

REGULAR DRAINAGE BOARD MEETING:

March 17, 2014

President Clarence Hensley called the meeting to order. Present at the meeting were the following:

Clarence Hensley, President
John Landers, Vice President
Larry Bledsoe, Member
Charles Whitehair, Member
William Whitehead, Member
Phil Taylor, County Surveyor
Stan Willis, Chief Deputy-County Surveyor
Jake Dunnuck, Board Attorney
Cindy Harty, Recording Secretary

Mr. Hensley opened the meeting by welcoming the audience and inviting them to participate in the pledge of allegiance.

APPROVAL OF THE MINUTES:

Mr. Hensley entertains a motion for the approval of the February 17, 2014 Drainage Board minutes. Mr. Bledsoe moved for approval. Mr. Whitehair seconded the motion. Mr. Whitehead abstained from voting due to his absence at the February Board meeting. **Motion passes 4-0.**

OLD BUSINESS:

There is no old business presented to the Board this date.

NEW BUSINESS:

Petition for Reconstruction of the J.J. Vance Ditch

Mr. Hensley called for Ronald Wilkinson, whom signed the Petition for Reconstruction of

the J.J. Vance Ditch.

Mr. Taylor stated that the Board and he discussed the reconstruction in their pre-meeting, and Mr. Taylor stated that he previously informed the Board that Mr. Wilkinson appeared in the Surveyor's Office and signed the Petition for Reconstruction of the J.J. Vance Ditch in Oakville. Furthermore, Mr. Taylor stated that Mr. Wilkinson's home is located in a low area in Oakville, and is flooding, and stated there are storm drains on the northeast corner of Mr. Wilkinson's property, and on the next corner. Mr. Taylor stated that if the Board votes to go ahead with the reconstruction, then he will get an engineer to Oakville to evaluate what needs to be done in that area. Mr. Hensley asked Mr. Taylor what he would recommend on the reconstruction. Mr. Taylor stated that he thinks that since Mr. Wilkinson has submitted the Petition for the Reconstruction, the Board should proceed with an evaluation from an engineer to see if the problems can be eliminated in Oakville.

Mr. Bledsoe moved for approval of moving forward with the Petition for Reconstruction of the J.J. Vance Ditch. Mr. Landers seconded the motion. **Motion passes 5-0.**

Willy Robinson approached and stated that he lives in Oakville and has done so for over 50-years, and that he is Mr. Wilkinson's neighbor. Mr. Robinson stated that the county brought an engineer out to Oakville approximately eighteen years ago to go all over Oakville to find out what could be done to resolve their water problems. Mr. Robinson asked the Board what happened to the report that was made at that time or where did it go. Furthermore, Mr. Robinson stated that the project at that time cost \$30,000.00 with people, including himself, paying the sum of \$600.00. He stated that the project included installation of the drain, which ran underneath the railroad track to the Wright's property, and then a swale was made. Mr. Robinson stated the swale was so deep; the Wrights could not use their combine or any other equipment, so they filled the ditch in. Mr. Landers asked what year that happened. Mr. Robinson stated that Mr. Thornburg brought out some tile and they were suppose to put that tile in where the swale was located to help the water get away, but instead they filled the swale in and kept the tile. Furthermore, Mr. Wright stated that the county paid the Wrights approximately \$2,000.00 for the right-of-way. Mr. Robinson stated that since there is no swale the only drainage is the old drain. Mr. Robinson stated the owners of the elevator were in the process of putting in a spur and he went to speak with them about extending the drain under the spur, and he was told that it was not included in their plans. Mr. Robinson stated he then called Mr. Bledsoe, and then Mr. Bledsoe and one other person from the Drainage Board went out and stopped them from doing the work. Mr. Robinson again asked what happened to the other engineer report and he stated that they have already paid for it at one time.

