

REGULAR DRAINAGE BOARD MEETING: and J.J. VANCE RECONSTRUCTION HEARING

April 20, 2015

**President Clarence Hensley called the meeting to order. Roll call held.
Present at the meeting were the following:**

Clarence Hensley, President
John Landers, Vice President
Shannon Henry, Member
William Whitehead, Member
Charles Whitehair, Member
Brandon Murphy, Board Attorney
Phil Taylor, County Surveyor
Cindy Harty, Recording Secretary

Mr. Hensley opened the meeting by inviting all to participate in the pledge of allegiance.

APPROVAL OF THE MINUTES:

Mr. Hensley entertains a motion for the approval of the March 16, 2015 Drainage Board minutes. Mr. Whitehead moved for approval. Mr. Whitehair seconded the motion. **Motion passes 5-0.**

NEW BUSINESS:

Mr. Hensley called for John Anderson of the Muncie Sanitary District.

Mr. Taylor stated that Mr. Anderson is an Engineer with the Muncie Sanitary District, and the city wants to put in tile in Morningside Addition. Mr. Taylor stated he has no problem with the city doing this. Furthermore, Mr. Taylor stated that he has spoken with Mr. Anderson and informed him to take before and after pictures of the project.

John Anderson approached and stated that currently the Muncie Sanitary District is working on a storm sewer design along Wabash Avenue. Mr. Anderson stated there have been flooding issues in that area, especially at Elgin and Wabash. Furthermore, Mr. Anderson stated there have been flooding issues on the GMC property and along Broadway in the side ditches. Mr. Anderson stated that they were looking into installing a new storm sewer to take care of some of these drainage issues. Mr. Anderson stated they are asking for approval for a new outfall, which would be at the end of Wabash Avenue, where it ties into the Hamilton-Miller Ditch. He stated the other issue is that there is an existing tile, which is part of the R.L. Cooley Drain that runs through this area. Mr. Anderson explained that the district was looking at that area, but did not know at the time that it was a regulated drain. He stated that the district would like to incorporate that and upsize it as part of the district's design. Furthermore, Mr. Anderson stated, as such, the district is asking to have the R.L. Cooley Ditch turned over to the district, so they can incorporate the ditch, R.L. Cooley Drain.

Mr. Taylor stated that he does not see a problem with the district doing this, and asked if the district would maintain this ditch. Mr. Anderson stated that yes the district would maintain the ditch. Mr. Taylor recommended that they approve this and let the Sanitary District incorporate this ditch.

Mr. Hensley entertains a motion. Mr. Henry so moved. Mr. Whitehair seconded the motion. **Motion passes 5-0.**

Mr. Hensley asked Mr. Anderson to notify Mrs. Grigsby that approximately one (1) year ago, the county performed approximately \$50,000.00 worth of work for the Sanitary District and the county would like paid for that work. Mr. Anderson asked if there was a project name or title associated with the project so he could notify her. Mr. Taylor informed Mr. Anderson that the county did the work for the city in Carrington Condo's. Furthermore, Mr. Taylor stated that Mrs. Grigsby knew about it, because he had previously spoken to Steve Murphy concerning this matter. Mr. Taylor stated that the Board's attorney, Brandon Murphy, would contact Steve Murphy concerning this issue after the meeting. Mr. Taylor stated he would appreciate if Mr. Anderson could pass this information on to Ms. Grigsby. Mr. Anderson stated he would.

OLD BUSINESS:

Hearing on Petition for Reconstruction of the J.J. Vance Ditch

Mr. Hensley stated the petition for reconstruction of the J.J. Vance Ditch, a regulated drain would be heard and called for David Eichelberger, Engineer, to speak on this project.

David Eichelberger approached and stated that he is here to speak on the J.J. Vance regulated drain reconstruction, and will jump right into it. Mr. Eichelberger stated that Christopher B.

Burke Engineering, LLC, was retained by the Delaware County Surveyor's Office and the Delaware County Drainage Board to assess the drain. He stated the assessment evaluated the drainage characteristics of the existing site, suggested conceptual recommendations, and provided conceptual opinions of probable construction costs. Furthermore, Mr. Eichelberger stated Christopher Burke Engineering LLC has walked, driven, talked with landowners, and investigated the J.J. Vance drainage system as per the request of the Drainage Board and Surveyor. He stated based on their investigation, it is the recommendation of Christopher B. Burke Engineering LLC that the J.J. Vance regulated drain project be as follows:

