

# Henry County Drainage Board

Henry County Office Building  
1201 Race Street, Suite 216  
New Castle, Indiana 47362  
765.529.4802

Joel Magiera-Chair  
Donald Cross-Vice Chair  
Stephen L. Rust-Surveyor  
Elizabeth A. Willey-Drainage Board Secretary

Ed Yanos-Commissioner  
Paula Chapman-Member  
Randy Maloyed-Member

The Henry County Drainage Board met Wednesday, January 11, 2017 at 9:00 a.m. in Suite 117 of the Henry County Office Building, 1201 Race Street, New Castle, Indiana 47362, with the following members present: Joel Magiera, Chair, Paula Chapman, Member, Randy Maloyed, Member, Ed Yanos, Commissioner, Stephen Rust, Surveyor, Joe Copeland, County Engineer, Elizabeth A. Willey, Drainage Board Secretary and Bruce Atkinson, GIS Administrator.

Public Presence: Sheldon Dyne of Pritchett Backhoe and John Caine.

The meeting was called to order by Joel Magiera, Chairman.

The minutes were presented to the board for corrections and/or approval. Mr. Maloyed made a motion to approve the minutes as presented. Mr. Cross seconded the motion. Motion carried.

The following claims were presented to the board for approval:

## **#2700 Drainage Maintenance Fund:**

### **Fred's Excavating**

#551 Veach Post	#1843	Proposal #1613 /Charlton #008-0826-00	400.00
#549 JJ Vance	#1844	Proposal #1606 / McDonnell #011-01253-00	600.00
#518 Nathan Foster	#1846	Explore Dig/Beaver Damn #007-84135-00	650.00
#541 John Peed	#1850	Proposal #1602 / Keesling #007-84341-00	3,800.00

### **Culy's Construction:**

#### **Powell Excavating:**

#562 Carey George/Lamberson	#712505	Explore Dig/Chew (002-01002-00)	270.00
#584 Harry Goldman	#712506	Explore Dig/Myers (002-01312-00)	1,308.00

#### **Pritchett Backhoe:**

#512 Earl Coon	#21615	Explore Dig/Pitcock (30-04-35-400-024)	942.50
#549 JJ Vance	#21636	Proposal #1611 (011-00306-00 French)	759.00

#### **Pritchett Point LLC:**

#549 JJ Vance	#624	Proposal #1611 French	115.80
#551 Veach Post	#630	Baker reconstruction #008-00720-00	7,340.40

### **Reserve Account – Pitney Bowe**

#532 Joseph McGrady	postage (13 letters – legal hearing)	6.05
#525 James Jones	postage (27 letters- legal hearing)	13.56
#522 Mark Huffman	postage ( 178 letters – legal hearing)	83.77
#569 Kitterman Cronk	postage (10 letters – legal hearing)	4.65
#571 Firman Jessup	postage ( 38 letters – legal hearing)	18.67

### **Courier Times**

#571 Firman Jessup	#60806898	legal ad	23.21
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Mr. Yanos made the motion to approve the claims for payment as presented. Ms. Chapman seconded the motion. Motion carried.

### **#518 Nathan Foster Drain (Michael and Cheryl York)**

Mr. Rust approached the board with directions on how they requested he proceed with the Hold Harmless Agreement that had not been signed by Michael and Cheryl York. Mr. Rust advised the board that he had given verbal approval for work to be done on parcel #007-84104-00 located in Sec .24 Twp. 17N Rng. 10E and owned by Michael and Cheryl York. Mr. Rust advised the board the verbal agreement was entered into because the York's would possibly have to vacate their home because of a septic issue. Rust advised the board that the Health Department would not grant permission for them to install a new septic permit without the approval from the Drainage Board, because the new septic would be placed within the county 75' easement of a county legal drain. Mr. Rust advised the board the verbal agreement was contingent upon the landowner signing the hold harmless form, relieving the county of any liability. Mr. Rust advised the board that he has had several email and verbal conversations with Ms. York, whom has yet to sign the form. Mr. Rust advised the board that as per state statute, the board could unhook the private drain, move the legal drain or pursue legal actions. After board discussion, Mr. Mageria, board chairman, instructed Mr. Rust to attempt to resolve the issue via of a certified letter and in the event those efforts failed to return to the board for further action.

### **#518 Nathan Foster Drain:**

Mr. Rust brought the board up to date with the SR38 INDOT project located within the Nathan Foster Watershed. Mr. Rust advised the board that INDOT had originally committed to placing a 5 X 12 culvert, but has since reduced the size to a 6 X 4. Mr. Rust was concerned that reducing the size would restrict the water flow and not help the situation in that area, causing other areas to flood. Mr. Rust advised the board that INDOT would not agree to place the larger culvert but agreed to perform a directional bore under state road 38 and the railroad tracks, if the railroad company agreed with the project, however INDOT indicated that it would take approximately two years to complete the project and \$13,000.00 to review the project with no guarantees of approval. Mr. Mageria advised the board that they owed it to the watershed to try and get the problem taken care of and instructed Mr. Rust to follow up in attempting to locate someone from the railroad company that would assist in making the project successful or to expedite the project with nominal fees.

Mr. Mageria made the motion to recess the scheduled board meeting and proceed with the advertised #571 Firman Jessup Legal Hearing.