Mr. Hensley asked Mr. Robinson to confirm that was twenty years ago. Mr. Robinson stated that it was eighteen years ago. Mr. Robinson stated that an engineer, whom he drove around, came from Indianapolis and Mr. Robinson showed the engineer where all the drains were. He stated that after that time, the engineer was to make a drawing with the problems, and it was his understanding that the engineer submitted the drawings to the Drainage Board. Mr. Hensley informed Mr. Robinson that when the next engineer comes out to Oakville, he could discuss this matter with him. Mr. Robinson stated that it made no difference to him how they handle the

problem because there have been some good things done in the area. Mr. Robinson stated there has been drains put across the road that does help get some of the water out of the area. Furthermore, Mr. Robinson stated a few years back it cost him \$4,000.00, because water had gotten in his home, but many people in Oakville flooded at that time.

Mr. Taylor stated that he is not trying to be rude or disrespectful, but 18-years ago none of the Board members or he were around. Mr. Taylor informed Mr. Robinson that he could check to see what documents he could find on the work completed in Oakville at that time. Mr. Bledsoe stated that even back then there would be typed records. Ron Wilkinson hands a document to the Board. Mr. Robinson asked Mr. Taylor, "They don't keep records". Mr. Taylor answered yes records are kept but he is not sure how far back they are kept. Mr. Taylor stated to Mr. Wilkinson that if he has the report or something, he would be more than happy to look at it. Mr. Wilkinson shows the Board and Mr. Taylor a copy of the Petition for Reconstruction signed by Joyce Neal eighteen years ago. Mr. Wilkinson informed the Board that he purchased his home from Joyce Neal. Mr. Wilkinson stated that he has had five floods since he purchased the home a few years ago.

Mr. Bledsoe stated this is the right way to proceed with this problem, and asked Mr. Wilkinson if he understood where they stood on the project at this time. Furthermore, Mr. Bledsoe stated things might have changed in 20-years, but it might be a private tile causing additional water in that area. Mr. Bledsoe stated that the engineer would be able to go out to check the legal drain to make sure it is working correctly, do the topography, see where the water is being directed, and to check to see the best way to move the water out.

Mr. Wilkinson stated that he just recently received bids on his home for a total of \$34,000 and has paint damage throughout the house because of the water damage to his property. Mr. Wilkinson stated that he has spoken with Mr. Taylor while in his attorney's office. Mr. Wilkinson stated that Mr. Taylor gave him a list with a few of his neighbors' names on it. Furthermore, he stated that Mr. Taylor asked him to go talk with his neighbors about spending \$6,000.00 of their money to tie-into some drain that is in Oakville to get rid of this problem. Mr. Wilkinson reiterated some of the residents have already spent money to get this done and wondered why he should have to spend \$6,000.00 more to get the same thing done again. Mr. Hensley informed Mr. Wilkinson that they would not know until the engineers get out and look at the problems.

Mr. Wilkinson stated that since he built a new pole barn on his property, he has had all kinds of arguments, has been everywhere from Mr. Bledsoe's office to the county highway, and everything keeps coming back to the same point. He stated the county highway said they cannot do anything about the problem, and Mr. Bledsoe's office stated that they could not do anything about the problem. Mr. Wilkinson stated he was told to sue the farmer and the landowner across the street. Mr. Bledsoe stopped Mr. Wilkinson at this point and stated that they are not going to get into that at this time. Mr. Bledsoe stated that Mr. Wilkinson had threatened to sue them, and Mr. Bledsoe stated he informed him at that time, if that is what he needed to do, that is what he should do. Mr. Wilkinson stated that he is not threatening to sue them, he just wanted something done. Mr. Bledsoe stated that he has to understand that he does not know what happened 20-

years ago, but he does know what happened 7-years ago. Mr. Bledsoe stated this Board runs the way it is suppose to run, going by the laws, and money is spent based on the laws of the State of Indiana. Mr. Bledsoe stated that years ago things were done by the previous Surveyor and the highway department that was not legitimate spending of certain funds. Mr. Bledsoe informed Mr. Wilkinson that everything has a specific use per a specific statute. Furthermore, Mr. Bledsoe stated that is what this Board goes by and that is what he has been trying to tell Mr. Wilkinson.

