

**PULASKI COUNTY DRAINAGE BOARD**  
**REINHOLT HEARING**  
**MARCH 21, 2016**

The Pulaski County Drainage Board met on Monday March 21, 2016. The meeting was called to order by President Bud Krohn Jr. at 2:34 p.m. in the Commissioners Room, third floor of the Pulaski County Courthouse.

Present was President Bud Krohn Jr., Terry Young, Larry Brady, Terry Ruff, Gary Kruger, Ron White, Jenny Keller and Susan Thomas. Also present was Ron Christenson, Dennis Haschel, Arnold Brandt, Gerry Brandt, Scott Wuethrich and Darrel Erb.

**REINHOLT HEARING**

Jenny: The Reinholt was petitioned back in May of 97. It was put on reconstruction and maintenance in 1999. Said ditch is located in Tippecanoe Township, section 20, 29 and 30. The last time the ditch was cleaned was in 1998 before the assessments actually went into effect. We currently have \$340.31 in the maintenance fund. We bring in \$322.33 per year. For some reason the County Highway was taken off. I have added them back on and today we will add them back on. That kind of decreases it a little bit. We're proposing today a total rate of \$16.56 an acre to be spread out over a period of two years therefore making it \$8.28 an acre. We are also proposing to increase the maintenance rate from \$1.00 to \$3.00. We will be bringing in \$971.00 a year. The project will consist of 5160 feet of ditch with an average cut of 1.39 feet. There's approximately 1496.4 yards to be removed. We will start at Tippcanoe River, go east ending at approximately 35 feet north of County Road 400 N. Both slopes will be brushed and the side the contractor's working on dug down to the original bottom. A completion date of May 15<sup>th</sup>.

Jenny: \$8.28 a year for two years.

Larry: \$8.28 per acre for the next two years.

Jenny: Yes and we're increasing the maintenance rate from \$1.00 to \$3.00 then. After much discussion, the Board approved the rate of \$8.28 an acre for two years and increasing the maintenance rate from \$1.00 to \$3.00 an acre.

Larry motioned, Terry seconded. All in favor. Motion carried.

Jenny: Before we move on, the County Highway will be, for one parcel, 2.42, then 2.44, 1.59 and 3.17. We need to put those back on.

Larry: I'll make a motion to reappoint the payment for the Pulaski County Highway on the Reinholt Ditch, the wages as presented.

Terry: Second.

Bud: Motion carried.

Larry: I make the motion to adjourn the Reinholt Hearing.

Terry: Second.

Bud: Hearing adjourned at 3:52 p.m.

**REGULAR DRAINAGE BOARD MEETING**

**ANTRIM**

Jenny: Jerry Gutwein is out there cleaning that. A gentleman who would not give his name called and reported that the contractor was not doing a good job. We went out and looked at it and I think Jerry is doing a good job. Jerry reported that by the sewage plant it was holding back water. Probably just wait and see after the whole ditch is cleaned as to what happens with that.

Terry: I was at a Medaryville Town Hall meeting last Thursday evening and one of the residences said that the ditches never flowed like that in a long time. Real pleased and he lives in town.

Larry: A few comments in regards to my photographs. East side of the ditch. My question is, what's deemed as a lateral and was it in the contract to be done? This is on the east side of Medaryville. Same question. Is this deemed as a lateral? If we're cleaning the ditch out and we have these roadside ditches and it's not deemed as a lateral should we have the County Highway come in and clean these out?

Jenny: I believe that was not in the specs to do on that one.

Larry: So whether moving forward, if we need to identify anything along our county roads plus what is deemed as a lateral.

Jenny: We do not consider that a tributary.

Gary Kruger: That's a road side ditch, on 200 N there.

Larry: Next picture. That would be the north side of the road. Does that get cleaned out? That's what we need to identify in the future of any of our contracts. Next back in Medaryville, north side of town. That is 200 N south of, the restaurant.

