

BE IT REMEMBERED THAT THE CLINTON COUNTY DRAINAGE BOARD
MET IN REGULAR SESSION ON DECEMBER 16, 2025
AT 10:15A.M.

PRESENT:

Alan Dunn
Mike Waldron
Mike Cline
Phil Ferrel
Liz Stitzel
Janet Cline

PRESENT:

Jordan Brewer, President
Bert Weaver, Vice President
Kevin Myers, Member
Thomas F. Little, Attorney
Daniel D. Sheets, Surveyor
Zachary J. Light, Secretary

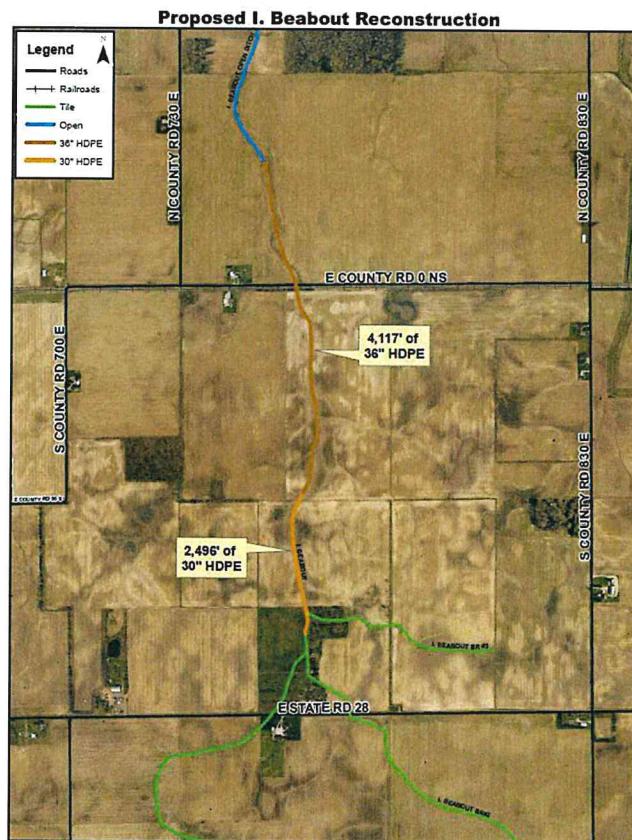
Clinton County Drainage Board President Jordan Brewer called the meeting to order. Mr. Brewer informed the audience that due to the venue change (this meeting was held at the airport due to HVAC and water issues at the Annex Building) there are technical difficulties and the TV in the meeting room will not work to show the power point presentation.

Mr. Brewer called for a motion to recess the regular Drainage Board meeting. Mr. Myers made a motion to recess the meeting, seconded by Mr. Weaver. Motion carried 3-0.

I. BEABOUT RECONSTRUCTION HEARING: Mr. Brewer called the I. Beabout reconstruction hearing to order and introduced the Board. Mr. Brewer then asked if notice had been given to landowners. Mr. Light presented a proof of mailing affidavit and stated that notices were mailed to landowners on November 10th. Mr. Light further stated that there were five undelivered notices, one addressed to Michael A. Fowler (1/2 interest) ETAL, and four addressed to Union Planters Bank NA Trustee for James Bond. Mr. Light stated that the returned envelope for the Fowler notice indicated that the house was vacant. He then stated that the returned envelope for the Bond notices was marked "Undeliverable as Addressed." Mr. Light informed the Board that he resent the Bond notices. Mr. Light then presented an affidavit of publication and stated that notice of the hearing was published in the Frankfort Times on November 19th and 26th.

Mr. Brewer informed the audience that the Board is proceeding under Indiana Code 36-9-27-52. Mr. Brewer then asked Mr. Sheets for his Surveyor's Reconstruction Report.

Mr. Sheets informed the Board and audience that the I. Beabout Regulated Drain #1195 is located in Michigan Township in eastern Clinton County. The drain begins near the east quarter corner of Section 13, Township 21 North, Range 1 East and runs in a generally northerly direction with the low topography through sections 13, 12, and 1 of said township and range and terminates at the headwall of the I. Beabout Open Ditch in