The drain would be rerouted with an open channel around the residence area to the railroad, with a detention basin to be constructed at the northwest corner of County Road 775 South and County Road 50 West to be utilized in conjunction with the channel to minimize the cost of construction. East of the railroad, the regulated drain tile would be reconstructed within a new easement. The existing system is undersized and lacks the capacity to drain the entire watershed without flooding several residences. The existing system will remain in place after the rerouting of the regulated drain and will still serve to drain only the residential area in Oakville. To properly store and convey a 10-year storm event, Christopher Burke Engineering recommended the construction of a channel section consisting of a five (5) foot flat bottom with a one to one side slope, and a detention pond with the volume of 3.4-acres. The conceptual opinion of probable construction costs associated with the recommendation is \$519,000.00. After completion of the project, there will be 3,600 lineal feet of open channel, 2,004 lineal feet of 30-inch pipe, and a new detention facility under maintenance. The existing tile system west of the railroad and east of County Road 50 West would be vacated. An assessment of \$1,395.16 and a \$50.00 minimum over a five (5) year period is recommended, assuming the reconstruction and improvements are completed and the general drain fund has been repaid after the five (5) year period. Christopher Burke Engineering recommended the per acre assessment be lowered to a maintenance rate of Twenty-Five Dollars (\$25.00) per acre and a Twenty-Five Dollar (\$25.00) minimum with an eight (8) year collection total. Damages would be awarded for loss of tillable land due to the new construction. The cost of damages would be assessed at a rate of \$8,000.00 per acre as the value of the damaged land. In essence, that is their report to the Board.

Mr. Hensley thanked Mr. Eichelberger and asked if anyone had questions for the Engineer. Mr. Hensley asked if anyone in the audience wanted to speak on behalf or for this project.

Residents in Favor of Project

Ron Wilkinson, 12500 S. County Road 50 West in Oakville, Indiana, approached and stated that he moved to that location three (3) years ago, and has had fifteen (15) floods on that property in three (3) years time. He stated, "I was told today that this was a joke for coming up here because 42 people voted no against this project, but I won't mention who told me". Mr. Wilkinson stated that in 1996, Joyce Neal, requested the same project

be done for this drain, and nothing was ever done. He stated that he requested the project be looked into and the Board is doing that today. Mr. Wilkinson stated that in 1996 Bruce Wright requested the same thing that he has. Mr. Wilkinson stated that Mr. Wright has lived there for over 60 years. Furthermore, Mr. Wilkinson stated that Bill Robinson had requested the same thing that he is asking for, for things to be repaired in Oakville on the J.J. Vance Ditch. He explained that in 2012, he built a barn on his property, and the problems were blamed on the barn causing water on his property. According to the Building Commissioner's Office, they made him put in a swale behind the barn, and had him put in a ditch on Bridle Lane all down through there. Mr. Wilkinson stated he did that and they informed him that would take care of the water problem. As you can see, it has never taken care of the water problem and what I can see is you have an inadequate drainage system in that area. The tiles are probably around 100-years-old or better. You are looking at 6 to 8-inch diameter drains, which will not handle the flow of water that comes out of the field across from Mr. Zerbe's house, or from the field across from my house. I could see why 40 out of the 42 people did not want to do this because \$519,000.00 is a lot of money. Okay, I have never asked for a swimming pool in the area, we can see a big holding pond you want to do, I have never asked for that. All I have asked for is for water to drain from the area and to build a main tile to run the water out of town. According to this piece of paper, the proposal, they want to put in all kinds of fancy do-dads. He stated he has never once asked for a swimming pool or such and has never asked for all of this. All I have asked for is drainage on my property and three other properties behind me to be able to hook into the main drain and the water to leave Oakville. Mr. Wilkinson stated that is all I have asked for, and that should not cost \$519,000.00. Mr. Wilkinson stated that he appreciated the people coming today that are for it and against it. He stated Larry Bledsoe told me when he was in office that I would never get this passed because people have septic systems that are illegally running into the storm sewers and that is the only reason this won't get passed because people will have to change the septic or have a sewer line brought in and they don't want that. I could go to every door in that town and I would have a "no" stating they do not want anything to do with the septic systems. That is all I have to say about it.

Mr. Hensley asked if anyone else wanted to speak in favor of this project.