Terry Ruff: 200 N on the west side of 421, correct?

Larry: Yes. Here is a culvert going under 200 and you're saying it's moving water.

Ron White: I've talked to Rick from the State Highway and a lady from Medaryville contacted him too.

Gary Kruger: The State's going to do it.

Larry: So my question is that the State cuts into here. Do you feel that if this is cleaned out by the State, this culvert or this drainage tile here, will that fix all that?

Ron White: That will help the Town.

Gary Kruger: Jerry stopped up to 200 to get to where the culverts are, where at least we've got access to an outlet. Larry if you'd back up on that, Jerry probably couldn't, I don't know how much with his excavator coming up through that swamp he can get to.

Ron White: Why didn't he dip the other one on 175 out?

Gary Kruger: This is a road side ditch.

Jenny: Right. That's why he didn't put it in the specs.

Jenny: Ron Christianson is here. When Jerry was cleaning, you know we track on the filter strips and this is Ron's and he was asking if we would re-seed that. It's always been the Drainage Board's policy to not re-seed. I would like to reference for your information, code 36-9-27-33, "The county surveyor, the board or an authorized representative of the surveyor or the board acting under this chapter has the right of entry over and upon land lying within seventy-five feet (75') of any regulated drain. Crops grown on a right-of-way are at risk of the owner, and, if necessary in the reconstruction or maintenance of the drain, may be damaged without liability on the part of the surveyor, the board or their representatives."

Larry: So Indiana Code is our saving grace here.

Bud: NRCS won't help you pay for any of it, will they?

Ron Christianson: They did one time. They're not going to have to re-seed the whole thing. When he spread it out, he didn't spread it out to cover the whole thing.

Larry: So what you're saying Ron is that it is a variable. That variable's unknown until the projects done.

Ron Christianson: I see your point on that, yes.

Larry: When you say spread out, the grass that is still underneath that hasn't popped through yet. To spread it out thinner, you're moving out to your field more.

Ron Christianson: If you don't spread it out, the grass can't come up through it.

Larry: Gentlemen, we've got a tough decision here. Whatever we do today will affect every single contract in the future down the road. Well we got Tim's opinion right now. He pointed out the IC Code to us as Jenny has stated. It would be my motion that we table it until the next Drainage Board meeting for more fact finding information to be brought in. I have a motion we table this.

Terry: Second.

Bud: Motion carried.

Ron White: While we are still talking about the Antrim Ditch, Ron is there still a pile of rip-rap there by 175?

Ron Christianson: There's a big pile of rip-rap there.

Ron White: Do you know if Gutwein got that out underneath the bridge?

Ron Christianson: I don't know where they got it from.

Gary Kruger: It could have slid in off the slopes too of the ridges.

Terry Ruff: I guess we need to go look at it.

Gary Kruger: That and go talk to Jerry Gutwein.

Jenny: I'd talk to Jerry because he may keep it or haul it off and use it.

Ron White: Is he done with the ditch? He can't come back and dig that ditch out at 175 can he?

Jenny: Is that technically a road side ditch?

Gary Kruger: Yes

Larry: It wasn't identified in his contract. If he can come and it's going to cost us a little bit more, I'll make that motion to get it done.

Gary Kruger: Who's property? Neilson's?

Jenny: Kevin?

Ron White: Yes.

Jenny: So are you directing me to see if we can get an estimate from Jerry to clean the ditch along 175?

Larry: Let's talk to the State and see what they're going to do and see how that goes and then we'll readdress that later.

Ron Christianson: I know Kevin would probably want that ditch cleaned out. There were like three tiles that went in that roadside ditch there.

Jenny: It's not very deep but is that something you guys want to just have them go scuff through it or dig.

Gary Kruger: Who, us dig it?

Jenny: No I meant Jerry. We going back down to the original or are we just going kind of scuff through it? How deep do you guys want to go?

