

Motion to approve minutes of December 27, 2011 Tony Newton, 2nd Kevin Nigh, vote 3/0.

Gordon-Bassett Legal Drain-Jeff Powell came before the Board to clarify some issues concerning the Gordon-Bassett Legal Drain and the stipulations that the Drainage Board had included in their approval to reduce the legal easement of 75' to 25' for Jeff's client, Dollar General in Morristown. Jeff wanted to clarify the Drainage Board Minutes from December 12, 2011 to make sure that his client's understanding of the minutes and the Drainage Board's intent is the same. Jeff said that in the event of a repair of the tile under the improvements, his clients would be responsible for the removal, repair and replacement of any of their improvements. Jeff also said that it was his understanding that since the Gordon-Bassett Legal Drain is not on maintenance if, for example, there was a blowhole in the parking lot, the Drainage Board would approach the landowner and direct them to repair the blowhole. If the landowner did not repair the blowhole the Board could use funds from GDIF and then put the assessment on to the landowner. Kevin Nigh said that his concern was that with the parking lot or any other improvements on the easement he worried that there would be a time delay in repairing the tile. Kevin and Tony Newton both observed that not only was the County's easement being narrowed, but Dollar General intended to utilize the full easement footage to make their improvements, (parking lot, dumpster pad, curbs, signage, etc.). David Mohr asked Jeff what would happen if they had a problem with the tile as it goes thru White's Addition. Jeff said he assumed that the same would apply wherever the problem occurred, the landowner would be responsible. Jeff said that his client just wants to make clear that they are only technically required to pay for the removal, repair and replacement of their improvements and that any blowholes, etc. would be the responsibility of the landowner. Kevin said that he thought that was correct as long as Dollar General understands that the Drainage Board has the right to access and repair the tile if needed. Tony stated that Dollar General also needs to be aware that they are responsible for the tile on their property. Jeff asked if that applies to other landowners in that affected watershed, the Board answered yes. Tony said there was no difference, whether the legal drain is a tile or an open ditch...if it is not on assessment the landowner is required to pay for the repairs. Jeff said that he agreed with that. Jeff asked if that tile was ever put on maintenance assessment and repairs were made, Dollar General would be liable for their improvements, but would they be responsible for the tile? Tony said that if that were the situation, they would have to go thru the process of a public hearing and that Dollar General would have to petition to put it on construction maintenance. At that point they would be part of that project along with every other property owner in that watershed. Dollar General would shoulder that cost with the other property owners and they would be responsible for their improvements. Jeff told the Board that he had an affidavit that Dollar General's title company has requested be signed concerning the easement reduction, and some clarification from the client regarding their improvements. Jeff said that he would add to the affidavit that until the drain is put on maintenance, any and all repairs of this drain are at the expense of the property owner. David Mohr also suggested that Dollar General be encouraged to put the dumpster pad, signage, etc. as far from the tile as possible. Kevin said that as long as they get a document that makes the rules clear to all of them, he would be happy with that. Jeff said that he would forward it to Dollar General and to John DePrez to look over and if the Board approves, he would ask David to sign it. John said that the Board could have a special Drainage Board meeting to do so. The Board said they would do it next Tuesday. Kevin Nigh made a motion to table this matter until next Tuesday after John DePrez' review, 2nd Tony Newton, vote 3/0. Diane Haehl asked Jeff to make it clear to Dollar General that even if the tile is on maintenance, Dollar General will be responsible for their improvements. Jeff said that would be in the affidavit.

Tile on 500S on Fischer's Property-Tony Newton said that he had a conversation with Mark Fischer regarding the tile on Mr. Fischer's property on 500S and that Mark wanted to go ahead and get the tile ordered and get everything ready to go. David Mohr said that he had spoken to Jamie Ramsey and that Jamie said that Mark Fischer told him that he would like to wait to get the tile repair done until the middle of summer. Jamie said that he asked Mark if he could go in when the crops were in there and that Mark said he would rather lose some crops and get a good job. David said that he would like to get a letter from Mark requesting that scenario. Kevin said that the tile should be ordered now because it will go up a lot next summer if the fuel prices go up. Tony offered to call Mark and see if he would get the Board a letter stating he would hold the Board harmless for crop loss, and see if he would store the tile. David said that Carl Mohr across the road might let Mark store it in his barnyard. Tony suggested that they might lock the price of the tile in if they went ahead and paid for it, and have it delivered at a later date.

Howell Ditch-David Mohr said that 5 contractors looked at the Howell Ditch that morning. David said there were a lot of trees.

Adjourn

DRAINAGE BOARD MINUTES

JANUARY 17, 2012

ALL MEMBERS PRESENT

Gordon-Bassett Legal Drain-Diane Haehl informed the Drainage Board that Jeff Powell asked if the Board would table discussion on the Gordon-Bassett Legal Drain and Dollar General of Morristown until the following week. Kevin Nigh made a motion to table Jeff Powell's appearance at the Drainage Board meeting to discuss the Gordon-Bassett Ditch until the following week, 2nd Tony Newton, vote 3/0.

