

REGULAR DRAINAGE BOARD MEETING:

May 19, 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
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 April 21, 2014 Drainage Board minutes. Mr. Whitehead moved for approval. Mr. Bledsoe seconded the motion. **Motion passes 4-0.**

OLD BUSINESS:

Reconstruction of the J.J. Vance Ditch

Phil Taylor introduced the proposal for engineering services from Christopher B. Burke Engineering, LLC, pertaining to the J.J. Vance Drain Reconstruction project. Mr. Taylor stated that the estimated costs for Phase I are \$25,590.00, and he recommended that the Board proceed with the reconstruction.

Mr. Bledsoe moved for approval of moving forward with the services of Christopher B. Burke Engineering. Mr. Landers seconded the motion. **Motion passes 4-0.**

Reconstruction of the Schram Ditch

Mr. Taylor stated that he has received a proposal from Christopher B. Burke Engineering, LLC, on the Schram Ditch Reconstruction with estimated costs for services in the sum of \$24,610.00. Mr. Taylor recommended the Board proceed with the proposal. Mr. Bledsoe stated just for the record he wanted to verify that four persons with parcels signed the petition for reconstruction. The Board's secretary responded that four or five landowners signed the original petition for reconstruction, and stated that whoever signed the petition are the landowners who will be affected by the costs of the reconstruction.

Mr. Bledsoe moved for approval of the proposal for services by Christopher B. Burke Engineering, for the Schram Ditch Reconstruction as presented. Mr. Whitehead seconded. **The Motion passes 4-0.**

Fimple Ditch

Mr. Hensley informed Will Statom that the Board discussed this matter in their pre-meeting, and the Board had decided that the matter would be tabled, but the Board must vote on the matter first. Mr. Hensley entertains a motion to table the Fimple Ditch issues. Mr. Whitehead so moved. Mr. Landers seconded. **Motion passed 4-0.**

Will Statom approached the Board and stated that he is the owner of 41-acres adjacent to the Fimple Ditch, and stated that his footage is on Benton Road. Mr. Statom furnished copies of I.C. 36-9-27-64 to the Board members. Mr. Statom stated that he had reviewed Mr. Hiatt's letter dated April 9th, and feels there have been a lot of innuendo's made by Mr. Hiatt, which are absolutely fabricated. Furthermore, Mr. Statom stated he is using strong language but he has strong on this issue. Mr. Statom stated that Mr. Hiatt's implication is that Mr. Statom is trying to get something for nothing from the Drainage Board. Mr. Statom stated that could not be any further from the truth. Furthermore, Mr. Statom stated the last time he was before the Drainage Board, he had a conversation with Mr. Dunnuck about why this Board cannot give him money based on that Indiana code. Mr. Statom stated all he was trying to do at those previous meetings was to get access to his field. He stated that he believes the same members sat on the Drainage Board during those meetings, with no result from Mr. Hiatt. Mr. Statom stated that he believes the crux of the problem is not his pass-through, but the construction of the car dealerships at Nebo Road and 400. Mr. Statom stated that in April the water levels were 3-feet high on the northside of the road, with 5-inches crossing Nebo Road, going east.

Mr. Dunnuck asked Mr. Statom if he has ingress and egress at this time. Mr. Statom stated yes he does. Mr. Dunnuck stated that this Board has tabled the matter. Mr. Statom stated that he does not want guarantees, but would like this matter to come to a stop. Furthermore, Mr. Statom stated that IDEM has stated that (**remaining could not be picked up by recorder**). Mr. Dunnuck stated that they are aware of what IDEM had said, and this Board has tabled the matter, and stated that Mr. Statom has ingress and egress. Mr. Statom stated that he does and would like

to keep it. Mr. Dunnuck stated that the matter has been tabled, and he does not see Mr. Statom or the Board taking it off the table. Mr. Statom asked Mr. Dunnuck what that meant. Mr. Dunnuck stated that is where it stands at this point. Mr. Dunnuck assured Mr. Statom that no one is going out there with a backhoe to tear up his structure.

NEW BUSINESS:

Request to Tie-In to the Truitt Ditch

Mr. Bledsoe stated that the county owns farmland that is currently leased which is located at State Road 32 and County Road 500 East. Mr. Bledsoe explained that in the past year and a half, the county has had something go wrong with some of the drainage tiles on that land which has caused approximately five to eight acres to be under water at times. Mr. Bledsoe stated the contract lease that the county has refers to the county being responsible for removing the water to prevent crop damage. Mr. Bledsoe stated that he has spoken with the State Board of Accounts concerning this issue. Furthermore, Mr. Bledsoe stated the county thought of moving the water to the east, which would move the water towards Hog Creek, but that would imply the county going under a reconstruction of sorts. Mr. Bledsoe stated that this being a county owned property and the Truitt Ditch being on the northwest corner of said property, it would be easier to tie-in to the Truitt Ditch. Mr. Bledsoe explained they have worked with Phil Taylor concerning this issue and they have decided to run approximately 3,000-feet of 12-inch pipe in which the county will tie-in to alleviate the water problem and crop loss. Mr. Bledsoe stated that the new drainage should drain the woods better and will not be a negative effect on the Truitt Drain. Mr. Bledsoe stated he is here on behalf of Delaware County requesting they be allowed to tie-in to the Truitt Ditch.

