

PULASKI COUNTY DRAINAGE BOARDJULY 20, 2015

The Pulaski County Drainage Board met on July 20, 2015. The meeting was called to order by President Larry Brady at 2:30 p.m. in the Commissioner's Room, third floor of the Pulaski County Courthouse. Present was Larry Brady, Terry Young, Bud Krohn Jr., Attorney Tim Murray, Jenny Keller and Susan Thomas. Also present was Darrel Erb, Scott Wuethrich, Judy Steinmetz, Chris Loehmer, Cathy Elston and Sheila Garling, Auditor.

WM. HENRY LONG TILE PROJECT

Larry: Darrel has handed out several pages of what he wants to present to the Board. (Claim for \$10,045.05 for late planting on the WH Long Tile Project)

Chris Loehmer: Is there a right-a-way on that project? Why one tile would affect total acres of a field. If you were concerned about your crop then why didn't you plant it then go back in and plant the rest. I don't know why one section would hold up several hundred acres.

Darrel Erb: Because the main takes all the water out of the laterals, so if the mains not any good the laterals can't drain. The ground it's not going to drain.

Larry: I think today we collect your claim like you presented and we will table it to take under consideration to make those determinations. Jenny we can work with Mr. Murray, Tim we will task you with doing some research here and do you want to write up a response as soon as you find something?

Larry: Chris I have you next on the agenda, right?

Chris Loehmer: I just want to know why it was denied. The one thing that I definitely want to address, when we were there, it was extremely wet. On sunny days it just got to the point we had to stop due to not being able to install the smooth core tile at any kind of quality or desired performance I guess. I guess there was a deduction on Healy for late?

Jenny: Yes. Originally he had 16 days but he moved that to 14 days and he wanted to charge \$200.00 a day so \$2800.00. I guess that has to be your first decision if you agree with that or not.

Larry: Terry I'll entertain a motion to approve the 14 days at \$200.00 a day.

Terry: So moved.

Larry: We have a motion and I'll second that. We have a motion and a second to approve the \$200.00 per day for liquidated damages at 14 days making that \$2800.00. That will adjust the remaining contract making it \$25,559.68. If you agree, I'll entertain a motion to approve the remaining contract at \$25,559.68.

Terry: So moved.

Larry: I'll second that motion. We have a motion and a second. Motion carried.

Jenny: I think he already has the hookups already added in that. \$7601.19, yes so he's already got that in that price. So I guess basically with the adjustment that you guys just approved, are you good on paying him the rest of his contract?

Terry: I'm in agreement with that. Motion to approve.

Larry: We have a motion to approve. I'll second that. Motion carried.

Darrel Erb: Do we have the GPS maps with the hook-ups on it?

Chris Loehmer: I do have them with Fox and Weaver and I was waiting to get payment on it. That was above and beyond.

Darrel Erb: So then what does that make the total project? I know the bid was \$51,346.00...

Larry: As I'm reading right now Darrel it's \$63,359.68.

Darrel Erb: Healy told you everything was fine this morning?

Jenny: Yes. He said everything is 100% complete.

RICHARD LOWRY INVOICES

Jenny: I checked with the Auditors office, Richard still has not paid his share. We sent him letters and reminders and still no payment.

Larry: Tim are we allowed to attach this to his fall tax?

Tim Murray: You have to sue him just like it is any bill from the County. You should turn it over to the County Attorney.

Larry: Jenny, let's reach to him the first of next week and see if he wants us to come through his office as the County Attorney or through Tim as our Surveyors Attorney for collection.

Scott: He filled it in. He filled both of them in you, in April sometime.

Tim Murray: If it continues to be backfilled by Mr. Lowry then it's a standing order or a standing decision of the Board that it will be continued to be cleared out by the County and billed to Mr. Lowry for that cleanout.

Scott: It hasn't been done since so now we have a cleanout procedure to happen.

Tim Murray: So it has to be cleaned out again and billed to him again.

Larry: I'll entertain, if it needs to be a motion for the highway department to go out and do a clean-out of that....