Gary Kruger: It's a county roadside ditch isn't it?

Jenny: That's what I thought we just determined.

Larry: I withdraw my motion and I will have the County Highway take a look at it.

Terry Ruff: If you just scuffed it out it wouldn't be that big of an issue but it depends on how much they want taken out of there I guess. We better go look at it I guess Jenny.

#### **VIERS TILE**

Darrel Erb: We've got all the landowners approval to do that Viers tile that we touched base with last year. We're going to be crossing two county roads. When Mark Fox was still here, the County had 11% if I remember right. That sounded like a little bit too much. So at that point in time, Terry said what they come up with was approximately four acres, or 5%. 5% of the cost was about \$2,450.00. But if they're going to haul the stone and pay for the stone then I've got the ok from the landowners, five in all, that they're satisfied with that. I need something in writing that that will happen.

Larry: Darrel who's this letter need to be from?

Darrel Erb: Well I really don't know.

Larry: To protect us on three different fronts here, the Commissioner's side, the Surveyor and the Highway Department.

Bud: Do you still have to cut the road?

Gary Kruger: It's a gravel road.

Terry Ruff: We've cut it several times anyways so it's no big issue.

Darrel Erb: What I want it to say is that Pulaski County will furnish all the stone and haul it free of charge for....

Gary Kruger: For the \$2,400.00 or whatever our 5% was.

Terry Ruff: All you want is some stone and to haul, right?

Darrel Erb: And then hauling the dirt out because there on road 1000 when we put that new tile in cross there, right on top of the tile....

Larry: I make a motion to approve.

Terry: Second.

Bud: Motion carried.

Larry: I'll make the motion that the Commissioners can go to the County Highway Department upon notification to sign the paperwork.

Terry: Second.

Bud: Motion carried.

#### **DONATION LETTER**

Jenny: We had originally wanted to do a thank you to FRATCO but then we drafted this up on all of our behalves to sign and send to FRATCO.

Larry: I'll read it for everyone. (Larry reads the certificate/letter) I can hand deliver it to them. Just let me know when it's all signed by everyone.

#### **LIGARD BRANCH OF THE MOON DITCH**

Jenny: This Ligard Branch of the Moon Ditch. Jeremy Rasmussen came in and he farms with Rob Ruff and also Simmermakers have questioned this. From the end of the ditch to the crossroad, 300 E and 750 S, in that distance, they want to know if they can get another two foot of fall. If you read back through the minutes, basically what it boils down to is Paul Abbott wanted to lower the pipes under railroad at that time, and 35. This was back in 1997. It was supposed to be lowered two or three years later after the reconstruction of the ditch to lower the pipe under the railroad and 35 so they could eliminate the pump station. It says, we've got the approval to put in a lot more tile and would like to see all that get done. That must have been the drop-off point, we've heard nothing else up until now. Back in 1998, the quote at that time was \$225 per foot. A sixty foot pipe, \$13500.00 and plus the dewatering equipment which was \$15,000.00 so a total of \$28,500.00. If you look back through the minutes, where they possibly had discussed actually taking everyone off of the maintenance on the Ligard Branch due to the fact that they have to run a pump and just going out and cleaning the ditch back down to the original bottom is not going to help them at this point. You're talking reconstruction on top of cost of eliminating the pump.

Larry: Possibly looking at \$40,000-\$50,000 based upon times are different than back in 98. There's going to have to be a public hearing, correct?

Jenny: Right. Annual maintenance is only \$532.00. We actually have like \$2400.00 in the fund. We contacted the State back in the day. Indiana Department of Transportation asking for their cooperation. Here's the drawings from back then.

Larry: I think we need to reengage in the State that this is coming back up to life. Find out their portion of the project and what their requirements are. So I would say that I move to table this until we get further information from the State.

Terry: Second Larry's motion.

Bud: All in favor, motion carried.