Jeffrey Blevins, 12501 Saddlebrook Drive, approached and stated that he lives on the other end of Mr. Wilkinson. He stated that his family and he moved there in July of 2012 to this residence. He stated our home had been abandoned, and we had no reference or anything as far as the landscaping, or any type of history on the house when we purchased the house. Mr. Blevins stated they had met some of the neighbors, they saw the neighborhood, and liked the neighborhood, and everything was great. He explained that they moved in, in July and the next April they had enough rain that filled their entire property, and that is when they realized that they sit at the bottom of the bowl. Furthermore, he stated everything that flows down to Mr. Wilkinson's, Mr. Zerbe's from the farm, from the other side of Bridle Lane that is on the backside of us, it all flows right into our property. Mr. Blevins stated as follows: Every time we have more than two or three inches of rain, our yard fills up and our back garage fills up. December the 20th,

two Christmas's ago, I had to carry my wife out of the house because the water was up shin deep on our front door. I had to carry my kids out. My sister and brother-in-law came to our house to put everything up onto lifts to keep it safe and from getting water in the house. I had 11½ inches of water in my house. Mr. Hensley asked him if he had that much water in his house. Mr. Blevins stated that it was in his garage and stated that the threshold is 13¾ inches and he was at 11½ inches on the outside of it. Mr. Hensley questioned but not in your house. Mr. Blevins stated not in the house, it filled up my garage, my back garage. It was out in the front area where it went down, to get out to the street, so I realize this is a lot of money and I understand that everyone in this town has been very emotional about this, and I respect everyone's opinion on it. I do not care what the solution is; I just want to find some sort of solution so we do not have to deal with this anymore. I mean it is ridiculous to be in the middle of a little town in central Indiana that is really around no water and have to try to get flood insurance. I mean, that is kind of silly guys, you know. I understand the opinions of people on the cost of it, but if there could be a cheaper solution, or if we could find something that would be less expensive or someway to stretch it out so it will not be as expensive for everybody. I am all for that. I stand positive for it because I do not want my kids to get flooded out and I do not want to get flooded out. Thank you.

Mr. Hensley asked if anyone else would like to speak on behalf of this project.

Residents Opposing/Against the Project

Phillip Zerbe approached and stated that he lives on the corner of 775 South and 50 West. He stated that he lives right on the corner where supposedly all the water comes from, from the field across on the west side of 50. Mr. Hensley asked how close his property is to Mr. Wilkinson's property. Mr. Zerbe stated right across the street. Mr. Hensley stated so you are talking about the same thing. Mr. Zerbe stated I own three (3) pieces of property. On the picture that I am sure you all have, it is two, three and four, is what I own. So with the three (3) assessments that I received in the mail, it is close to \$28,000.00 for me that I would have put up. Being a single father of two teenagers, it is not feasible for me. The \$519,000.00 project, I understand the property and the way the drainage is. I did my research when I moved out there. I bought land and I built it up where my house is, so I do not have this problem. Mr. Zerbe stated the water comes across from the field; it comes into the town, so why would we want the water to come into the town instead of keeping it away from the town. He stated with a bill close to a \$29,000.00 for me to pay off in five (5) years, is about \$385.00 per month and there is no way I can afford that. Mr. Hensley stated that he understood. Mr. Zerbe stated then the retention pond, with his daughters that play outside it would not be safe to have a retention pond that close. Mr. Zerbe stated once a year they get that truck that sprays for mosquitoes, and that retention pond will increase that, we are going to need it more, because obviously retaining water, which is just sitting there, is going to be unhealthy. Mr. Hensley stated that his opinions are about the same as everyone else's, and thanked

him. Mr. Zerbe stated he is just stating his point, since he lives out there, and has been living out there since 2001.

Mr. Hensley asked if anyone else would like to speak in opposition of this project.

Floyd King, 501 Oakville Road and 12660 Trails End, approached and stated that the four (4) acre field back there is the retention pond now. He stated if you put a tile in from the railroad track to Buck Creek, your problems will be solved because it cannot get away now because there is no drain over there. Where it goes under the railroad track, all those lines under the field back up through town, they fill up, they flood uptown. So if you put a drain in from the railroad track where the tile goes under the railroad track to Buck Creek, the water can get away. Until that is done, it is never going to get away. Mr. Hensley asked Mr. King if he was opposed to this project as proposed. Mr. King stated as it is, yes. Mr. King stated if you want to solve the problem, you should put a tile in from the railroad track where it goes under the track to Buck Creek. Mr. Hensley thanked Mr. King, and asked if anyone else wanted to speak in opposition.