Mr. Bledsoe stated just because there is water on a certain plot of land does not mean it is a county problem. Furthermore, Mr. Bledsoe stated that the Surveyor feels that the county legal drain is working properly. Mr. Wilkinson stated that it is not adequate. Mr. Bledsoe stated, again, there is the problem and when you look at the Drainage Statute and if it is not adequately designed the way it was originally designed to work, the owner shall petition for a reconstruction or a new construction. Furthermore, Mr. Bledsoe stated the problem lies with Cowan, Oakville, Shideler and a lot of other areas that were built with under-sized drains, drains that have collapsed, or deterioration of the drain, and then you wind up having an addition or a neighborhood-flooding problem. Mr. Bledsoe stated that is where the Board is right now with the Petition. Mr. Bledsoe informed Mr. Wilkinson to keep in mind, if this project cannot be fixed by maintenance money and the reconstruction were to be approved, the costs would have to be borne by the landowners per the Drainage Law.

Mr. Wilkinson stated that they will go back to a Delaware County Ordinance, a copy of which he has, and reads, "That anytime you have new homes in an addition put in, you are suppose to have adequate enough sewer systems, he stated he meant stormwater systems, go through there." He stated that there are several new homes that have been built on Bridle Lane, and all those homes, except for one, floods. Mr. Wilkinson stated that nobody is abiding by their own Ordinances in Delaware County. Mr. Bledsoe stated that he did not issue a permit to have anyone build, so that is another office. Mr. Wilkinson stated that is past tense. Mr. Bledsoe stated he must understand that as a governing board or as a county commissioner, there is no provision that would allow them to fix a particular lot. Mr. Wilkinson stated there are five homes involved. Mr. Bledsoe stated he understands, but Mr. Wilkinson must understand that the Drainage Laws tell them how to do this and how they spend the money. Mr. Wilkinson stated that he has spoken with people who have lived in Oakville for years, and they informed him it has been a problem since the get-go, so it never has been corrected. Mr. Bledsoe stated that he has a cousin that lives in Oakville so he is aware of the problem. Mr. Wilkinson stated that he owns one acre of property and three-quarters of that property has been under water five times in two years. Mr. Bledsoe stated that Mr. Wilkinson is here doing what he is suppose to do, asking for a petition in which they just granted. Mr. Wilkinson stated that he is just trying to save his property because he bought this piece of land to retire on and enjoy. Furthermore, he stated he built a new pole barn that he saved many years to get, and now his pole barn sits under 4-inches of water when it floods. Mr. Bledsoe stated that he sympathizes with him as well as everyone else, but Mr. Wilkinson must understand, they are doing the process as the Indiana Law tells them to do it. Mr. Wilkinson goes on to say he just wants it looked into and something done. Mr. Bledsoe stated that if the engineer comes back and says this will fix it for x-amount of dollars, they will have to have a reconstruction hearing, and then this Board will vote either yeah or nay to proceed with the project. Mr. Wilkinson stated he cannot fix his home until the water

situation is taken care of and he must set out \$21,000.00 for someone to come out and jack his home up again. Mr. Bledsoe stated that he must understand the cost of the reconstruction or new construction will be borne by the property owners, and that will be over a five-year period. Mr. Wilkinson stated that it has been borne by the property owner's 18-years ago, and nothing has been done, and even though Mr. Bledsoe was not there or not, the situation is, back on the table again and nothing is done. Mr. Bledsoe stated that they are acting on it. Mr. Wilkinson stated that they came out and blew out the drain, which is about this big in diameter (demonstrated with his hands). Mr. Bledsoe told Mr. Wilkinson to understand that the county is not even obligated to do that and did it again just to help the situation. Mr. Wilkinson further stated that all he is asking is for someone to take a serious look into the problem. Mr. Bledsoe informed him that it is a thin stretch in what is being done with the water-jet, but the county is doing it to try to help alleviate problems or provide some assistance. Mr. Wilkinson stated that Oakville is located in the very corner of Delaware County, and Mr. Robinson informed him that at some point in time, Delaware County gave another county, money to take care of a water problem in Oakville. Furthermore, Mr. Wilkinson stated that the county took the money and nothing was done. **(Recorder cannot pickup what Mr. Wilkinson is saying because he is not speaking into the microphone).**