#### **DILTS/ANSTIS**

Jenny: DeSabatines reported a washout east of Matt Rausch's shop on 200 N. The ditch needs cleaned also. I had DeSabatine give me two quotes. After viewing it we thought from the pond up to 300 N we would clean. His estimate for two washouts, he's going to charge \$2,051.00. Now for the actual cleaning, so from the pond to 300, which is 6,930 feet, he's going to charge \$4,504.50, for a total of \$6,555.50. The second quote starting away from the pond and that footage is 5,880 feet so for that \$3,822.00 plus the \$2,051.00 for the two washouts for a total of \$5,873.00. If you want my opinion, we're better off starting from the pond.

Larry: So moved.

Terry: I will second Larry's motion.

Bud: Motion carried.

#### **LIGE HARP**

Jenny: David Jordan reported a washout along county line 1000S east of highway 39. Dan had talked to Mike Ezra so he's going to fix that.

#### **HARING DITCH**

Jenny: The Samuel Haring off of the MP Hill, you guys gave your permission to go ahead and let Gutwein do that. In the midst of all that letters didn't get sent out to landowners asking them to mark their tile. Scott Wuethrich had three tile that were damaged during this process so I took it upon myself that the ditch would pay for this since they were not Jerry's responsibility.

Larry: So moved

#### **SCOTT WUETHRICH**

Jenny: Now Scott is here today, this is in regards to 1150 yet where back in the minutes we said that we were going to clean it out in the spring and so far it has not been done.

Jenny: The minutes go back and forth but the end result was "We'll notify Terry Ruff and have him go clean out the natural surface water course and write up a bill and have the bill submitted to him for payment". (him meaning Richard Lowry) We had talked about March.

Terry Ruff: Will there be any hauling?

Ron White: No it will just be a back dragging. Have Dan out there to make sure we get the proper elevation.

Terry: Ok. Go clean it out, whatever is needed.

Larry: I'll make a motion to go out and clean it and send Mr. Lowry a bill for your labor and equipment costs.

Terry: Second the motion.

Gary Kruger: Before we move forward, didn't you guys decide we were going to turn that road back over to the landowners a year or so ago?

Larry: You're correct.

Terry: It was in the process. We'll have to check on that.

Bud: Motion carried.

**BRUCE LAKE OUTLET – private crossing**

Jenny: I sent Brandon Lewis a certified letter. Brian came in, upset of course about that, but he wrote me a letter basically saying that he received his letter on the Bruce Lake Outlet and he believes once the rest of the ditch is properly cleaned, the crossing on my farm won't be a problem. It only needs to be lowered less than a foot, I don't believe this will allow much more water to flow through it. I suggest leave the crossing alone, clean the ditch as needed and let's see if there is a continuing problem with it. I've been taking care of the beaver dams. He sent me another e-mail on March 16<sup>th</sup> and said that the beaver dam in the culvert is gone. The water has gone down approximately four feet he says. We are still back to square one as you know. If we're going to clean this ditch, we need to have a hearing to raise the rate.

Terry: Motion to set a hearing date for the Bruce Lake Outlet.

Larry: I'll second that.

Bud: Motion carried.

**LOUGIS/BOGUS/CULVERT 700 N**

Bud: Terry do you want to talk about that culvert with Starke County?

Terry Ruff: Are they still pushing the issue? 700 N, between 300-400.

Bud: They claimed they cleaned it. It's just that we don't have our pipe for it.

Terry Ruff: They suggested they'll furnish the excavator.

Larry: Do you have a pipe available?

Terry Ruff: Yes.

Ron White: Who's putting the pipe in?

Jenny: It will be Starke County.

Larry: I'll make a motion to allow Terry Ruff and the County Highway Department to move forward with the replacement of the culvert on 700 N between 300-400 W working with Starke County.

Terry: Second.

Bud: Motion carried.

