

**HURON/CRAWFORD JOINT BOARD      CODER-WECHTER  
FINAL DITCH HEARING**

**JULY 12, 2011**

**At 11:30 a.m.** Vice-President Gary Bauer opened the final hearing for the Coder-Wechter ditch #500. Mr. Bauer asked that the elected officials and department heads introduce themselves. Mr. Bauer stated that we are all here to talk about the Coder-Wechter ditch maintenance. This is the final hearing, as we had the viewing and first hearing several months ago. At this point Mr. Bauer asked that Cary Brickner, Huron County Soil and Water District make a few comments. Mr. Brickner stated that on behalf of Huron County Soil and Water and Huron County Engineer's office he would explain that they used the Preble County method to calculate the assessments. Mr. Brickner stated that in the final hearing if there is going to be any changes to the plan they are to be discussed at the final hearing. The only changes are minor adjustments that will not raise the cost of the project any but there are some outlet pipes to replace back when they did the survey that have been replaced. There are a couple of rock structures one that is not needed any more because since then a wetland has been constructed there and they put an outlet rock structure into the ditch so that one would not be needed. Mr. Brickner stated that they met last Friday with the Army Core of Engineers and the USDA for the farm bill rules and came to an agreement on how swales in the woods south on Baseline Road would be handled. Basically our cost estimate was based on the worst case which is about 500 yards of swale would have to be hauled out of the wetland area and also the trees, however in meeting with both agencies with slightly different rules we were able to come to a consensus that it is ok to spread swale from the ditch on the opening that Mann's have and then on the Schanzenbach on the sister property up stream. There is just real light brush that will be cleared and the swale will be spread just adjacent to the ditch and will be seeded for future maintenance berm. When we go to bid it will be less than what the estimate was. Overall Mr. Brickner is hoping that we get some real good bids and that the estimate assessments that you are looking at right now will be lower but there are no promises. We are hoping to bid this out and reconstruction to be done yet this fall. Other than this everything is the same. Mr. Brickner explained the Preble County assessment method at this time. Mr. Brickner stated that the ORC is pretty specific that the assessments will be based on benefits and further explained how the Preble County method works. Discussion was had in regards to a lateral ditch and a culvert pipe to be installed in there as a 24 inch smooth wall pipe based on how we generally size farm crossings that won't affect a road. The 24 inch will handle about 127 acres based on the formula that he has always used around the county. Some concerns were expressed as to whether or not that culvert is big enough and we can check on that but the plan right now is to leave that pipe size in place. Jeff Kramer stated that he would like to put a bigger one in at his expense so as to make sure that the water won't slow down at all. Mr. Brickner stated that he would not have a problem with that and will continue to work with Mr. Kramer on this situation.

Mr. Bauer stated that at this time he would go to the official hearing and swear people in that plan to give testimony at this hearing. Mark Schanzenbach and Kenneth Lucius took the oath to give testimony. Mr. Bauer called once for testimony in favor of the proposed construction assessments and maintenance bases for the Coder-Wechter project, hearing none called twice for testimony in favor of the proposed construction assessments and maintenance bases for the Coder-Wechter project, hearing none called thrice for testimony in favor of the proposed construction assessments and maintenance bases for the Coder Wechter project. Kenneth Lucius stated that he initiated the petition along with a number of signatures of local land owners. This has been an on going issue going back ten or twelve years and at that time we pretty much agreed to do it collectively and at the last minute some of the parties backed out and it died. In the last ten or twelve years it hasn't gotten any better. The issue is that he is on the south side of Crawford County 50 and outlets that are at the top of the Coder-Wechter ditch are bad and they are under water the majority of the time and there are several tiles that do come across there and that is where the start of the problem is the water is not getting away. Several heavy rains that we had this spring the water doesn't get down the waterway as it is blocked and water goes across the road washes out berms and that kind of thing. Mr. Bauer called once for testimony against the construction assessments and maintenance bases for the Coder-Wechter project. Mark Schanzenbach stated that he doesn't think that you need to clean the whole ditch out and stated that he walked the ditch last Saturday and he thinks that there is some sediment down one way but the rest of the ditch just doesn't have enough fall and all you are going to do when you clean it out is that you are going to build sediment again the water is not going away fast enough. There is nothing that is really blocking the ditch. Mr. Brickner stated that he surveyed the whole thing. Mr. Schanzenbach further explained his concerns. Mr. Brickner explained why he feels it is important to keep the ditch open and stated he would be the first to admit that it isn't the worst ditch that he has ever worked on. Mr. Brickner explained that the average ditch maintenance costs are about \$2.00 per acre per year vs. no cost and then a \$70,000 project. Mr. Bauer called twice for testimony against the construction assessments and maintenance bases for the Coder-Wechter project, hearing none called thrice for testimony against the

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construction assessments and maintenance bases for the Coder-Wechter project hearing none Mr. Bauer closed the hearing.

During the hearings and viewing the board discussed and considered the following factors as stated in the Ohio Revised Code before approving and confirming the estimated assessments.

- (A) The cost of location and construction;
- (B) The compensation for land or other property necessary to be taken;
- (C) The effect on land along or in the vicinity of the route of the improvement;
- (D) The effect on land below the lower terminus of the improvement that may be caused by constructing the improvement;
- (E) The sufficiency or insufficiency of the outlet;
- (F) The benefits to the public welfare;
- (G) The benefits to land, public corporations, and the state needing the improvement;
- (H) Any other proper matter that will assist it in finding for or against the improvement.

