

November 14, 2024

MINUTES OF November 14th MEETING

All Commissioners were present. Staff and Commissioner elect Joe Sherman recited the pledge at 9:00. Purchase orders and bills were reviewed and signed. Pending issues were discussed with the following resolutions approved and signed:

V112-326	Minutes of November 12, 2024:
1 st -Rush	2 nd -Striker Roll Call: Crowe-yes, Striker-yes, Rush-yes
V112-327	Reimbursement to Ditch Maintenance
1 st -Striker	2 nd -Rush Roll Call: Rush-yes, Striker-yes, Crowe-yes
V112-328	Bills
1 st -Rush	2 nd -Striker Roll Call: Rush-yes, Striker-yes, Crowe-yes
V112-329	Reallocation
1 st -Striker	2 nd -Rush Roll Call: Striker-yes, Crowe-yes, Rush-yes
Signed:	PY 2024 Critical Infrastructure Roger to sign
1 st -Rush	2 nd -Striker Roll Call: Crowe-yes, Rush-yes, Striker-yes
	Agreement with Engineers and ODOT Bridge NO. HAR-CR 190-5.44
1 st -Rush	2 nd -Striker Roll Call: Crowe-yes, Rush-yes, Striker-yes
	Engineer Agreement with Shelly and Sands
1 st -Striker	2 nd -Rush Roll Call: Rush-yes, Striker-yes, Crowe-yes

Final Hearing for **Lowe Ditch #1133** was held in Vets Hall. Commissioner Crowe started the hearing at 10:00 am. Everyone signed in and Commissioner Crowe turned the hearing over to Trent Bass. Trent did a recap: this was petitioned by Doyle Sams last year, he paid privately to have the ditch cleaned, have the brush removed, and reshaped. He petitioned for maintenance only. The watershed is 3910 acres and there are 113 landowners with 215 parcels. The length of the petition is 1964 feet. We had the viewing last November 7th on location. We had the preliminary hearing last December 14. Trent read the final report of the county engineer. The ditch overall was in pretty good shape. Total work estimates for excavation and leveling, furnish and install riprap, install rat guard, seed, fertilize, and straw mulch is \$11,210.00. The total estimated value of the ditch is \$58,750.00. The estimated value of the ditch is the cost to dig the ditch brand new today. Other expenses include advertising, mailing notices, recording fees, inspection, and 4% of total estimated value for first year's maintenance all totaling \$15,223.25. That is about \$500 cheaper than the preliminary estimate. Everyone got notices with their estimates. On the left is the estimated assessment, that's what will be collected this time, one-time collection, for the initial construction. The right hand of the notices will be the 4% that we will be collecting yearly. Question- so I have to pay both these amounts this year? Trent- no, the left is what you will pay the first year only, the right is what you will pay every year after. Question- if something happens to Doyle and Sharon and that property sells, you keep that up forever? Trent- yes. Question- Even if the new owner doesn't want this done on their property? Trent- correct, but they can petition to vacate. So the estimated assessment column, we do in Hardin County what we call a varied rate assessment based on proximity to the ditch. We have a target map, ultimately the closer the parcels are to the actual improvement pay a higher rate per acre than the people on the outer limits of the watershed. Question- Everyone in this is included in the watershed? Trent- yes. Q- Even if your water goes the other way? Trent- by our watershed lines this is what we show. Q- I'm number 98 on the south side, but I've worked on my tile and all my water runs south. Trent- so you're saying your ditched out of the watershed? Your tile leads the other way? If we had evidence or a tile map, we could look at. Is it too late Luke to do anything at this point? Luke Underwood- we can look at it. Trent- any other questions on that? Michelle Laubis- did you say that you have an amount that you would assess today? Trent- we have the assessment schedule we can get you a copy. Michelle- so the upfront costs would be and then what would be assessed. Trent- this only shows upfront costs but we have another table that we can print out. I should point out that a lot of counties do a straight rate per acre where everyone pays the same. We think it's a fair way of assessing it, and the ORC gives the county engineers discretion to assess as he sees fit of course approved by county commissioners. Question- Where does the actual value end up?