**MOSS CREEK**

Jenny: Phil Brucker reported that the Moss Creek needs cleaned from 119 going west until it turns and goes south. We looked and more is going to have to be cleaned on that. It's on our list to survey.

**SHRADER DITCH**

Jenny: Joe Crist reported there is tile under water. (Especially thru Dr. Allman's) He would like the ditch surveyed and cleaned. It is on our list to survey.

**INDIAN CREEK**

Jenny: Terry Rouch was checking on the status of Indian Creek.

Larry: Bud can you give us an update on the Indian Creek and why, just give us an update.

Bud: Indian Creek is going to be reconstruction from 119 E and 119W is going to be some maintenance but it's all being surveyed now. They are out talking to farmers and they hope to have a hearing and go with it and start cutting brush this fall. Start digging.

**SIGNING OF CONTRACTS**

Jenny: We have two contracts to sign: Haring Br. of MP Hill - Gutwein Bulldozing & Excavating  
John Bierum Ditch - Shepherd Excavating

Larry: I make a motion to approve the signing of the contracts.

Terry: Second

Bud: Motion carried.

**CLAIMS and MINUTES**

Larry: I'll make the motion to approve the claims and minutes as presented.

Terry: Second

Bud: Motion carried.

\$ 671.01	DeSabatine Bros.	Ed Frain Tile	50100.000	GDM
59.45	Howards Marathon	Gas	006-22100	GAS, OIL, ETC.
261.59	Gobles GMC	Brake pads & rotor	006-36100	EQUIPMENT REPAIR
12,000.00	Gutwein Bulldozing	MP Hill	50100.000	GDM
3,500.00	Gutwein Bulldozing	Haring Br. of MP Hill	50100.000	GDM
550.00	Steve Miller (reimb. from 2008)	Rawn Ditch	50100.000	GDM
40,000.00	Gutwein Bulldozing	Antrim Ditch	50100.000	GDM
3,761.50	JCLSS LLC Jasper Co Surveyor	Section Corner Maintenance Program		SURVEYOR CORNER PERPETUATION FUND
379.71	Berntsen International, Inc	Section corner caps		SURVEYOR CORNER PERPETUATION FUND

**OTHER BUSINESS**

**Scheurer/Keller**

Jenny: The Scheurer/Keller, it's actually the Keller that we're concerned with. Wayne Zechiel reported, he's got water out in his field. Widner, whenever he cleans, it's on this side of his crossing and all up to where the ditch ends. He wants to go from the opposite side of the crossing to County Road 400E. On think map I measured about approximately 4,000 feet. I talked to Chris Loehmer. Our balance in the fund is \$1,708.11. It takes in \$1,971.36 a year. He's supposed to give me a quote.

Terry: This is just west of Monterey?

Jenny: Yes.

Terry: At the bottom of that hill?

Jenny: Yes. Very minimal brush. The excavator can go on there and trample over it. Like I said his tile is underwater. He's got water holes out there in his field.

Larry: I'll make the motion to proceed once you have your quotes.

Terry: Second.

Bud: Motion carried

#### **WESTPHAL DITCH**

Jenny: Jerry Gutwein had e-mailed me on the Westphal Ditch. Brian Huber had contacted Gutwein and had expressed a very strong interest in re-routing the end of the Westphal Ditch which is a lateral of the Big Monon. Jerry told the gentleman to bring it to our attention. They're going to go along the property line, bring it up here and go that way.

Larry: Would this not be considered private?

Jenny: It's all on Huber's/Erb's ground. If he's not going to affect anybody, why do we have to classify it as reconstruction and make everybody else in the watershed pay for it? But is that legal? To make it legal I guess would it be something that maybe he petitions and gets moved over.

Bud: Is this a petitioned ditch.

Jenny: Yes Westphal is a maintained ditch.

Larry: Would be an addition to that Westphal ditch or are they closing up the Westphal?

Jenny: They would actually close this up. That would all be their expense. They are really increasing the footage on it.