Mr. Wilkinson goes on to say that the storm drain is setting right in front of the post office and one of these days a semi is going to park on it, and go into the ground. He stated it is obvious the streets are in bad shape, the sidewalks are in bad shape, and the county has never put any money on that end of the county. He stated he knows the south side of Muncie never gets any money; much less, the very far side of Muncie, because it always goes to the north side, the rich people. Mr. Bledsoe stated he does not believe that. Mr. Wilkinson stated he reads the newspaper and a lot of money goes to that area. Mr. Bledsoe told him that is his opinion and he can get educated with that newspaper for sure.

Mr. Taylor informed Mr. Wilkinson he will schedule a time with the engineer and Mr. Willis, and see if Angie Moyer or Chris McCammon would like to meet with them, so they can get the ball rolling on his problems. Furthermore, Mr. Taylor stated it would not be a quick fix, but at least he has started the process to try to help with the problems in Oakville. Mr. Taylor informed Mr. Wilkinson he would let him know when they are coming to Oakville. Mr. Wilkinson asked Mr. Taylor if they have any pumps to pump out his place to try to help get rid of the water. Again, Mr. Wilkinson stated he could not fix his home right now because if he does, it is going to flood again. Mr. Taylor informed him the county does not have that kind of equipment through the Surveyor's office.

Mr. Wilkinson further stated it is not fair that an individual tried this process before and even though none of the present members set on the Board, he is here right now in front of this Board and the situation is coming up again and it is obvious Delaware County does not want to do a thing about it. He stated it has been 18-years and 6 days ago to this date that this was requested. Mr. Taylor stated they are the new kids on the block and they are definitely trying to help him with his problem. Mr. Wilkinson stated that he appreciated it. Mr. Taylor informed him that they will try to do whatever they can possibly do to help.

Mr. Robinson re-approached the Board and stated that they said they are not responsible, and wants to know what goes on out there. Mr. Bledsoe stated that he does not believe that is what he heard, and asked Mr. Robinson where that came from. Mr. Bledsoe informed Mr. Robinson that it is all on tape.

Mr. Robinson stated the only thing he wanted to say is he pays a ditch tax, which he has been paying for over fifty years, and wants to know where all that money goes. Mr. Bledsoe informed him that the money goes into the watershed that provides the Surveyor the ability to do maintenance work on ditches in that watershed. Mr. Robinson then asked if the work in Oakville could be done from maintenance monies. Mr. Bledsoe stated that if that drain is not working properly and needed reconstructed, the project could not be covered under maintenance.

Mr. Robinson stated that he was there when Ron was up there and they blew that out. Mr. Bledsoe stated that is exactly what he was speaking about earlier, the many things that have been done over the years that should not have been done. Mr. Robinson responded by saying the money was sent to Henry County before, but that was sometime back. Mr. Robinson stated that he was the one to convince them that their water did not run to Henry County. Mr. Bledsoe stated that he also pays taxes and there is not a lot that goes on where he lives either. Mr. Bledsoe commented he definitely knows this Board, as well as the Board of Commissioners and the county's highway garage, operate the way they are suppose to operate by the law. Mr. Robinson stated that he is not disputing that.

Mr. Bledsoe stated that they have spent several man-hours getting Mr. Taylor, Stan, and their engineering department together to go to Oakville to try to help alleviate their problems. Furthermore, Mr. Bledsoe stated Mr. Wilkinson has been told how the Drainage Law works and what needs to be done, and they are doing that right now.