Leroy Anderson-Leroy Anderson came before the Drainage Board to discuss a drainage concern on his property. Mr. Anderson lives on Frontage Rd. just east of Green Meadows. David Mohr said that he has looked at Mr. Anderson's site, and the majority of his problem is on private property. Mr. Anderson has a neighbor that keeps plugging up a pipe which causes flooding onto Mr. Anderson's property. The Andersons have removed the plug several times, but the neighbor continues to stop it up. Kevin Nigh said that the Board could ask the Highway Superintendent to look and see if the roadside ditch needs cleaning, but other than that, the Board has no jurisdiction over private property. John DePrez informed Mr. Anderson that his situation was a civil matter.

Adjourn

DRAINAGE BOARD MINUTES

JANUARY 23, 2012

ALL MEMBERS PRESENT

Motion to approve minutes of January 9, 2012 and January 17, 2012 Tony Newton, 2nd Kevin Nigh, vote 3/0.

Bids for Roberts, Howell and McPherson Ditch-David Lawson told the Drainage Board that there were a few landowners that had some questions and concerns about the Roberts, Howell and McPherson Ditch. Some questions: what the maintenance fund would include and what ditches and how many were included in the maintenance fund. Kevin Nigh said that there are both tile and open ditches in this watershed. Kevin said the major hold-up right now is the open ditches and that if they can get those opened up then the tile ditches could start working. He said that they tried to come up with a 3 year, 3 phase plan and that hopefully the money would hold up thru that plan. He said that if there was any money to do tile work along the way they would do so, but the tile work might have to be another phase later. Right now the \$15.00 per acre and \$50.00 per lot minimum would be used to do the work needed and is not a maintenance fund fee. After the 3 years, the Surveyor can put a percentage of the original \$15.00 per acre, \$50.00 per lot minimum into a maintenance fee. If the maintenance fund builds and nothing needs to be spent out of it, then after 4 years the maintenance fee can be dropped. Mr. Lawson asked if the landowners in the watershed who were some distance from the large tile, and who didn't seem to benefit from the repair of the tile were still required to pay into the fund. Kevin said that the tile is included in the watershed and that all property owners need to share in the cost of the repair and reconstruction.

Opening of the bids:

Nasby Construction: \$54,300.00 with riprap @ \$25.00 per ton. Any salvage of firewood and logs belong to the contractor. Dipping of the Roberts arm will be \$1.50 per ft. up to the Marietta Rd.

Larry Mohr Construction: Remove trees where ditch empties into Blue River, remove marked trees, treat all stumps, stack and burn all trees except for the ones that can be left in the woods, clean ditch bottom per instructions, finish all excavations. Base bid: \$53,400.00. Riprap \$28.00 per ton. Clean bottom of the lateral-\$800.00.

West Repair: 13,704 feet of ditch bottom dipping, clearing trees as specified, digging out spoils, lowering bottom of ditch, estimate to include labor and equipment complete. Riprap placed \$24.00 per ton. Bid price \$59,999.00.

Wells Excavating: Remove brush and trees, spray stumps, dip open drain approximately 13,704 feet from Blue River to CR 450W, \$41,434.00. Alternate 1: dip open drain approximately 1,318 ft. to Marietta Rd. \$1,300.00. Riprap in place, \$19.00 per ton.

Gentry Excavating: Main line from Blue River to the woods - trees and brush on north side to be cut and stumps treated, brush will be piled and burned. Trees on south side that are marked will be cut also, woods section path will be cleared to provide room to work on ditch, these trees to be laid down parallel with ditch on drainage right-of-way, large diameter trees that can be worked around will be left standing, from David Brown's crossing to swamp area brush to be removed on both sides, piled and burned with the exception of two large trees that were pointed out. Swamp section trees on east side to be removed, piled, burned and ditch will be re-established on east side. Total: \$64, 500.00. Riprap \$19.90 per ton. Tile repair outlets: \$95.00.

Kevin Nigh made a motion to take the bids under advisement until February 13, 2012, 2nd Tony Newton, vote 3/0.

Set Date for Ditch Spraying Bids-Kevin Nigh made a motion to have Norma Ross from the Surveyor's Office send out notice that the Drainage Board will accept bids for Ditch Spraying on February 13th, 2012 by 5:00pm, 2nd Tony Newton, vote 3/0.

Cotton Run and Mohler Green Ditches-David Mohr said that the Surveyor wanted to combine the Cotton Run and Mohler Green Ditches. Kevin Nigh said that he felt it made sense to combine them as they are both in the same watershed. Taylor Sumerford said that Cotton Run is now \$6.00 per acre with a \$10.00 minimum and Mohler Green is \$5.00 per acre with a \$5.00 minimum. Kevin Nigh made a motion that the Cotton Run and Mohler Green Ditches be combined at \$6.00 per acre with a \$10.00 minimum, 2nd Tony Newton, vote 3/0.

Gordon-Bassett Ditch-Tony Newton made a motion to table discussion on the Gordon-Bassett Ditch, (Dollar General Store in Morristown), until a later date, 2nd Kevin Nigh, vote 3/0.

Tile on 500S/Mark Fischer-Tony Newton told the Board that he had left several messages for Mark Fischer trying to get clarification on the tile on 500S that is on Mr. Fischer's property, but has not been able to speak to him yet.

Roberts Ditch-Taylor Sumerford said that he found an error on the Drainage Board's map of the Roberts Ditch and that it would need to be amended.

Adjourn