section 1. Mr. Sheets stated that in an effort to alleviate flooding, reduce maintenance cost, reduce surface erosion, and improve crop production within the contributing drainage area, it is proposed that a portion of the I. Beabout drain be reconstructed with 36-inch and 30-inch perforated drain pipes. The portion of the regulated drain to be reconstructed begins at the I. Beabout Open Drain in Section 1, Township 21 North, Range 1 East and terminates in Section 12, Township 21 North, Range 1 East. Mr. Sheets further stated that the proposed reconstruction includes installing 4,117 feet of 36-inch perforated drain pipe, 2,496 feet of 30-inch perforated drain pipe, backfill with #8 stone, tile reconnections, old tile abandonment, pipe photography, and engineering. Mr. Sheets then stated that the total estimated cost of the reconstruction is \$416,749.85. Mr. Sheets presented a schedule of assessments for the project total and a schedule of assessments for the 10-year payback period. Mr. Sheets then presented the schedule of damages for the reconstruction. Mr. Sheets stated that damages are calculated on the basis of \$300.00 per acre for disturbed agricultural land outside of the regulated drain right-of-way. He then stated that the new pipe would be shifted away from the existing pipe centerline in areas to eliminate meandering of the drain and to reduce the amount of infrastructure needed. He further stated that it is the intent of the Drainage Board to shift the existing legal drain right-of-way to the location of the new pipe alignment and retain a 75-foot right-of-way on either side of the reconstructed regulated drain. Mr. Sheets also stated that it is the intent of the Drainage Board to restore all disturbed land to original condition as part of the construction project, and no anticipated compensation will be paid to agricultural land for lost crops and pasture due to construction of the regulated drain. Mr. Sheets then stated that the estimated benefit of the reconstruction is \$1,674,472.00 with a cost of \$416,749.85. Mr. Sheets stated that the benefit to cost ratio for the project is 4.02 to 1.

Mr. Brewer asked if there was any discussion from the Board about the Surveyor's Reconstruction Report. There was no discussion from the Board.

Mr. Brewer then opened the hearing to objections and comments from the audience. Mr. Light stated that there was one letter of objection submitted from the Lillian Jean Rule Living Trust.

To: Clinton County Drainage Board
2 E Washington Street, Suite 106
Frankfort, IN 46041
Attention: Jordan Brewer, President
Bert Weaver, Vice President
Kevin Myers, Member

December 8, 2025
RECEIVED
DEC 08 2025
SURVEYOR

From: Lillian Jean Rule Living Trust, Lillian Jean Rule
Patricia Mundell Michael Rule Janet Cline
103 Carriage Station 5360 E Co Rd 400 N 12023 E County Road 400 N
Marion, NC 28752 Michigantown, IN 46057 Forest, IN 46039

Re: Parcel 12-11-01-100-007.00-010

The proposed reconstruction of the Ithamur Beaout Watershed will negatively affect the 40 acre parcel that my sisters and I own. During a time of lower farm incomes, this project will cost approximately 11% of the income from this 40 acre field or \$11,080 over the next 10 years. For this, we will receive nothing, only future problems. This project will do nothing for our property. In fact, this project will be a negative for our property, because we will be having a huge increase in the amount of water that will be coming through our property causing an increase in erosion and potential crop damage from flooding. The landowners south should be paying a larger percentage of the costs, because they are the only ones that are actually benefiting from this project.

This 40 acre property has a 3 acre woods along CR 730 East. The open ditch that cuts through the center of the property takes another 3-4 acres out of production. That only leaves about 34 acres of actual productive farm acres. It seems strange that we are paying for acres that have been taken out of production from the actual open ditch that cuts through our property.

If you look at older aerial pictures, this open ditch was lined with larger trees and brush. In the late 1980's, our father, Russell Rule, spent a winter clearing that open ditch, installing erosion culverts, grooming and seeding the banks. We do not believe that he received any help from the county. We have continued to try to keep the open ditch groomed and weeded, even though it costs us money.

Recently, we have intensively tiled 40 acre, 43 acre, and 80 acre fields on other farms. All of these fields had to have new larger outlet tiles installed due to the increased water flow. Two of these projects went through neighboring properties to

have an outlet. We paid 100% of this tiling, including the tiles that went through our neighbor's fields. These were not county tiles. It seems to us that that the landowners that will benefit from this new tiling project should pay a larger percentage of the total costs. Are these landowners finding a way to have someone else to pay for their projects?