Willie Robinson, 724 W. Oakville Road, approached and stated this is nothing new to him, because he has been up here several times. Mr. Robinson stated that he has been there for forty some years. He stated I am not for the ditch going around there, but I am for getting that water out of there. Mr. Robinson stated that Mr. King was right, and he has seen his horses out there with water clear up to their bellies. Mr. Robinson stated that he got a hold of the railroad company about the drain that goes underneath the railroad track. He stated that he was told they could do more to get it out of there, but they blew him off. Mr. Robinson stated that they have water that runs in from Henry County into Oakville, and it is like a retention pond, which builds up and fills to the road. Mr. Robinson further explained as follows: The county came out a few years ago because water was standing in some yards, and the county opened up some of the tile and put in manholes. Well when that water backups, it fills up those manholes, and when it does, it backs up everything right through Oakville. Until you guys get to where that water can go under the railroad track, it's going to continue doing this. Now your ditch around there, it might work, but there again, you are still going to have many problems with the same old, same old, and it will not change. Mr. Hensley stated that he would have Mr. Taylor look at that. Mr. Robinson stated, well how about closing up those holes that you guys opened up to begin with, because that started a lot of the problems. Now one more thing, back years ago, we paid \$30,000.00 to put that drainage line in the back of Mike Smith's house, which is up close to my place. It runs down towards where the ball diamond used to be and now it is a park. It goes over to Mr. King's place and what it does is backs up there. When they opened that up across the railroad track, they put on open ditch in. The ditch was probably four or five foot high. Well the Wrights could not take their combine across there. We talked to you (referring to Mr. Taylor) about that, and the only thing is they came in and filled it in. There was some of the drain lines opened up on the other side of the railroad tracks. That bottlenecks that water. So until you guys straighten that part out, it is not going to make any difference. That is all I have to say. Mr. Robinson stated that like he said, he is not a stranger up here; I've been up here

several times. Mr. Hensley thanked Mr. Robinson.

Mr. Hensley asked for one more person in opposition of the project.

Carl Zeigler stated that he has been around here a few years. Mr. Zeigler stated he is Trustee of the park, and he takes care of that part of it. Years ago, there was a ditch that went through the part towards the elevator, the old Maddox Ditch. Mr. Zeigler stated as follows: When I was about 4-years-old that ran back to the church and went on around, as they said out to Buck Creek from the curve there. They ran the tile this side of track. Now there is no tile that goes across there with the elevators there. He said they should fix the thing at the railroad track. Mr. Zeigler stated my aunt and uncle moved out there in 1936, and I was down there quite a bit, and I had calves out in that field where Floyd talked about. As a matter of fact, the tile broke down big enough that a dog got in there and they never did get him back out. He stated where the water goes under the railroad track, it catches everything from fence posts to corn stalks and then you have it backed up. With it being blocked, it is going to flood the town. If it snows a little, we cannot pour salt anymore but we dump sand instead on the streets for the wintertime. If the county could clean the drains once in a while, it might help. They cleaned them a little last year, but it is back where it was. Mr. Zeigler stated that you used to come in town with a wagon and horses, and it did not pick up much mess. Now every time it snows, dump trucks start at the end of town and start putting sand down so the kids to go to school. With that drain full of sand, and I have measured it, but I could not carry my rod in here because you cannot carry those things past the guard, and the sand is right back where it was last year before they cleaned it. If that were opened, you would not have any problems. I am talking about the one Floyd is talking about and the existing tile. They have a sand trap underneath them, and you can go right now and you would measure about 4-foot of sand before you hit bottom. Mr. Zeigler stated that is my feelings on it. Mr. Hensley thanked Mr. Zeigler.

Mr. Wilkinson speaks from the audience and cannot be picked up by the recorder.

Larry Conway approached and stated that he lives at 600 Bridle Lane. Mr. Conway stated that the proposal that they have now is going to create a lot of hardship for many people. He stated that they have a widow woman, and people living off Social Security who are barely making it. Mr. Conway stated that this man (referring to Mr. Wilkinson) was told not to build a barn there. Mr. Hensley asked Mr. Conway if he was for or against this project. Mr. Conway stated that he is against it. He stated again, this man was told not to build a barn there, and he built it anyway. This man put a drain across there and filled it in and slowed down the line with the water, and then he gets a sump-pump and pumps it over on the others. So this has just turned out to be a big fiasco. He stated but these people moved there to retire, and they are going to put everyone in a county welfare home. That is all I have to say. Mr. Hensley thanked Mr. Conway.

Mr. Wilkinson speaks again from the audience and the recorder cannot pick up his voice.

Sherry Riggin, County Commissioner, appeared and stated that she is just an appointed interest. She stated that she just heard about this project a couple of days ago or last week. She stated that she is not sure who sends out the Board's minutes, but would like to have the minutes sent to her. Ms. Riggin stated that she has a good friend that does a lot of work down there, and he drew a map for her because she did not have the one she received last week. Ms. Riggin explained that her friend said that the pipe was an 18 or 20-inch tile on the south, which is east of the railroad, then on the west of the railroad, it is an 18 or 20 pipe also. Ms. Riggin asked if those have ever been cleaned out. Mr. Hensley stated that she would have to ask Mr. Taylor.

