

September 14th, 2020

Meeting called to order at 7:00 p.m. Members present were James Lucas, Drew Markel, Fred Harrison and Ray Redicker. Also present was Daniel Blann, County Surveyor, Travis Thompson, Board Attorney, and Justyn Underwood, Board Secretary. Mr. Underwood kept minutes. Mr. Redicker made a motion to approve the minutes from the June 8<sup>th</sup>, 2020 meeting with no corrections. Mr. Harrison seconds the motion. The June 8<sup>th</sup>, 2020 meeting minutes were approved with 4 "yes" votes.

Mr. Blann then presented to the board a photograph and an exhibit from a survey showing property owned by Jeff Lorenzo in Washington Township along the Monning Legal Drain. Mr. Blann informed the board that the property is landlocked and Mr. Lorenzo needs an access easement through the property owned by Craig Klinge to get to his property. Mr. Lorenzo originally asked for the legal drain right of way to be reduced for the access easement to be put in place, but Mr. Blann recommended that Mr. Lorenzo make a request to the board that the access easement be within the current 75' legal drain right of way. Mr. Lorenzo informed the board that the current farm lane on the Klinge property has been there since he purchased the property in 1986, and that Mr. Klinge has no objections to Mr. Lorenzo's request for an access easement and the decision made by the Drainage Board. Mr. Lorenzo then said that the current farm lane is already in the legal drain right of way, and that this access easement is needed for a survey being done by Jonathan Isaacs with Independent Land Surveying. Mr. Thompson asked Mr. Lorenzo if he was going to draft a document to keep for records and be recorded. Mr. Lorenzo said that he would draft an easement document with the description of the easement from Mr. Isaacs' survey to be recorded at the Jackson County Recorder's Office and that a copy would be given to Mr. Thompson once the document was completed. Mr. Markel made a motion to approve the request for Mr. Lorenzo's access easement to be within the existing right of way of the Monning Legal Drain. Mr. Redicker seconds the motion. Motion carried with 4 "yes" votes.

Mr. Blann then informed the board of an issue on the Wm. McDonald Drain regarding a pool within the drain right of way on property owned by Will Imlay in the City of Seymour. Mr. Blann presented the board photographs of the pool, as well as an aerial photograph of the area and the subdivision plat for this property. Mr. Blann also informed the board that there is a 12' drainage easement on the north line of this property along the Wm. McDonald Drain. Mr. Blann said that he looked through all the county drainage board records and could not find any record of any right of way reduction along the legal drain, but that the City of Seymour approved the drainage easements on the recorded plats. Mr. Blann said that the City of Seymour had recently cleaned the Wm. McDonald drain and that the work they were doing was completed. Mr. Blann said that he spoke with Rick Steward with the City of Seymour & Bernie Hauersperger, City of Seymour Engineer, and that they expressed concern with Mr. Imlay's pool being too close to the ditch and are concerned that the ditch may collapse from the weight of the water in the pool. Mr. Imlay then addressed the board. Mr. Imlay said that he would like the board's permission to install rip rap on the bank, and cover the rip rap with concrete to try to stabilize the bank and keep it from collapsing. Mr. Imlay also said that he would like to put a fence back up to its original location, which was approximately 3' from the top of the bank.

Mr. Wiesehan arrives to the meeting at 7:19 pm.

Mr. Markel stated that if the bank would collapse and the pool would ever fall into the ditch, that it would be the responsibility of Mr. Imlay to fix the damages to the ditch. Mr. Blann stated that he does not have an issue if the board grants Mr. Imlay permission to install rip rap to try to stabilize the ditch bank, but that he can't guarantee that it will not eventually collapse. Mr. Harrison recommended that the board should determine how much rip rap should be installed for the stabilization of the bank. Mr. Harrison made a motion to allow Mr. Imlay to install 8" of rip rap 100' in length from the top of bank to the bottom of the bank within the next 6 months, and that the County Surveyor approve the installation. Mr. Wiesehan seconds the motion. Motion carried 5 "yes" votes. Mr. Harrison then made a motion to allow Mr. Imlay to install a 5' iron fence within the right of way with the stipulation that the fence be removed at his expense if ever needed during future maintenance or cleaning on the legal drain. Mr. Redicker seconds the motion. Motion carried with 5 "yes" votes.