HCJB 11-01

**IN THE MATTER OF CERTIFYING THE PROPOSED CONSTRUCTION ASSESSMENTS AND MAINTENANCE BASES TO THE HURON AND CRAWFORD COUNTY AUDITORS FOR COLLECTING CONSTRUCTION AND FUTURE MAINTENANCE ASSESSMENTS FOR THE CODER-WECHTER JOINT COUNTY DITCH #500 AND THE PLACEMENT OF SAID IMPROVEMENT ON THE HURON COUNTY DITCH MAINTENANCE PROGRAM**

Joe Hintz moved the adoption of the following resolution:

**WHEREAS**, The joint boards of Huron/Crawford County Commissioners, having held a final public hearing on the establishment of the estimated construction assessments and maintenance bases of the Coder-Wechter joint county ditch #500 on July 12, 2011 at 11:30 a.m.;

**WHEREAS**, the hearing was conducted by hearing all evidence offered for or against the proposed estimated construction assessments and maintenance bases and concerning the construction and placement of said project on the county maintenance program; now therefore

**BE IT RESOLVED**, by the joint board of Huron/Crawford County Commissioner that:

- 1) The estimated assessment schedule has been determined based on benefits in accordance with ORC Section 6131.14 and 6131.15 and has been filed with the Huron County Clerk of County Commissioners as required in ORC Section 6131.16.
- 2) The estimated assessment schedule has been forwarded to the Crawford County Clerk of County Commissioners.
- 3) The joint board realizes that the Crawford County estimate cost is \$63,541.17 and the Huron County estimate cost is \$8,718.30 and each respective county agrees to fund its share from their respective "Drainage and Improvement funds" which will be reimbursed by future assessments from the benefiting owners.
- 4) The joint board has heard all evidence offered in the proceedings and has considered all the schedules, plans and reports filed by the County Engineer and feels that the benefits of the improvement exceed the cost and is thereby conducive to public interest.
- 5) The joint board approves of soliciting from the property owners a temporary easement of 75 feet for construction and a permanent easement of 25 feet measured at right angles from the top of each ditch bank for future maintenance.
- 6) The joint board gives each benefitting owner a period not to exceed 15 years of semi-annual installments to pay the assessments and such assessments will begin immediately after construction of the improvement has been approved; and further

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**BE IT RESOLVED**, that the joint board of Huron/Crawford County Commissioners approves and confirms the estimated assessments; and further

**BE IT RESOLVED**, that said project be constructed and then placed on the County's permanent Ditch Maintenance Program and the construction assessments and maintenance bases as presented for the Coder-Wechter #500 be certified to the Huron/Crawford County Auditors for their use when future maintenance assessments are certified to their offices. Copies of the maintenance bases will be kept on file with the

Huron/Crawford County Commissioners, Huron/Crawford County Auditors and the Huron County Soil and Water Conservation District; and further

**BE IT RESOLVED**, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of the County of Huron, Ohio, relating thereto were conducted in meetings open to the public, in compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Jenny Vermillion seconded the motion.

Discussion: Ms. Nolan stated that in number six there is a period of not to exceed so many years that will need to be discussed and determined. Mr. Brickner stated that the Ohio Revised Code does allow a joint board to allow the assessments to be spread over a number of years. Doug Weisenauer stated that the property owners have the option to pay it all up front if it is a small amount and if it is a large amount the maximum of 15 years. After this discussion the board agreed to not to exceed 15 years.

The roll being called upon its adoption, the vote resulted as follows:

Aye - Gary W. Bauer	Aye -Mo Ressallat
Aye – Joe Hintz	Aye Jenny Vermillion
Absent -Larry J. Silcox	Aye - Doug Weisenauer

HCJB 11-02

**IN THE MATTER OF FIXING THE BID DATE FOR THE CONSTRUCTION OF THE PROPOSED IMPROVEMENT TO THE CODER-WECHTER DITCH #500**

Mo Ressallat moved the adoption of the following resolution:

**WHEREAS**, by resolution HCJB 11-01 the joint board of Huron/Crawford Counties approved and confirmed the estimate assessments for the Coder-Wechter Ditch #500; and

**WHEREAS**, the joint board desires to order the Huron County Engineer to receive bids for the construction of the proposed improvement; now therefore

**BE IT RESOLVED**, that the joint board of Huron/Crawford counties orders the county engineer to receive bids for the construction of the proposed improvement; and further

**BE IT RESOLVED**, that the joint board of Huron/Crawford counties hereby fixes the bids to be due on Monday, September 19, 2011 by 4:30 p.m. at the Huron County Engineer's office, 150 Jefferson St., Norwalk, Ohio 44857; and further

**BE IT RESOLVED**, that the foregoing resolution was adopted and all actions and deliberations of the Board of Commissioners of the County of Huron, Ohio, relating thereto were conducted in meetings open to the public, in compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Joe Hintz seconded the motion.

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Discussion: The engineer's office asked that the time that the bids are due be changed to 3:30 p.m. rather than 4:30 p.m. The board agreed to change the time to 3:30 p.m.

The roll being called upon its adoption, the vote resulted as follows:

Aye -Gary W. Bauer  
Aye - Joe Hintz  
Absent - Larry J. Silcox

Aye -Mo Ressallat  
Aye -Jenny Vermillion  
Aye - Doug Weisenauer

**IN THE MATTER OF OPEN SESSION**

The Huron /Crawford Joint Board of County Commissioners hereby attest that all actions and deliberations of the Board legally required to be public were conducted in an open session on this date and that the foregoing minutes represent the official action of the Board.

**IN THE MATTER OF CERTIFICATION**

The Clerk to the Board does hereby attest that the foregoing is a true and correct record of all actions taken by the Huron /Crawford Joint Board of County Commissioners on July 12, 2011.

**IN THE MATTER OF ADJOURNING**

The meeting was called to order at 11:30 a.m. With no further business to come before the Board, the meeting was adjourned at 12:00 noon.

Signatures on File