Mr. Taylor stated that he does not believe so. Mr. Taylor questioned Chris McCammon if they had used the jet-rod along Bridle Lane.

Chris McCammon, Superintendent of Delaware County Highway, approached and stated actually they have jet-rodged that area three (3) times in the last two (2) years.

Ms. Riggin asked starting where and ending where. Mr. McCammon stated that it was up by Mr. Wilkinson's property and it did help. Mr. McCammon stated that he goes out when it rains, like yesterday when it rained a little over an inch. Ms. Riggin asked if it was over a hundred or two hundred yards. Mr. McCammon stated that it was all the way down on the end. Ms. Riggin asked if it was to the railroad. Ms. Riggin stated her next question was if the farmer that is on the west side of 50 West, has he changed his farming methods. Ms. Riggin wondered if it used to be more no-till, and now he is tilling it, which would cause more runoff. Ms. Riggin stated she was out there yesterday, but it was raining, so she could not really tell. Mr. Hensley stated that he believes most farming anymore is no-till. Ms. Riggin stated that most of it is, but her friend did tell her that is where the water pools, which is on the road at County Road 50.

Mr. Wilkinson speaks again from the audience and the recorder cannot pick up his voice.

Mr. Hensley told Ms. Riggin to go ahead. Ms. Riggin stated Purdue is teaching the farmers to put another crop down that really absorbs a lot of that runoff. She stated that is why she was questioning that. Furthermore, Ms. Riggin stated it is very sad to think the county has to assess these people on a reconstruction, and wondered if they offered a Plan B.

Mr. Hensley stated no, this is Plan A right now. Mr. Hensley asked how many people in the audience by raising their hands are in favor of this project. **Four (4) persons raise their hands.** Mr. Hensley asked how many people are opposed. **The remainder of the audience raised their hands (approximately 30 persons).** Mr. Hensley thanked the audience and stated that discussion would be opened for the Drainage Board only.

Mr. Henry stated that he did go out with this gentleman after the first of year, and there are some issues with the drain at the railroad tracks, and stated it looks full. Furthermore, Mr. Henry stated there is a bunch of debris on both sides of the ditch; and believes it is a matter that needs further investigation. Mr. Hensley asked if there was any more discussion.

Mr. Whitehair questioned Mr. Taylor if the reconstruction would help in that area. Mr. Taylor

stated that anything would probably help, but they have not looked that far down the tracks, but would go out to look at it. Mr. Taylor stated that he feels Christopher Burke Engineering did a great job designing this project and felt the new design would work properly. Mr. Taylor stated he does not believe the Board wants to force a financial burden on the residents in that neighborhood with this kind of costs. Furthermore, he stated that he understands the people that are having flooding problems want it fixed, but not everyone is having flooding problems. Mr. Taylor stated he feels that one landowner does not want to pay for the other person's problem.

Mr. Hensley entertains a motion either for or against this project.

Mr. Henry makes a motion that the Board put the project on hold. Mr. Henry stated that he would like to go out with Mr. Taylor to the railroad in Oakville, and check some of the storm drains. Mr. Henry stated that he knows Mr. McCammon is busy right now with road repairs, but thought they could get the highway department out to Oakville to recheck some of those drains in that area again. Mr. Taylor stated that would be fine. Mr. Whitehair seconded the motion.

Mr. Hensley asked if the motion was made for a table.

Mr. Whitehead questioned Mr. Henry's motion, and asked Mr. Henry it was to table the project. Mr. Henry stated that yes he wanted to table the project. Mr. Henry stated that he wanted to go out and do more investigation on the drain. Mr. Whitehead stated that he wanted to know Mr. Henry's intent or timeframe. Mr. Henry stated lets table the project to do some further work out there, and see if we cannot help without turning the costs on these individuals. **Motion passes 5-0.**

MAINTENANCE CLAIMS:

Mr. Hensley entertains a motion to approve the maintenance claims as submitted. Mr. Whitehead so moved. Mr. Whitehair seconded the motion. **Motion passes 5-0.**

ADJOURNMENT:

The meeting adjourned at 3:02 p.m.

Clarence Hensley, President

John Landers, Vice President

Shannon Henry, Member

William Whitehead, Member

Charles Whitehair, Member

Cindy Harty, Recording Secretary