Mr. Thompson then addressed the board about a Petition for Obstruction filed by Marcus Hess that the board had received. Mr. Thompson advised that since the board would be the decision making body in this matter, no facts or evidence should be discussed at the current time and that the facts and evidence related to the petition should wait to be discussed at a public hearing no less than 30 days after the acceptance of the petition. Mr. Thompson said that the next step would be for the board to approve the

petition if they choose to do so, followed by setting a date and time for a public hearing, and that the current vote at this meeting would only be for setting a hearing. Mr. Blann provided the board with a GIS aerial of the area and gave a description of where the obstruction is located. Mr. Blann also said that he has inspected the obstruction, which is a collapsed culvert pipe on a shared drive that is shared by three landowners. Mr. Blann stated that in his opinion, this collapsed culvert is an obstruction. Mr. Blann also said he spoke with INDOT about right of way concerns, and INDOT stated that they do not have an official right of way in this area, but that they have a right of way grant, and that their obligation is from edge of pavement to edge of pavement. INDOT also informed Mr. Blann that any work that is to be done for this obstruction will still require a permit due to it being an entryway onto State Highway 250. Mr. Thompson advised that due to the timing of the current meeting, the hearing would have to be set for the November 9<sup>th</sup> Drainage Board meeting. Mr. Markel made a motion to approve the Petition for Obstruction filed by Marcus Hess and that a hearing be set for November 9<sup>th</sup>, 2020 at 7:00 pm. Mr. Wiesehan seconds the motion. Motion carried with 5 “yes” votes.

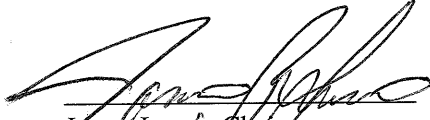
Mr. Blann then addressed the board about an issue with the pipeline mat south of County Road 250 on the McMillan Drain in the West 50 Unit, and introduced the board to Larry Booher and Alisa Abraham with Enterprise Products Pipeline. Mr. Blann reminded the board that there are 3 pipelines that run under this mat of which two are owned by Enterprise Products and the other owned by Enbridge Inc., formerly owned by Spectra Energy. Mr. Blann said that the collapse has caused both banks to blowout on the downstream side of the mat. Mr. Booher and Ms. Abraham stated that they would like to stabilize the banks with rip rap and get their pipe covered back up for the short term to slow down erosion. Mr. Booher also stated that they are working with Enbridge to try and get them on board with fixing the collapse of the mat, but that no official plans have been put together to fix the mat collapse. Mr. Booher also informed the board that Enterprise Products recently cleared beaver dams on the ditch as well. The board then discussed with Mr. Booher and Ms. Abraham concerns about fixing the banks, but not getting the collapse of the mat repaired and the history of issues relating to the mats. Mr. Harrison made a motion to allow Enterprise Products to install rip rap and other suitable materials to stop the erosion of the banks on the McMillan Drain within the next 60 days. Mr. Wiesehan seconds the motion. Mr. Markel stated that he disagrees with the wording of the motion and that he believes that the pipeline company’s intention is not to fix the problem with the ditch, but only trying to protect their pipeline. The board members then addressed concern with raising the grade of the ditch. The board then proceeded to vote on the motion. Motion failed with 2 “yes” votes and 3 “no” votes. Mr. Markel explained that he voted no because he would like to have a better understanding of what the pipeline company would like to do with the repair of the ditch. Mr. Booher stated that the current plans the pipeline company has to fix the banks is from plans put together in 2016. Mr. Blann said that the calculated rip rap and repairs to fix the ditch are not going to be accurate, and that a new topo would need to be performed to fix the ditch correctly. Mr. Lucas then stated that if Enterprise Products would like to come back with a new topo and new set of plans, they could be put on the agenda for the next month’s drainage board meeting and present them at that time.

Mr. Blann then informed the board that once crops are out, all contractors will be starting on the 2020 legal drain projects.

Mr. Blann also brought up to the board that the account balance of the Beatty-Walker Unit is very high, and that most of the drains in the unit are in good condition. Mr. Blann said that he would like to talk with and review with Mr. Thompson, a clause that allows for the taxes to be suspended for a certain amount of time if the board so desires, and that he would like the board to make a decision by 2021 about this matter. Mr. Lucas and Mr. Blann discussed sending out a public notice to taxpayers to allow them to come to a meeting regarding temporarily suspending taxes in the unit. Mr. Blann said that because the Beatty-Walker unit is so large, the budget would not have enough funds to cover the cost of sending public notices to each taxpayer in the unit. Mr. Lucas suggested that Mr. Blann put a notice in the newspaper regarding the meeting, and Mr. Thompson agreed that putting a notice in the newspaper would be acceptable. The board advised Mr. Blann to proceed with putting the notice in the newspaper and that the meeting about temporarily suspending taxes would take place at the December drainage board meeting.


Mr. Redicker made a motion to adjourn. Mr. Harrison seconds the motion. Motion carried with 5 “yes” votes.

Meeting adjourned at 8:40 p.m.



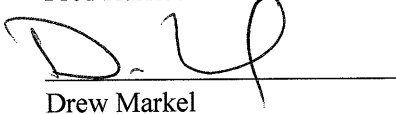
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James Lucas, Chairman



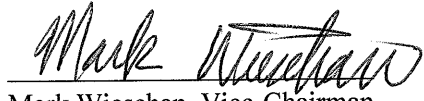
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Fred Harrison



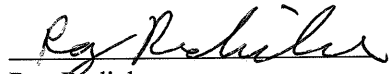
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Drew Markel




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Mark Wiesehan, Vice-Chairman



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Ray Kedicker



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Justyn Underwood, Secretary