Mr. Robinson further informed the Board of some of the history of water problems in Oakville, but also stated that the county has also done some good out there. Mr. Bledsoe stated that most of the drains are twice his age, and most likely are undersized to begin with. Furthermore, Mr. Bledsoe stated that the tiles in the farm fields around Delaware County, which help assist draining those old and some new neighborhoods, have since begun to collapse and are failing on their own, which also creates problems for those neighborhoods. Mr. Bledsoe stated that is what he has been trying to tell Mr. Wilkinson, that the county is doing everything possible to correct their problems and that the Drainage Law puts them right where they are at this point.

Mr. Robinson further stated that he has spoken to the railroad, and asked them about the drain they have underneath their track, and what could be done to fix it. Mr. Robinson stated the railroad told him they could fix it. Mr. Hensley and Mr. Bledsoe both state that is the first time the railroad has agreed to anything. However, Mr. Robinson stated he spoke with the main person at the railroad, and they informed him the pipe was not big enough to carry the surface water underneath the track, so the water builds up like a lake. Mr. Bledsoe informed Mr. Robinson that the Drainage Statue stated that if that drain is inadequate or if it does not move the water as it is designed to, then the Board gets to a point and that is where they are right now, possibly a reconstruction or a new construction could be done to help move that water out. Mr.

Robinson stated if that water could go through there, it would help a lot. Mr. Robinson stated that his wife's grandfather helped put in the original drainage in that area. Mr. Robinson stated that he was 93-years of age when he passed away and he actually bought his home from him.

Mr. Hensley stated that they have beat this subject to death and nothing else will happen until the engineer gets out there, so he recommends that they call it quits until that time.

Mr. Wilkinson approached again, addressed Mr. Bledsoe, and stated that they had spoken when he built his barn, and Mr. Bledsoe disagreed and stated that it was after he put in his barn. Mr. Wilkinson stated that since he built his barn, on the advice of the Building Commissioner, he has put in a swale behind his property and stated the Building Commissioner advised him that would take care of the water problem. Mr. Wilkinson further explained that the highway department advised him to put in a tile through his property, and then change it to a drain tile through his driveway, and then dig a ditch along the side back to the county's drain. Mr. Wilkinson advised that those solutions did not work.

Angie Moyer/Delaware County Engineer's Office approached and stated that when Mr. Wilkinson applied for a driveway permit, which is part of the building permit process, the engineer office's jurisdiction is within the road right-of-way. Ms. Moyer stated that they recommended a pipe being installed and for him to notify their office when this was being installed because they would be willing to help him clean out the ditch. Ms. Moyer stated that Mr. Wilkinson does have a huge water problem, but knew the above fixes would not solve his problems. Furthermore, Ms. Moyer stated this was to help him during normal rain events, not when they have 12-inches of snow melting and rain on top of it. Ms. Moyer stated that Mr. Wilkinson is in a bowl.

Mr. Wilkinson informed Ms. Moyer that the ditch is not running perfectly and if they wanted to come out and shovel it out, it would be okay with him. Ms. Moyer stated that Mr. Wilkinson informed them not to come out, that he did not want them there. Mr. Wilkinson stated that he did not remember that and that he did send many e-mails to them, and he has every one of them. Ms. Moyer stated that Mr. Wilkinson was every clear. Mr. Wilkinson stated the last thing he wanted to inform the Board of, he has an autistic grandson and he loves to raise bees. Furthermore, he stated that they had bees until December, when the floodwaters were 4-inches into his building, which killed every bee they had, and it did not make his autistic grandson very happy. Furthermore, Mr. Wilkinson stated it is just the stupid things like that, where the water keeps coming in, people have griped about it, and nobody wants to do anything about it. Mr. Wilkinson stated all he is asking is would they please do something about it. Mr. Bledsoe stated that they just did something about it.

MAINTENANCE CLAIMS:

Mr. Bledsoe moved to approve claims as submitted. Mr. Whitehead seconds the motion. **Motion passes 5-0.**

ADJOURNMENT:

The meeting adjourned at 1:26 p.m.

Clarence Hensley, President

John Landers, Vice President

Larry Bledsoe, Member

Charles Whitehair, Member

William Whitehead, Member

Cindy Harty, Recording Secretary