Who can profit from the value of that ditch? For example, could Sam's, after this is done, sell the property and recoup our \$60,000 in their pocket? Is that a possibility? Trent- where do you get the \$60,000 from? Q-the value of the ditch. They could claim that this ditch is worth that. Luke- I don't think there is a right or wrong answer to that. Now is the time to ask the questions you have about the report we are presenting, then after that we can address other questions. Q- Well someone is going to have to have an answer to that, and can they claim this on their taxes as a deduction? We can't because it's not on our property. They could be making money off us twice. Trent finished with the report and turned the hearing back over to the Commissioners. Commissioner Crowe-the conditions that we must look at to consider when looking at a ditch estimate is does the benefit exceed the cost of the ditch. Is improvement necessary. And would the improvement be conducive to public welfare. These are the three things that we must consider. Right now is the time for public questions or comments. We ask that you limit your time to 3 minutes so that everyone has an opportunity to speak that wants to speak. I will start off by reading a letter from someone who was unable to attend today. Commissioner Crowe read a letter from George and Victoria Collins who are opposed to the ditch project. Luke Larabee- cost estimates for spraying are about \$825 a mile for the easement and both banks, \$95 an acre to mow, and brush removal is around \$125-\$150 an hour. Commissioner Crowe- are you able to not spray the areas that are the organic farm? Luke Underwood- none of the petitioned areas are organic farms. Commissioner Crowe- any comments from the audience? Michelle Laubis- where does the spraying come in? Luke Underwood- I don't know if it is being sprayed currently but it is our standard practice. Typically, we spray brush only. Q- I just want to say that everyone in this room can agree on one thing. A person that earns a paycheck wants and feels that they deserve to have control over use of their paycheck. And you're taking away against their will and to me is the same as stealing, and I don't think is right. It hurts people. People are in a financial mess right now since covid. Number one election issue is money. Everyone worried about cost of living, and I don't think it's fair to the other property owners, and I think if they wanted to do this project the maintenance should be up to them. They are as well off as anybody on this list of people, maybe even more so. It's on their property and they're the ones who truly benefit from it. No one else has had a problem with the almost 200 other properties. It's not fair to make us pay for something that they can well afford, and maybe some of these other people cannot. We want to encourage people in Hardin County to work and you guys are unfortunately doing a lot of things that don't encourage people to work. It would be a lot easier to stay on the welfare line than pay everyone else's stuff. Toxic chemicals are a big problem. I'm against spraying anywhere. I also question the fact that I know you guys have worked in the courthouse and Sharon has worked in the courthouse for thirty years. You have a close relationship with her, I worry about fair decision here that is impartial. I'm wondering if one two or three of you could have excused yourself from this due to the fact that you've been closely related in working with her. Sharon- I've never worked with any of these gentlemen. Being in the courthouse and you end up using things from their office. I'm not saying you worked under their leadership. You are interacting with some and not interacting with some people on the list. It's harder for you to be impartial. Bottom line is I don't think we should be paying for this. Commissioner Crowe- in response to your inference that we would not be impartial, we have not worked in the same building as Sharon, none of the three of us have. And in a county this size there are personal relationships involved in every transaction. We treat them all the same. We don't appreciate the inference that we would be impartial in any way. Commissioner Crowe- anyone else have any comments? Comment- one of the things I wanted to say is that one of the things you had to look at to prove or disapprove this is the cost of the improvement will be equal or greater than the benefit that would be derived from the ditch. I don't see where I'm going to benefit, it's not like my land value will go up. I don't have flooding, so I don't see where it's necessary. I understand he wants to maintain what he has already done. But It's not really a benefit to me. Is this really going to benefit us? Commissioner Crowe- in response to that, the ditch is open now. If there is no maintenance done on it, it will eventually close and then everyone in the watershed is going to experience a decreased drainage. If you don't have a good outlet, it doesn't matter what you have going on upstream. That is the point of ditch maintenance, to keep them operating now. Eventually it will affect you. We don't just look at today, we look at the future. Any other comments?

We will now conclude this part of the hearing. Commissioner Striker- all the proceedings are set and followed by the ORC. They are following law. We couldn't do anything just because we know someone in the county.

Commissioner Striker moved to affirm the former order finding for the improvement of the Lowe Ditch #1133 Commissioner Rush- based on everything that has been said and the fact that the cost benefit analysis does favor putting this into place I will second the motion.

Commissioner Striker- point for discussion. The Engineers office can work with maybe property owners that don't want spray and see what could be done. Commissioner Crowe- I know along highways you see the do not spray signs. If the engineer could work with the landowners to figure out where those areas should be. I think if there is a working solution to the spray issue that it would be conducive to the public interest. Roll Call: Striker-yes, Rush-yes, Crowe-yes. V112-330

Roll call resulted as follows:

_____, YES/NO
President of the Board-Roger E. Crowe

_____, YES/NO
Fred M. Rush

_____, YES/NO
Timothy L. Striker

Attest _____
Clerk of the Board