Jenny: Terry Ruff feels that, even though it's there county right-of-way, he feels that they should not be the one to go out there and clean this out. He feels we should hire an outside contractor

Tim Murray: The problem you get into with that though is if you hire Fox-Weaver or DeSabatines then you've got to pay them and then you're not getting paid for that bill.

Terry: Let's keep it in house.

Larry: It's a county owned roadside ditch.

Jenny: Correct.

Larry: In regards to this new cleanout, Jenny contact the highway department.

Bud: I would like a deputy to stay out there with the backhoe when we go out to clean.

Scott: So does Dan need to be out there to?

Larry: I would have the coordination between all the departments there that's involved and make sure they are represented.

MOHLER DITCH

Jenny: Carl Federer would like the Mohler cleaned. We are in the red \$2704.37. We aren't collecting enough to get that cleaned. I would like to schedule an August 17th hearing to raise that.

Larry: I'll entertain the motion to allow a hearing for the increase of assessments for the Mohler Ditch.

Bud: I want Jenny to have the right to increase the assessment on the Mohler Ditch.

Terry: I will second the motion.

Larry: We have a motion and second.

HARPSTER

Jenny: Tim Alexander and Bob Meyer both reported a washout. We have \$11,668.00. It's on the agenda to get worked on. Tim Alexander wants to put in a surface drain. I explained to him that the County doesn't pay for surface drains. I told Tim Alexander that you get with Tim Weaver and Bob Meyer out there and then you guys can discuss what you're going to do.

PELSEY

Jenny: Bob Wuethrich reported this ditch needs to be cleaned so we put it on our list to survey. There's about \$8400.00 in the fund.

SHANLEY

Jenny: That one's taken care of by DeSabatine. Ed Gudas reported to Terry Ruff that there is a slide in the ditch and the Shanley was just cleaned by Gudas Excavating, so that's taken care of.

SMITH DITCH

Jenny: That's with the County Highway. They just replaced a pipe.

PRATHER

Jenny: Ron White he reported a few washouts. Sammy Jones also called in and reported a culvert washout. It's by a surface drain but we will fix the washout but we will not do anything with the surface drain. Tony Kasten also has a pipe rusted out that comes out of the Prather. It comes out of the Prather, goes into a private ditch and then goes into another so we are only fixing what is ours. Tony is paying the rest and DeSabatine will be taking care of Tony Kasten's as of right now and Sammy Jones'. Ron White, his didn't look to be major so I will do those other two first.

KOPKA BRANCH #2 OF LIGE HARP

Jenny: Albert Smith reported that ditch this needs cleaned. Its on list to be surveyed with the Lige Harp. There's like \$12,800.00 in the fund. The Tully Ditch is a branch of the Lige Harp. Samething. Where Brian Putt had reported a sandbar and wants the main dipped. Dan went looked at it and he didn't see any obstruction. The sandbar is not holding any water back so as of right now we're not going to do anything. It is going to be surveyed and cleaned so we would take care of that when that comes.

AGNEW DITCH

Jenny: On the Agnew, with the washout there by Tommy Murray. DeSabatine quoted \$2494.00. Tommy Murray said to hold off. He had talked to somebody that worked for the State. Because it lies within the state right-of-way, they are going to look at it within the next 30 days.

MUD CREEK/SMALL TILE

Jenny: Wilbur had reported that he still has 4" of water in garage. He wanted it jetted. I e-mailed you guys about do we pay

Larry: Are you ok with paying this, gentlemen?

Terry: I'm ok with it.

Bud: Yep. (The County will pay DeSabatine, not Martindale)

Jenny: John Simmermaker came in wondering what progress had been made on grant.

Larry: I talked to Jerry White today in Lafayette, of OKRA, He just wanted to advise us that it would be best to present it on the 20% one and that is going to encumber just the community of Star City. He's suggesting it to go and do the land survey or the income survey for the 2016 process.

LINCOLN DITCH

Jenny: Mark Kolish reported a blockage. Dan went out and looked. There was no blockage, just moss in the ditch so we will just keep an eye on that.