Patricia Mundell

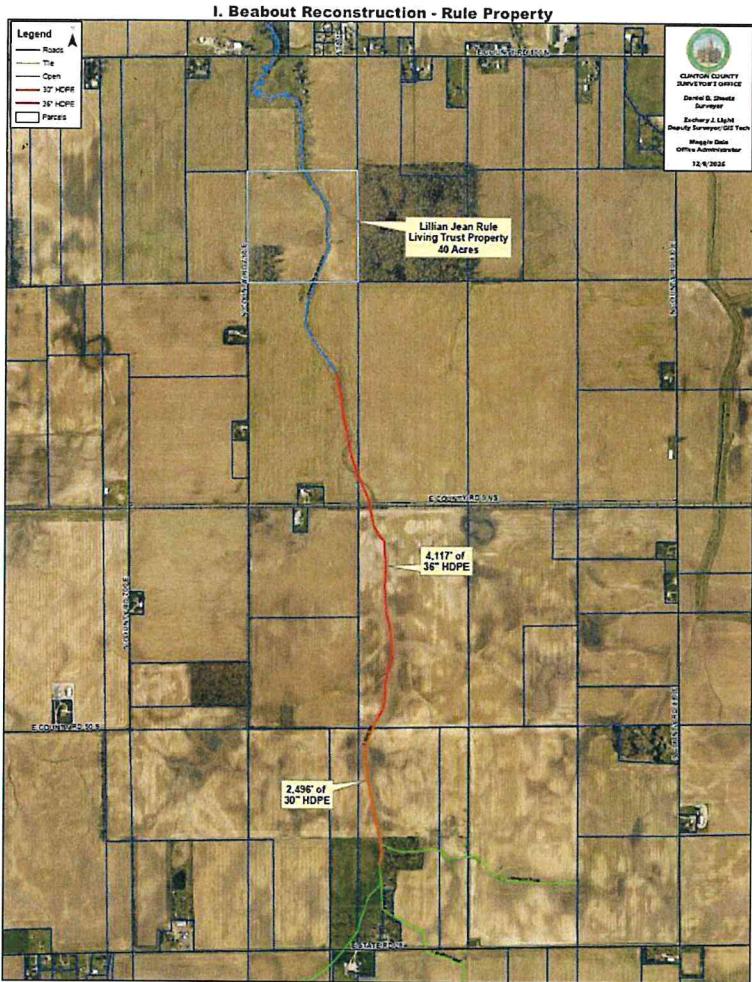
Patricia Mundell, Trustee

Michael Rule

Michael Rule, Trustee

Janet Cline

Janel Cline, Trustee



Mrs. Janet Cline came before the Board and stated that the 40-acre parcel in the trust drains into the open ditch portion of the watershed and will not receive any benefit from the reconstruction, in fact they believe the reconstruction will negatively impact their property due to an increase in the flow of water through the open ditch. Mr. Brewer asked Mrs. Cline why she and her family believe there will be an increased flow of water through their property that will cause problems. Mr. Mike Rule (Mrs. Cline's brother) stated that he believes that the new tile will allow more water from upstream to get to the open ditch faster in a rain event, causing erosion on their property. Mr. Brewer asked what size the current tile is. Mr. Sheets stated that the current tile is 30-inches at the headwall, and the proposed reconstruction would replace that portion of the tile with 36-inch pipe. Mr. Rule then stated that he expects the expansive tile system currently being installed upstream will add additional pressure to the new tile. Mr. Brewer disagreed and stated that if a tile system is installed correctly it

should act as a sponge and take pressure off of the main tile, and will provide much better drainage than the 100-year-old clay/concrete tile that breaks down multiple times each year. Mr. Rule asked if there will be new surface drains in the proposed reconstruction area. Mr. Sheets stated that the plan includes three surface drains. Mr. Rule asked if they will be larger than the existing surface drains in the tile. Mr. Sheets stated that they likely will be. Mr. Rule stated that the increased surface drain size alone will increase the amount of water that makes it to the open ditch. Mr. Brewer stated that ultimately the same amount of water will flow to the open ditch regardless of what size pipe is in the ground. Mr. Brewer then stated that if the tile systems upstream are working properly and have drained the water table down over time, the legal drain won't be overwhelmed during a heavy rain event.

Mr. Brewer asked if there were any other comments from landowners in attendance. There were no comments.

Mr. Brewer then closed the public comment portion of the hearing.

Mr. Light informed the Board that according to IC 36-9-27-52(G)...

