

REGULAR DRAINAGE BOARD MEETING:

July 9, 2025

President, William Whitehead, called the meeting to order. Members present at the meeting were the following:

William Whitehead, President
Joseph Hamilton, Vice President
Sherry Riggin, Commissioner
John Christy, Member
Wayne Bothel, Member
Brandon Murphy, Attorney
Tom Borchers, Surveyor
Jennifer Licht, Recording Secretary
All members appointed on January 6, 2025 for 1 year.

President, William Whitehead, opened the meeting by welcoming the audience and inviting them to participate in the pledge of allegiance.

APPROVAL OF MINUTES:

Mr. Whitehead entertained a motion for the approval of the June 11, 2025 Drainage Board Meeting Minutes. Mr. Hamilton moved for approval. Motion seconded by Ms. Riggin. **Motion passed 5-0.**

PUBLIC COMMENT:

Mr. Rahmed Paige, 1713 S Franklin St. Muncie, I purchased a property at 6701 E Hickory Ln Muncie, my wife is going to pass out some documents pertaining to that property. There is a storm drain out front it's been causing some flooding in the front yard with over 7" of water. The highway department came out a couple of times to try and fix it, it is still continuing to flood and causing issues with water erosion and over all property damage. I tried to sell the property and couldn't due to the water issues. So now I have to keep the property until this is fixed. I went to the commissioners meeting and was told to come here. **Mr. Borchers** stated I just got this complaint Monday afternoon and yesterday I was busy. I was going to go out there after the meeting today. I know just by looking at the map we do have a regulated drain but it is about a block or two north of his area, behind his house. From what I hear it is causing the front of his yard to flood. From what I understand when they put in the storm drain the problem started. **Ms. Riggin** stated I will give you a little history, I shared with them Monday at the commissioners meeting. In 2013 they were thinking of doing a reconstruction and the commissioners were having to spend about \$600,000 and we didn't have the money. We turned it down. **Mr. Borchers stated** I assume since

he has a storm drain in his front yard that it gets to our drain at some point. I don't know if we need to work with Heather to get some camera work or jet rodding done. **Shannon Henry, Delaware County Commissioner** approached and stated I spoke with Tommy Humbert, County Highway Supervisor, he said he thinks Culy has done some televising work in several areas where its broke down. I talked to Commissioner Brand this morning about this as well. Tommy thinks Culy has marked the spots that are broke down in that tile. I just think the storm water board needs to address that. I want to start addressing it and go to the tile that's closest to your ditch and work our way back. You might take a look at it and see if you can tell where it dumps into your ditch. **Mr. Borchers** stated I can do that.

Mr. Shannon Henry, Delaware County Commissioner, stated a few weeks ago I got contacted by the Johns family who live out in the Desoto area off 350 N. They definitely have a water problem that was done by a pond that was dug by the adjoining property owner. **Mr. Wayne Johns, 8309 E CO RD 350 N Albany**, approached and stated we bought our property about 2 years ago and have had no drainage issues until this spring, when the neighbor who just moved in in December built a pond and they made a large pile of all the excess dirt. She got rid of about half of it and then they took the remaining and made an embankment near the edge of our property which eliminated the natural run off from our property. In the packet we gave you, is a petition for removal of obstruction. We are here for you to take action and hopefully force her to remove the obstruction. It's starting to dry up now because of the extreme heat but at one point we could get one mower width between the wet area and the out building we have. **Mr. Christy** asked have you spoken with her? **Mr. Johns** stated yes, we have information in there about our conversations with her. I talked to the contractor who was putting it in. He said he intended to put tiles across there to drain it. Then when he was loading up his equipment, I talked to him, he said he was planning on coming back to do that. He has never come back. You can see the messages back and forth. She has no intention of doing anything. She has actually built a fence on top of the embankment. **Mr. Whitehead** asked Mr. Borchers to explain the petition. It's the first time I have ever seen one of this nature. **Mr. Borchers** stated it's the first time but probably well needed. We had to dig to find one. I had a sheet and it got emailed out, it showed the flow of water. It is supposed to leave their back yard and flow directly over the pond and over to the next property, then there is a small ditch it gets into. So, by putting this 4ft brim up it really blocks off the flow of water. I'm not exactly sure of the next steps. I'm sure we have to send all the parties involved a registered letter to let them know we are going to have a meeting on it and then the drainage board can make a decision. **Mr. Hamilton** moved to hold a public hearing at the next drainage board meeting. Motion seconded by Ms. Riggins. **Motion passed 5-0.** **Mr. Borchers** stated I will get with Mr. Wright to get a letter put together and send out registered mail to the two involved. After you hear from both parties you have two choices, you can instruct the person who put the blockage there to remove it themselves within 30 days. If they, don't you can authorize the Surveyors Office to step in and remove it and charge it to the landowner. I believe that is how the Indiana code reads. **Mr. Henry** stated the county is working on a pond ordinance which is needed terribly. I really believe the homeowner back to the West basically the other side of the pond is a horse pasture. I don't think there is a drain in the pond and if it gets high its going to over flow into the horse pasture. I'm sure eventually at some point those people will start complaining as well. **Mr. Borchers** stated just to update everybody on the pond ordinance I had a meeting with the pond committee and I assume

this month we will have the first draft ready for the Commissioners approval. So, its real close.