Mr. Taylor stated that he does not see a problem with that happening. Mr. Taylor stated they just reconstructed the Truitt Ditch up through that location so it is all new tiles. Mr. Taylor explained that the ditch comes off Highway 32 and flows northeast, with it being 24-inch pipe, and then downsizing to 15-inch tile where the county will be tying in, with some breathers along the way. Mr. Taylor stated he and Mr. Willis have been dealing with the people working on the project and their main concern right now is the pipeline that runs through the property. Mr. Taylor explained that there are two 30-inch mains that run through the property, which need located and determine what depth they are. Mr. Taylor stated at this time they are getting everything coordinated with the pipeline, and the pipeline has asked Mr. Taylor that they be at the location when the county decides to dig. Mr. Taylor stated it is just working out the little pieces to get the job done. **Mr. Landers and Mr. Bledsoe have a conversation, which is not picked up by the recording equipment.** Mr. Taylor stated there might be field tile, which they are unaware of in that location, but they will know once they start digging. Mr. Bledsoe stated a 12-inch pipe is supposed to drain that area within a 48-hour period so there would be no crop loss sustained. Mr. Taylor stated the area will still be low and will have some water problems, but not like it is now where water is standing, and stated that any water should dissipate within

48-hours.

Mr. Hensley entertains a motion to approve. **Mr. Whitehead** so moved. **Mr. Landers** seconded. **Motion passes 4-0.**

***American Electric Power Selma-Parker Station
Tie-In to the Brown Ditch***

Pete Siglow, 2303 Pipestone Road, Benton Harbor, Michigan, approached and stated that he works for Wightman and Associates, and the firm was hired by American Electric Power to put together a site and drainage plan for the expansion of the Selma-Parker electrical substation, which is located between Selma and Parker. **Mr. Siglow** stated that he has been working with **Phil Taylor** to come up with a drainage plan, because there is a drain tile, which runs across the property that would be in the new substation area. **Mr. Siglow** stated as part of the plan, they are proposing to redirect or rebuild that section of the tile around the new substation and then they are also proposing two stormwater detention ponds to bring the site up to code for stormwater management and detention.

Mr. Taylor stated that he believes the last time that he and **Mr. Siglow** had spoken they were going to run the new tile on the east side of AEP's property running north and then west to the north side of their property, at AEP's expense. **Mr. Siglow** stated that is correct and AEP will do all of this work with the drain. **Mr. Taylor** stated that when they commence the work, the Surveyor would like to be out at the location, but sees no problems with AEP doing that. **Mr. Taylor** stated that there should be no drainage issue because a new tile was put through there approximately one year ago, and it is working fine. **Mr. Siglow** stated that if anything, it would be an improvement because there are two small electrical stations at that location, and since they are putting in stormwater retention, it will be slowing the water down and should make it a better situation overall. **Mr. Taylor** stated that they have worked with AEP before, and he knows that the people involved in this project will do it correctly.

Mr. Bledsoe moved to approve AEP's request to tie-in to the Brown Ditch. **Mr. Landers** seconded. **Motion passes 4-0.**

Request to Tie-In to Heath Ditch

Travis Gaither/HWC Engineering, 151 N. Delaware Street, Indianapolis, IN, approached and stated that they are putting a new industrial shell building along Fuson Road, on the northside, which is adjacent to the county's Heath Ditch. **Mr. Gaither** stated they are looking for permission to have an access road across Heath Ditch and to install a culvert under the access road through the ditch that matches the same size as the downstream culvert at Delaware Drive, and also asking permission to outlet their detention pond into the ditch as well.

Mr. Taylor stated that he does not see a problem with their firm doing that, but thinks that if the Board so chooses to do this, HWC's client needs to maintain the ditch in the future. Mr. Taylor asked Mr. Gaither if it would be a problem for them. Mr. Gaither stated that it would not be a problem and it could be done.

Mr. Taylor informed the Board that he feels they should have something in writing on this issue, because if something would ever happen and the land ownership transfers, it should state in the document the new owners would maintain the ditch. Mr. Taylor stated for the county's safety if the land is sold the responsibility could be passed to the next owner. Mr. Taylor asked Mr. Gaither if he could get something in writing stating that. Mr. Gaither stated that he would have the client come up with something. Mr. Taylor stated they would have their attorney look at the document after it is prepared. Mr. Taylor asked how long it would be before they begin the construction. Mr. Gaither stated once he gets back to the office, he would reach out to the client to see about the written document, but the construction would begin in the Fall of 2014. Mr. Taylor stated once he received the document he would furnish it to Jake Dunnuck the Board's attorney, to review and give his approval, and schedule this matter for the following Drainage Board meeting.

Mr. Hensley entertained a motion. Mr. Bledsoe so moved. Mr. Whitehead seconded. **Motion passes 4-0.**

MAINTENANCE CLAIMS:

Mr. Hensley entertains a motion to approve the maintenance claims as submitted. Mr. Whitehead so moved. Mr. Landers seconded the motion. **Motion passes 4-0.**

ADJOURNMENT:

The meeting adjourned at 1:20 p.m.

Clarence Hensley, President

John Landers, Vice President

Larry Bledsoe, Member

William Whitehead, Member

Cindy Harty, Recording Secretary