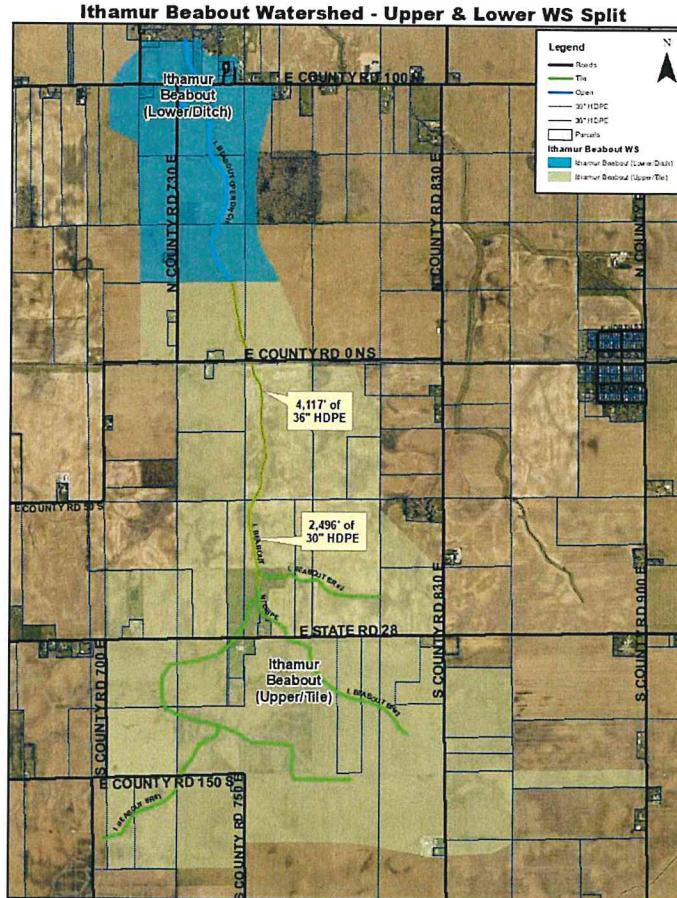
"After considering all of the objections and evidence, the Board may amend the schedule of damages and assessments and the County Surveyor may modify his report, as justice may require."

Mr. Sheets informed the Board that he met with several landowners within the watershed, including Mr. Rule, Mr. and Mrs. Cline, Mr. Phil Ferrel, and Mr. Jeff Cox. Mr. Sheets stated that in preparation for his meeting with the landowners he discovered that the bridge culvert under County Road 100 North is undersized by quite a bit. Mr. Sheets further stated that he is working with Mr. Myers and Highway Superintendent Rick Campbell to replace the culvert as soon as possible. Mr. Sheets stated that after meeting with the landowners he agrees that the reconstruction will benefit parcels that drain to the tile differently than parcels that drain to the open ditch. Mr. Sheets then stated that he contacted Tipton County Surveyor, Jason Henderson to see if he has dealt with similar circumstances. Mr. Henderson informed Mr. Sheets that in Tipton County they have done several reconstruction projects with different assessment rates based on the level of benefit that the parcels will receive. Mr. Sheets then stated that he has amended the schedule of assessments to assess parcels that drain to the tile and open ditch at different rates. Mr. Light passed out the schedule of assessments and a map showing the split watershed. Mr. Sheets stated that the amended proposed assessment for the upper (tile) portion of the watershed is \$241.67/acre with a \$241.00 tract minimum, which is slightly less than the original reconstruction assessment. Mr. Sheets then stated that the amended proposed assessment for the lower (open) portion of the watershed is \$82.54/acre with a \$82.00 tract minimum, which is 33% of the original reconstruction assessment. Mr. Sheets further stated that the new ten-year total assessment would be \$371,361.48. Mr. Sheets then stated that he believes that bids will come in under that number, but it will be much closer than with the original amount.

Mr. Brewer asked if there were any comments from landowners in attendance.

Mr. Phil Ferrel asked if there were any plans to widen the open ditch on the Dickey property. Mr. Sheets stated that there are no plans to widen the ditch, but he did learn of a practice that Tipton County uses that might be implemented on the Dickey property. Mr. Sheets stated that idea is to create breaches in the natural meanders of the stream to bypass the turns in the ditch during a storm event. He further stated that this is done by cutting a portion of the bank down to about a foot above the flowline on a peninsula that juts out into the flow of water. Mr. Sheets then stated that implementing this practice along with an appropriately sized culvert at County Road 100 North would eliminate a lot of the problems in the area.

