savings Bank, explained that the drainage board can borrow up to \$575,000 minus interest. Jenny Clark believed that \$525,000 should be fine. A large amount of the payment will be from INDOT's lump sum payment. Chad Geer stated that we will have a semi-annual \$54,000 payment based on \$525,000. If INDOT pays the \$300,000 +/- at once, Logansport Savings Bank will recalculate the payments over 5 years accordingly.

Jim Sailors made a motion to approve the updated resolution for the \$525,000 loan. Jeff LeDonne 2<sup>nd</sup>; Motion carried unanimously.

Jim Sailors made a motion to sign the pledge agreement. Jeff LeDonne 2<sup>nd</sup>; Motion carried unanimously.

Attorney John Hillis stated that it has been a pleasure working with Logansport Savings Bank. The updated resolution and the pledge agreement were signed by the Drainage Board members during the meeting.

B. (24) Charles Wilson Open & Tile

Jenny Clark reported that Public Hearings for (133) Charles Wilson 1 Tile and (134) Charles Wilson 2 Tile reconstructions will be December 7, 2015, at 2:30 p.m.

The (133) Charles Wilson 1 Tile will be a full reconstruction with a length of 10,520 feet. The proposed reconstruction assessment will be \$609/acre totaling \$526,528.12. This includes an INDOT assessment of \$104,758.60 and a County Highway assessment of \$17,777.18 for right-of-way costs.

The (134) Charles Wilson 2 Tile will be a partial reconstruction from the open ditch thru the east side of the Panhandle Pathway. The proposed reconstruction will be \$298/acre totaling \$158,654.36. This includes an INDOT assessment of \$1,504.90 and a County Highway assessment of \$5,223.10 for right-of-way costs.

Several landowner meetings were held to discuss the projects and assessments. The landowners decided on these projects. They were given options of going smaller, but these were their wishes.

C. (129) Harriet Barr Tile

Jenny Clark reported that the tile has been installed by Brad Sparks, B&S Excavating. The project is complete and went very smooth.

D. (60) Updegraph Open

Jenny Clark reported that this project is currently underway. She had previously sent a letter to ten contractors to get estimates for this project and B & S Excavating was the only one to respond. B & S Excavating submitted an estimate of \$31,260.00 that was previously approved.

## OTHER BUSINESS

A. (80) Powell Tile

Jenny Clark reported that the reconstruction was completed but it wasn't collected as a reconstruction and has left a negative balance of (\$15,907.80). Two years of assessments were taken off due to the lower bid. The assessment is set to decrease to \$5/acre in 2016. A rate of at least \$36/acre is needed to pay off the debt in one year or it can be spread out over two years at \$20/acre then reduce it to \$5/acre in 2018. A public hearing is needed to increase the assessment to pay off the reconstruction costs and begin collecting maintenance funds. Jim Sailors made a motion to set a public hearing with a proposed assessment rate of \$36/acre for the (80) Powell Tile on January 4, 2016, at 2:30 p.m. Jeff LeDonne 2<sup>nd</sup>; Motion carried unanimously.

- B. Dave Anderson had sent a letter regarding a project that hadn't been completed. Jenny Clark has talked to Blackman Excavating and explained that it needs to be completed. Tom Blackman said that he could probably get out there this week. He is behind on jobs due to the bad winter and he also had a broken arm. Jenny Clark will contact Tom again and let him know it needs to be completed or we will need to re-bid the job.

## **PUBLIC COMMENTS**

- A. Mike Dyar, Bloomfield, IN, discussed the March 18 meeting at Howard County regarding the Conwell Moss reconstruction project. He stated that several landowners didn't agree with the project, but it passed anyway. He talked to the Howard County Surveyor about putting in a tile instead of an open ditch and was told that the tile would cost twice as much. Mr. Dyar obtained an estimate from a reputable company and the estimate was 45% less than the open ditch. The Howard County Surveyor told him that they can't abandon the open ditch decision. Mr. Dyar sent letters to all 42 landowners and all of the landowners he talked to wanted the tile and said they would participate in the payment. He stated that the Howard County lawyers have told them that the landowners that the tile touches are responsible for costs. Mr. Dyar asked why the open ditch decision couldn't be rescinded. Jim Sailors explained that the judgement was at an open hearing.

Mr. Dyar asked the Howard County Surveyor to prove the price. Jim Sailors explained that a consultant was hired and gave an estimate, but it hasn't been put out for bids yet. Also, there were several meetings and there was discussion on having an open ditch in certain places.

Mr. Dyar stated that the landowners feel that all property owners should participate in it. Jim Sailors stated he will discuss more details with Howard County because he had received conflicting information. Mr. Dyar presented the engineer's estimate for the proposed open ditch to the board for review. Jim Sailors stated the joint board made a motion to proceed to fix the drain, but didn't decide on the proposal.

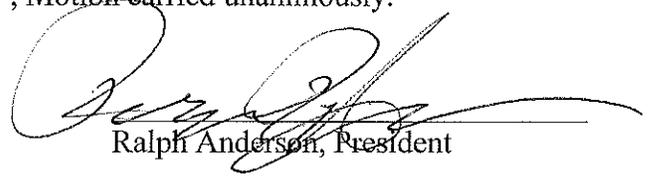
Ralph Anderson stated that the joint board went thru the process but they haven't let bids. The period of time for a remonstrance has passed.

Dale Zell of Kokomo, IN, commented that they had requested the minutes but the minutes were provided after that time. Jenny Clark also stated that she contacted the Howard County Surveyor's office to request information and was told that she had to fill out a request form and was denied access to information as well.

Attorney John Hillis commented that if a joint board has jurisdiction then Cass County has to be careful. Larry Murrell is the joint board's attorney. Attorney Hillis stated there may be a difference in abandoning the project and modifying the project.

ADJOURNMENT

Jeff LeDonne motioned to adjourn. Jim Sailors 2<sup>nd</sup>; Motion-carried unanimously.



Ralph Anderson, President

Vicky Conrad  
Vicky Conrad, Acting Secretary