SALRIN/COX

Jenny: John Poisel reported that he had tile underwater. Dan was going to go out and look at this. We have \$4243.00 in the fund.

SCHOLTZ DITCH

Jenny: Dick Neilson reported a blockage. He thinks Smolek put in boards. There's always one at the very very bottom and that's it but there was no new boards.

ED FRAIN TILE

Jenny: Lyndy Boos called you (Larry) concerned about the flooding by Galbreaths & Casey's. Dave Bennett reported that Harold Hopkins is flooded. Wayne Westphal also came in and reported his concerns with the water there. I did contact DeSabatine. He will go out and jet the tile.

EASTWOOD PARK TILE

Jenny: Smeltzer's Addition. Judy Steinmetz and Julie Foerg and the Kellers, water just keeps pouring in.

Judy Steinmetz: I don't have a basement. I have a drain right in my front yard, a 4" drain. After it rained an inch and a half, it took 36 hours for that drain to drain the water off my yard

Jenny: I did talk to DeSabatine and he will go out there and jet it.

OTHER BUSINESS****PELSEY DITCH**

Darrel Erb: The Pelsey Ditch. Who makes a determination whether it needs cleaned or not?

Jenny: Well we will survey it this fall and find out and see what the profile says.

**** WHITE COUNTY DITCH COLLECTIONS**

Larry: White County Ditch collections.

Jenny: I need your confirmation. This letter from Brad Ward from White County as whether we collect or not. I talked to him he said that it's really no big deal. We could collect next year and they would not and then the following year, if they needed to collect we would both collect again at the same time.

Sheila Garling: We also got a letter from Brad. His comment was "Please collect the following assessments on the fall tax assessments if practical. If not practical please add these ditches to the tax role for collection in the year 2016". We really want to go ahead and send tax bills.

Terry: Let's go ahead and do it this year.

Bud: I think we need to work with Sheila and do it for her convenience.

Terry: I move to put the collection on for this year for White County.

Bud: Second.

Larry: We have a motion and a second to go forward for collection for this year

****BOGUS**

Jenny: With the Bogus I talked to Paula from Starke County she wanted it in writing that we will put the Bogus on collection for 2015 and that we will collect spring and fall. How the error was found was Pulaski County sent them a check for \$377.38 which was then determined that it was penalties and interest just on the Bogus from years prior. I talked to Tina in our Auditor's office because Paula wanted to know if they were to keep the check or send it back. Tina said for them to keep it. So if you guys agree with that memo, I will send it on to Starke County so they have that documentation.

Terry: I will accept the letter.

Larry: I will entertain a motion to present the letter as presented to Starke County to have Starke County just to keep the check.

Terry: So moved Larry.

Bud: Second.

Larry: We have a motion and a second. Motion carried.

Jenny: Mr. Jack Shannon come into the office. He has issues with tiles under water and wants the Bogus cleaned. So we directed him to Starke County. Dennis was very rude to Mr. Shannon and was told that he needed to come back here to our County. Chuck Mueller called in and he wants the Bogus sprayed so we directed him to call Starke County. Then I get this letter from Dennis Estok, basically says that he's received a couple request for maintenance on the Hanley and Podell Ditch located in Pulaski County. And he says "Charles Kopkey has requested maintenance on the Podell and Jack Shannon requested maintenance on the Hanley. I'm asking for you corporation in preparing specs for maintenance on both ditches. I feel that you are better qualified do to your familiarity with the lay of the land and drainage in Pulaski County." And then he's telling me what sections. Basically he wants me to prepare all the specs, run the profiles, do everything and give it to him so he can let it out to a contractor. I can see helping but we've never done this and he wants me to do all of this

Terry: No. That's a joint Drainage Board problem up there Jenny and I want no part of that. Motion to deny.

Bud: Second.

Larry: We have a motion to deny the request of the Starke County Surveyor. We have a motion and a second. Motion carried.

Larry: Tim do you have a problem with what we just did?

Tim Murray: I don't have any trouble with that.

Jenny: I will send you a draft of the letter.

****SPRAYING**

Bud: Last year we couldn't do Bathke because it was on the highway and it was unsafe to spray the ditch? Can we get that done this year? Could we put them on top of the list?

Jenny: Yes.

****PRIVATE MATTER WITH BUD KROHN**

Bud addressed his private matter issue with the Board. It is a private matter so no action was taken. It was issues with Carl Smith and Louis Bangle.

CLAIMS

Larry: The paperwork we just approved here for Loehmer, that's going to be on the next months?

Jenny: Sue can actually turn it in at the end of the month.

Larry: Ok that's fine.

Bud: Jenny on the Kolish Family Farms it says partial surveyor payment. Is there more coming?

Jenny: Oh yeah.

Larry: The remaining is coming out of my fund. I think the \$500.00 is coming out of your fund.

Sue: Actually is not \$500.00.

Jenny: Less \$36.00.

Bud: Make a motion to approve the claims.

Terry: Second

Larry: We have a motion and second. Motion carried.

	AMOUNT	PAYEE	DITCH/TILE	APPROP #	APPROP NAME
A.	\$35,000.00	Loehmer Ag Products	WH Long Tile	5000-01	GDI
B.	278.38	Ryan Baker	Fatsinger Main Tile	5000-01	GDM
C.	172.12	DeSabatine Bros	Blinn Tile	5000-01	GDM
D.	381.06	DeSabatine Bros	McNeil-Phillips Tile	5000-01	GDM
E.	1,425.00	Weaver-Fox Bros	Skillen Tile	5000-01	GDM
F.	3,200.00	Weaver-Fox Bros	Weltzin Ditch	5000-01	GDM
G.	2,400.00	Weaver-Fox Bros	Harpster Ditch	5000-01	GDM
H.	3,500.00	Weaver-Fox Bros	Lige-Harp Ditch	5000-01	GDM
I.	464.00	Kolish Family Farm, Inc.	Partial survey payment	063-3000-18	Professional Services
J.	2,250.58	DeSabatine Bros	Shanley Ditch	5000-01	GDM
K.	300.00	DeSabatine Bros	Mud Creek/Small Tile	5000-01	GDM
L.	1,425.00	Banning Engineering	WH Long	5000-01	GDI
M.	25,559.68	Loehmer Ag	WH Long	5000-01	GDI

MINUTES

Terry: Motion to approve minutes as presented.
Bud: Second
Larry: We have a motion and second to approve the minutes as presented. Motion carried.

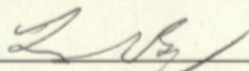
MISCELLANEOUS

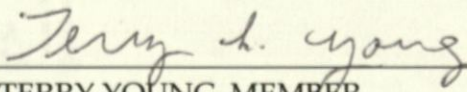
Jenny: Well I have one question. There is a webinar for legal and ethical class and it's going to discuss like your open door law, access to public records, social media law and public notices and how to announce meetings and when are public notices necessary and stuff. It is \$60.00. Is that ok to do that?
Larry: Yes.
Tim Murray: I'm signed up to go to a drainage school out of my own pocket.
Larry: We are more apt to allow the payment for you sir.
Tim Murray: I appreciate that and how about after I make sure I go to it, I may submit something after I go to it.

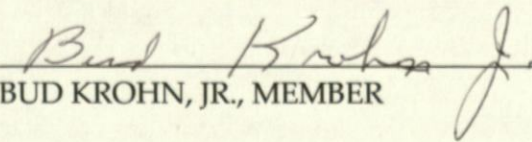
ADJOURNMENT

Larry: I'll entertain a motion to adjourn.
Terry: Move to adjourn.
Bud: Second
Larry: We have a motion and second. Motion carried. Meeting adjourned at 3:46 p.m.

PULASKI COUNTY DRAINAGE BOARD


LARRY BRADY, CHAIRMAN


TERRY YOUNG, MEMBER


BUD KROHN, JR., MEMBER

SUSAN THOMAS
Drainage Board Secretary