Larry: Get that petition to get a new leg to put on the ditch or make it maintained so I'm assuming you would have to have a petition to take it off.

Jenny: Correct and have a hearing.

Larry: We're not going to be able to decide anything today without an attorney. My thought is, petition to take it off the maintenance and then he can do whatever he wants. I think you would have to have a hearing to have anything done.

Jenny: Right. Everyone in that watershed for a hearing.

Bud: He's changing natural flow of the original ditch.

Larry: Yes he is.

Terry: I would assume that people that were affected by the Westphal that gets benefitted wouldn't want us to take it off maintenance just to change the property line or boundary.

Larry: Where that Westphal is, so is there anything being fed into this Westphal in this section that they are going to have to extend over here?

Jenny: I have not officially talked to the landowner yet. I'll just tell Jerry that if the landowner wants to proceed, he needs to come before you guys and more than likely a petition and a hearing that will take place first before any decision is made.

Larry: I'll make that a motion.

Terry: Second.

Bud: Motion carried.

#### **SECTION CORNERS**

Jenny: You gave me permission with Mike Kingman to update our section corners up to \$15,000.00. I had to purchase the iron rods and the caps. Mike Kingman got me in contact with the gentleman for the iron rods. The iron rods were like \$300.00. I ordered the caps and the caps came out to be a total of \$379.71. This will come out of the Surveyor's Perpetuation Fund. Mike Kingman had asked if he could get partial payment as he goes along. I don't think it should be a problem. He has already sent in for a partial payment and it's \$3,761.50. This also comes out of the Surveyor's Perpetuation Fund. Are ok with doing partial payments?

Larry: So moved.

Terry Second.

Bud: Motion carried.

#### **CHUCK EIDES**

Larry: Down by Chuck Eides and Bill Longs on 1100 W south of the ditch there. Chuck Eide lives, it's 1100. The telephone company has come in and done some work and it's caused some drainage issues to his pasture. And or Chuck Eide has some trees here that is interfering with the flow of water which is affecting Bill Long's pasture of letting out. It's either the county highway issue because it runs along the road underground I'm assuming. Or Chuck Eide got some trees that are out of control. Or the telephone company did some damage.

Bud: Did the telephone employee cut the tile?

Terry: There was no problem before?

Jenny: No not that I was aware of.

Larry: Is it the County Highways responsibility to maintain that and close the tile?

Jenny: I would say if it was the phone company that went through there and they did it, obviously they're responsible but we don't know that yet.

Larry: Ask Dan to do some exploring on this?

Jenny: I can have him go out there and look at that and see what he can see or find, analyze.

Larry: Take the county highway person out there too. Maybe they can work together. He can swing by and talk to Bill and get Bill to come out and show them. So moved.

Terry: I'll second

Bud: Motion carried.

#### **PART TIME HELP**

Larry: Part time help, did they come back?

Jenny: Yes.

Larry: Jenny and I've talked about this. She has a part time employee that's had some medical issues. When that part time person is not here, Dan is locked down and can't do anything in regards to surveying. So as with other departments, example of the Recycling Center, we have an on call list of people that potentially could come in and fill in a day or so. I've asked Jenny to come up with the same type of listing. Establish a list and get them all certified and into the system so they

don't need to, all they just need to do is come in and clock in. That's my motion for her to come up with an on-call list of potential people to fill in just in case your part time help is not here.

Terry: Second.

Bud: Motion carried

**ADJOURNMENT**

Larry: Anything else, I'll make a motion to adjourn if there isn't.

Terry: Second

Bud: Motion carried. Meeting adjourned at 4:38 p.m.

PULASKI COUNTY DRAINAGE BOARD

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BUD KROHN JR., CHAIRMAN

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TERRY YOUNG, MEMBER

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LARRY BRADY, MEMBER

SUSAN THOMAS  
Drainage Board Secretary