### **#571 Firman Jessup Legal Hearing:**

The #571 Firman Jessup hearing was called to order by board chairman, Joel Mageria. Mr. Rust provided the board with a Periodic Maintenance Report with the history of the watershed. The Classification and Maintenance Reports were provided to the board at the December 2016 meeting. Mr. Rust advised the board there were 49 parcels within the watershed, 48 of which would be assessed at a minimum assessment rate of \$25.00 and the remainder parcel would be assessed at \$6.00 per acre. The total annual assessment, if approved would be \$1,388.93. Mr. Rust reported to the board that the current fund balance was \$1,256.48. There were 38 notification letters mailed to landowners within the watershed on December 9, 2016. Two of those mailings were returned and resent to the corrected addresses provided by the US Postmaster. Public advertisement was posted with the Courier Times Newspaper on 12-30-16. Mr. Rust advised the board there were no objection letters and no landowners were present to verbally object to the extension of the watershed nor the assessment increase.

With no inquiries or objections to come before the board Mr. Yanos moved to increase the assessment rate and re-establish the boundary of the #571 Firman Jessup Watershed. Ms. Chapman seconded the motion. Motion carried.

Mr. Mageria adjourned the #571 Firman Jessup Legal hearing and called the regular scheduled meeting back to order.

### **#588 HH Kendall Drain:**

John Caine approached the board with questions of the board's procedures for repayment to watershed landowners for reconstruction or repairs to a legal drain within the HH Kendall Watershed. The board advised Mr. Caine that there currently were no funds available in the HH Kendall Fund, for repairs or construction, due to the fact the Watershed had just been placed on the assessment roll. The board advised Mr. Caine that the board had met with Mr. Eric Lawyer, whom had petitioned the board to have the watershed placed on the assessment roll and agreed that the first two years of assessment income would be earmarked to reimburse Mr. Lawyer for materials that he encumbered for reconstructing approximately 1800 ' of tile near the outlet. Mr. Caine was advised that once that agreement was fulfilled, then the board could enter into a Phase #2 project offering to Mr. Caine the same agreement to repay for materials that he may incur, if he should reconstruct that portion of the drain that is located on his property. Mr. Caine was advised prior to entering into an agreement, he must provide the board with cost estimates and specification of the work prior to reconstruction for approval and that reimbursement would only occur after Phase #1 was completed and paid for. The board agreed that both projects would have to be paid by the landowners up front and that reimbursement would only be made for what the board agreed upon prior to the reconstruction and a final inspection of the surveyor. The board reiterated that the reimbursement would only be for the tile supplies and not the labor costs which would have to be paid by the landowner.

### **Drainage Ordinance Updates:**

Mr. Rust asked the board to consider updating the current Drainage Ordinances. Mr. Joe Copeland, county engineer volunteered to begin the process with the codes being brought up date using Hancock County codes as an example.

**Transfer of Funds:**

Mr. Rust presented the board with the 2016 fall assessment collection of the #585 Harry Goldman Middle Arm Fund which shows the collection of \$12,843.33. Mr. Maloyed made a motion to reduce the reconstruction loan by making the 2017 Spring payment of \$7,382.34 in advance and to apply the remainder of \$5,460.99 to the principal balance of the loan. Mr. Yanos seconded the motion. Motion carried. The board instructed and authorized Mr. Rust to make the transfers as per the motion made.

Mr Rust requested permission from the board to transfer \$2,492.00 from the #502 Catherine Beech Drain Fund to the #551 AJ Baker Drain Fund to purchase left over pipe that had been purchased for the #551 AJ Baker Drain reconstruction project. Mr. Rust advised the board by transferring the money, the board could save money by using the left over pipe. Mr. Maloyed made the motion for Mr. Rust to transfer the funds. The motion was seconded by Mr. Cross. Motion carried.

Mr. Rust presented the board with fund balances after the 2016 Fall Assessment collections on the following watersheds: #509 Wm Brown, #520 Franklin Elliott, #525 James Jones, #527 Levi Kirlin, #543 Rosco Sanders, #546 Elliott Stewart, #553 Thomas Willis and #586 AJ Bushong. Mr Rust requested permission to make transfers from the above Drainage Maintenance Funds to repay the General Improvement Fund. Mr. Yanos made the motion to transfer 75% of the assessment collections from the above Drainage Maintenance Fund to repay the General Improvement Fund for maintenance projects that had been completed with the General Improvement Funding. Ms. Chapman seconded the motion. Motion carried

**Project Proposals:**

Mr. Rust presented the board with seven proposal bid projects that were forwarded to the county contractors as proposals. The board reviewed the projects and instructed Mr. Rust to proceed with awarding each project to the lowest bidder.

**2017 Annual Bids:**

Mr. Rust advised the board that the 2017 Annual Bids would be advertised as per state statute with a submission date of February 7, 2017 and opened for public review on the next scheduled meeting February 8, 2017. Mr. Rust also advised the board that the 2017 Tile Bids would also be advertised and awarded at a later date.

**#550 Herbert VanWinkle Drain:**

Mr. Rust presented the board with the Classification Report and the Maintenance Report for the #550 Herbert VanWinkle Drain and a legal hearing was scheduled for February 8, 2017 @ 9:30 a.m.

With no other business to come before the board and no public comments, Joel Magiera, President, adjourned the meeting.

Dated this 11th day of January, 2017.

**Henry County Drainage Board**

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Joel Magiera-Chair

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Donald Cross – Vice Chair

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Ed Yanos – Commissioner

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Paula Chapman-Member

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Randy Maloyed – Member

Attest: \_\_\_\_\_  
Stephen L. Rust, Surveyor