Mr. Myers asked if the project could still be done for the new assessment amount. Mr. Sheets stated that there was some markup included in the original proposal. He further stated that he believes it will be a lot closer, but the bids should still come in below the project estimate.



uncommon for the area. Mr. Liggett then stated that conditions for dwellings with basements and on the parcel ranges from 2 to 30 inches, but is 6 inches at the proposed home site, which is not the legal drain. Mr. Liggett stated that according to the USDA Web Soil Survey the depth to the water table property. He further stated that there is approximately eight feet of fall from the proposed building site to the legal drain. Mr. Liggett stated that the Mathias Rothenberger tile, located on the adjacent 8.46-acre parcel drains from east to west to the Mathias Rothenberger tile, located on the adjacent 550 North and State Road 39 in Ross Township (Sec. 12, T22N, R2W). Mr. Liggett then stated that the review. He stated that the proposed 1-lot subdivision is located at the northwest corner of County Road informed the Board that Moses Surveying has submitted a primary plat for Sofia Estates for drainage review. He stated that the proposed 1-lot subdivision is located at the northwest corner of County Road 550 North and State Road 39 in Ross Township (Sec. 12, T22N, R2W). Mr. Liggett then stated that the **SOFIA ESTATES - PROPOSED 1-LOT SUBDIVISION - DRAINAGE REVIEW:** Mr. Liggett

APPROVE MINUTES: Mr. Weaver made a motion to approve the minutes from the December 5, 2025 Drainage Board meeting, seconded by Mr. Myers. Motion carried 3-0.

Mr. Weaver then made a motion to resume the regular Drainage Board meeting, seconded by Mr. Myers. Motion carried 3-0.

Mr. Breuer called for a motion to adjourn the reconstruction hearing. Mr. Myers. Motion carried 3-0.

Mr. Liggett stated that once the landowners receive notice of the order they will have 20 days to file a petition for judicial review with the circuit or superior court, but that failure to file a written objection before the reconstruction hearing constitutes as a waiver of a landowner's right to file a petition for adjourn the I. Beabout reconstruction hearing, seconded by Mr. Myers. Motion carried 3-0.

Mr. Liggett then made a motion to IC 5-3-1 he will send notice to land owners and have the findings and order published in the Frankfort Times.

The Board signed the findings and order that stated that, "The Board hereby finds that the costs, damages and expenses of the proposed reconstruction will be less than the benefits accruing to the owners of lands benefited by the construction. The reconstruction report, schedule of damages and schedule of assessments have been amended and adopted and the Board orders the reconstruction established."

Mr. Myers then moved to adopt the reconstruction report and both schedules, including assessment for periodic maintenance, as amended, and issue an order declaring the I. Beabout Reconstruction established, seconded by Mr. Weaver. Motion carried 3-0.

"Before final adjournment of the hearing, the board shall determine in writing whether the costs, damages and expenses of the proposed reconstruction will be less than the benefits accruing to the owners of lands benefited by the construction. If the board answers this question in the affirmative, it shall dismiss the proceedings. If the board answers this question in the negative, it shall dismiss the proposed reconstruction established..."

Mr. Liggett then informed the Board that according to IC 36-9-27-52(H)...

After considering all the evidence and objections Mr. Myers made a motion approve the amended schedule of assessments, schedule of damages, and Surveyor's reconstruction report, seconded by Mr. Weaver. Motion carried 3-0.

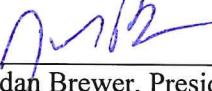
crawlspace are very limited, at the home site, but that either could be built on the site using proper construction methods. He then stated that there are no flooding or ponding concerns at the proposed home site. Mr. Sheets stated that the legal drain adjacent to the property in question was recently replaced and should provide good drainage. Mr. Wharry stated that he believes there is plenty of fall to drain to the southwest corner of the property. He further stated that the owner may contact Mr. Sheets about connecting to the legal drain. Mr. Sheets then recommended granting drainage approval. Mr. Weaver made a motion to grant drainage approval to Sofia Estates, seconded by Mr. Myers. Motion carried 3-0.

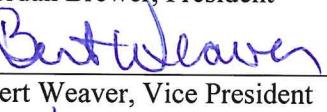
2026 DRAINAGE CONTRACTOR DOCUMENTS: Mr. Light presented an updated contractor rate sheet and contractor terms and conditions for 2026. Mr. Weaver made a motion to approve both documents, seconded by Mr. Myers. Motion carried 3-0.

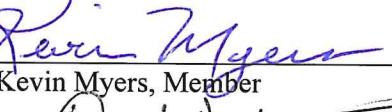
Clinton County Drainage Board President Jordan Brewer adjourned the meeting.


Zachary J. Light, Secretary

Attest:


Jordan Brewer, President


Bert Weaver, Vice President


Kevin Myers, Member


Daniel D. Sheets, Surveyor