

**Drainage Board Meeting
July 5, 2017**

Present: Al Logsdon, Jim Seiler, Tom Brown, Surveyor David Faulkenberg, Elaine Jones, Attorney Kelly Ward, Auditor Autumn Winkler

Meeting was called to order by President Al Logsdon at 1:30 P.M.

Minutes

Brown made a motion to approve the minutes from June 6th as presented. Seiler seconded the motion, motion was approved.

Surveyors Report

Don Wilson, an engineer from AEP had requested to be on the agenda to discuss a concrete pad they are adding on the north end of the plant. Wilson contacted Faulkenberg and stated he was not prepared for the meeting and requested to be put on the agenda for the August meeting.

New Business

Faulkenberg presented a map of Hooppole ditch in its entirety including all laterals. Hooppole runs from CR 900W east to Richland Hwy equaling approximately 20,086 feet. Faulkenberg proposes doing a 3 phase clean out on this ditch and the method moving forward on all ditches will be to clean the spill point first and work backwards. The first step in the process will be to contact the landowners, set a pre-bid meeting with contractors, then put out for bid. Seiler made a motion to approve beginning the process for Phase 1 of the Hooppole ditch project. Brown seconded the motion, motion was approved.

Faulkenberg request the Drainage Board Attorney be present at all meetings. It seems there is a legal question at each meeting that we then have to contact the attorney about and address at the next meeting. Brown made a motion to request the attorney attend every meeting. Seiler seconded the motion, motion was approved.

Old Business

Faulkenberg stated that there is still question as to the accuracy of our GIS map. WTH came and reviewed our current map and stated they fear it may not be accurate and suggested we reestablish the map to ensure authenticity. This will be a matter of going through the old books and will be a very long process, but the surveyor's office and WTH feel it's necessary. Going off the map is the only information that the surveyor currently has to use. Tara Damin was in attendance and stated that Cash Waggoner may be able to assist with this project, but one of the important starting points is our cornerstone markers. Cash Waggoner is currently working with other counties on completing their cornerstones. Faulkenberg stated that we currently are under contract with Chamness to do the cornerstones and they are not being done. There are approximately 1,426 section corners in the county and only 323 have been placed on the county map. There is an IC code stating that the county is required to complete 5% of section corners each year in the hopes of having the county complete in 20 years, but we have not been keeping up with that. We have had inquiries from Cash Waggoner and SJCA Engineers interested in doing the work. Auditor Winkler stated that she contacted Chamness and requested he attend the drainage board meeting per the board's request and he stated he would be out of town. Auditor Winkler explained to Chamness that the board was questioning his contract to do cornerstones and needed to know if he was still interested in doing this or what his plan was and he stated he would think about it and contact the surveyor. He has not contacted the surveyor as of yet. Attorney Ward stated that she informed Faulkenberg before the meeting that she feels the cornerstones are a commissioner issue not a drainage board issue. Logsdon suggested that this be addressed in the commissioner meeting today.

Faulkenberg researched IC 36-9-27-41 mentioned at the last meeting and found that it only addresses combining two current regulated drains; it does not address unregulated drains. The establishment of a regulated drain is addressed in IC 36-9-27-54. The process to change an unregulated drain to a regulated drain begins with landowner's petition and a public hearing. This brings up an issue with Baker Creek which is currently an assessed ditch, but no records indicate it is a regulated drain. As IC 36-9-27-41 states regulated drains can be combined for assessment and there are currently numerous regulated drains flowing through Baker Creek, but Baker Creek itself is not listed as a regulated drain.

The following is a list of regulated drains that flow into Baker Creek:

- R.W. Richards (C.C. McCoy)
- R.W. Richards (C.C. McCoy) Lateral #1
- R.W. Richards (C.C. McCoy) Lateral #2
- R.W. Richards (C.C. McCoy) Lateral #3
- R.W. Richards (C.C. McCoy) Lateral #4
- R.W. Richards (C.C. McCoy) Lateral #5
- R.W. Richards (C.C. McCoy) Lateral #6
- Robert Hatfield Drain
- Jacob Lang or William Dawson
- Andrew Bauman and James Hatfield
- Tower Drain or Ira Tower
- Willow Pond
- George Schleesele
- RT Lang
- Herrel Simmons and Eisler

There has been no record found where the combination of these drains was established as Baker Creek watershed.

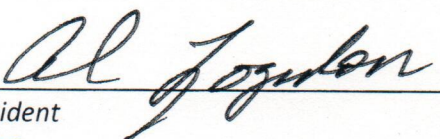
Faulkenberg then addressed Anderson River and stated that it is not a regulated drain and Logsdon stated that no one thought it was. Faulkenberg asked how we can spend county dollars on an unregulated drain and Logsdon stated because the council said we could. We get a list of projects together at the annual advisory board meeting and the council appropriates a portion of funding for the work. Faulkenberg stated, but we are not allowed to spend money on unregulated drains and even if we did spend funding on Anderson River as a navigable waterway we would need permits through the Army Corp of Engineers. Logsdon stated that's why we went to the Corp of Engineers before work began on Anderson River. It was not mentioned that any permits were needed, but the county met with a gentleman at the Newburgh Lock and Dam years ago and explained the work we wanted to do and he approved it and instructed how it should be done. Faulkenberg asked if they are giving him permission in a public meeting to spend money on Anderson River and Logsdon stated that is not what he said. Brown stated that Attorney Ward needed to research this for a clear answer. Logsdon stated he is not instructing Faulkenberg to do anything, that Ward will research and give an answer. Logsdon stated that if Faulkenberg didn't want to do the work he could answer to the advisory board that had been working on this program for the last 8-10 years. Faulkenberg stated he never said he didn't want to do the work, he just wants to make sure that everything he is doing is legal. Logsdon stated that they have never been informed through the years that it was illegal and if Faulkenberg wants to ruin one of the best programs in the state, then so be it. Faulkenberg stated that is not what he is doing, he just wants to make sure he is doing everything correctly. Brown stated that Attorney Ward needed to look into the matter and we need to move on.

Little Pigeon is still an issue and the Warrick County Surveyor and Deputy Surveyor still have not met with us. It is in the counties best interest to include them on this project due to planning and monetary cost. Faulkenberg will continue to try and meet with them.

Approximately 70% of the spraying is complete and the remainder will be done in the fall after crops are harvested.

Brown made a motion to adjourn. Seiler seconded the motion, motion approved.

Meeting was adjourned at 2:00 P.M.



 President



Attest:
