

PUBLIC HEARING - #112 Noah Simmons
Bethlehem Township

The Cass County Drainage Board held a public hearing for the Noah Simmons Open #112 on November 7, 2011 at 3:28 p.m. in room 203 of the Cass County Government Building. Those in attendance were members: Dave Arnold, Jim Sailors, Gene Powlen, Attorney John Hillis, Surveyor Jenny Clark and Secretary Becky Tocco.

Dave Arnold called the meeting to order.

SURVEYOR'S REPORT

The purpose of this hearing is to increase the assessment to be able to reconstruct and adequately maintain this ditch. Tabitha Briones from Banning Engineering was present to give the report. She handed packets out to the landowners containing information, maps and estimates for the proposed work to be done. Maintenance costs are proposed at \$7.00 per acre and reconstruction costs are proposed between \$260.00 to \$420.00 per acre, depending on which way the tile is routed, if there is an open ditch instead and how long it takes to pay. Tabitha addressed some of the concerns from the letters that were received. The water level of the pond north of 800 shouldn't be affected. Open ditch costs would reduce the capacity needed of other tiles; fifty feet of land would also need to be acquired for this.

Some of the landowners had questions for Tabitha and the board:

Jerry Field, 5951 N 500 E, Twelve Mile, IN, wanted to know if the open ditch would quicken the drain off time.

John Hoagland, 6199 E St Rd 16, Twelve Mile, IN has land on the JF Nowland tributary; his property is already affected. An open ditch between the pond and him would relieve a lot of pressure. There is a wooded spot he has that has holes from the water damage. If there is an open ditch, will he get a crossing? He also doesn't want a lot of his hardwood cut down.

Lora Emmerd, 8350 N 600 E, Twelve Mile, IN wanted to know how this will affect the water levels of her pond and the wildlife that use it? Tabitha will check on that for her.

Jim Sailors made a motion to accept the Engineer's Report. Gene Powlen seconded; motion passed.

WRITTEN OBJECTIONS

Paul R Shaw	Kisiah I Shaw
Dale Emery	John Hoagland
Dianne Hoagland	Eleanor Mikesell
Paul Mikesell	Kurt E Gilbertson
Julie Emery	Lora Holcomb Emmerd
Pauletta Shafer	Robert E Emery

Gene Powlen made a motion to accept all objection letters. Jim Sailors seconded; motion passed.

PUBLIC COMMENTS

Ron Pearson, 114 Black Lane, Royal Center, IN said that the two acres in the SW corner of the assessed 4.330 acres does not drain. He feels the entire parcel should be removed since it all drains to the Rentschler and Kessler ditches. Dave suggested that Ron come in to the Surveyor's office in the next few days to talk with Jenny and see if that is possible.

Paul Ulerick, 6223 E PR 765 N, Twelve Mile, IN has never known any maintenance to be done on his portion of the ditch. He claims that every January two of the same landowners take up all of the available funds to repair their problems. There are public health and safety issues involved with the flooding. School buses can't use the 700. He has had fish in his field from overflow of the pond. He claims that if you live above 300 you do not exist. He agrees the work needs done, but how do we pay for it?

Jerry Field, 5951 N 500 E, Twelve Mile, IN, stated he feels that the ponds on the Emmerd property aren't a problem.

Robert Emery, 5593 E St Rd 16, Twelve Mile, IN doesn't want an open ditch on the property. He thinks the proposed 36" tile is too big. He has been doing his own tributaries. He feels the proposed rate per acre is too expensive.

John Hoagland, 6199 E St Rd 16, Twelve Mile, IN; if they put a tile along the James F Nowland fence line into the Simmons Ditch it would eliminate working through the woods. 300-400' of tile is all you would need.

John Field, 5222 E CR 650 N, Twelve Mile, IN; his mother owns an affected property. He has spent many days repairing and replacing 24" tile for her. The tile is 100 years old; it needs fixed or everyone below 800 N will continue to have major problems.

Paul Shaw, 6246 E CR 875 N, Twelve Mile, IN questioned the tile north of 800.

Tabitha stated that the Cass County Highway is interested in helping with this if possible. She also said that if there is an open ditch, Jeff wants to get a couple of soil borings and topo shots.

After some discussion, it was decided to continue this until Banning Engineering could do some refiguring and look at some other possible options to present.

Jim Sailors made a motion to continue the hearing on January 3rd, 2012 at 3:00 p.m. Gene Powlen seconded; motion passed.