Stockport Dr.

Mrs. Susan Kemp, 1501 N Stockport Dr Muncie, I'm here in reference to the bridge problem we have. I was talking to Mr. Henry and he informs me now that the letter we were supposed to sign, you are ready to go with the ditch is that accurate? **Mr. Borchers** stated we have to mow it before they put it in so we are just waiting to hear from the people that are putting in the culvert. **Mrs. Kemp** stated I talked to Tommy he said they were ready to do the bridge. However, the signature thing. The people on the South side are probably not going to sign because they're on the public right of way, the people on the North side are concerned about signing because #1, we thought it was actually from the county attorney but we understand now it was from the city attorney. We are afraid if we sign this letter, we are just going to pass this problem onto people that are going to buy our homes eventually. We are all in our 70's. Our houses are eventually going to go up for sale. We just want to make sure we don't tie people that are going to buy our homes into something we signed. Now on your advice, this is the first time we have heard about needing to go to the City Council about signing the paper because we don't want to sign the paper. What do we get from them? They'll contact you to say that we either did or did not sign the paper? Is that accurate? **Mr. Henry** stated as far as I know the county is ready to move forward with this bridge. The Sanitary District is going to pay for half. As soon as the agreements are all done and the city is ready to move forward, the County is ready to move forward. I guess that's where we're at. The County is ready to move forward as far as I'm concerned, we are just waiting on the Sanitary District to move forward. **Stephen Brand, County Commissioner**, approached and stated so the letter that I believe Mrs. Kemp is talking about is for the folks on the North side of the structure. I would call it more of a culvert. It's not an engineered bridge by any means. It's not on our bridge inventory, it never has been and probably never will be. This development out there is more of a wildcat type development. I don't believe it was ever properly platted. The folks basically have a driveway that goes from the structure to the North and what they are being asked to sign off on, is that they are responsible for their driveway and structure going forward. The County Highway and the Muncie Sanitary District stepped in because we have to send vehicles that are owned by the Muncie Sanitary District, trash trucks go across the structure and there is a hole that is probably 3 ft in diameter right now and there is a big barrier on it that's blockading it so they can't go across. The Sanitary District stopped sending their large trucks across and started sending a rear loader across with two men. It takes extra time and more man power and their risk of injury. Secondly if we had to send fire support or an ambulance across, they're not willing to send their vehicles across the structure so the County Highway and Muncie Sanitary District said, look in the spirit of human life safety, safety for our vehicles, we will step in and help on this one-time basis. The citizens that live on the North side of the structure are supposed to sign acknowledging that. That's where it's at. I don't know that it needs to go to City Council, I don't know that it needs to go to a Muncie Sanitary District Meeting. The citizens either need to sign or not sign. If they don't sign it won't get fixed. If they do sign it will get fixed at the generosity of the County and Muncie Sanitary District. That's about as straight as I can say it. **Mrs. Kemp** stated the attorney actually said that the letter meant that we would have to maintain the bridge. How are we going to maintain the bridge? The bottom line is we are all older most of us are living on fixed incomes. I don't know that any of us would be able to put up the money it would take to fix it. I

talked to Tommy and he said nothing ever happens to those bridges and I trust Tommy, I know that he is probably telling the truth. But its our luck something will happen and we will be stuck. It's the maintenance thing that has gotten us. If something major would happen to the bridge because I know we are talking thousands of dollars. Should we go to the City Council and say we don't want to sign this and this is the reason why and see what they say and then come back to you guys? **Mr. Brand** stated one important piece of information that has been left out of this conversation is the citizens came and asked the city to pave their driveway. I want to reinforce it's a driveway not a road. They asked for them to pave the driveway. The city attorney and engineer went out there and paid for a survey and as Mrs. Kemp has said, the people on the South side are not so interested in this because they've got a decent paved road and they don't have to cross the structure. They refuse to give access or easement type right of way for them to make it a road and properly pave it. Once that happened the city backed away. That's when the County Highway and Muncie Sanitary District got together and said look, we are risking our vehicles and the lives of the citizens that live on the North side of the structure if we can't get emergency services to them. It could even come to the point if the structure continues to deteriorate where they might not even be able to drive their vehicles across it. It's a structure its not a bridge. When they did this addition the ditch that runs through there got re-routed. The ditch used to run diagonally through the land and they rerouted it so they could develop this area. It's an open ditch that runs through there. If they don't sign off on it and say we understand that we are responsible for our driveway and our structure it won't get done. Eventually nothing will be able to go across the structure even their own vehicles. I don't know that it's the business of this board to be honest. I appreciate them being here. I don't know if this board can do anything about it. Other than the surveyor has agreed that once they sign off on it, he'll clear the ditch, the Highway Department and the Muncie Sanitary District will go in and remove the structure. They will dip it out, put an over length culvert in there and put the proper amount of fill back on top. Last 50 to 75 years provided there is not some biblical flood. **Mr. Hamilton** asked Mr. Surveyor is this a regulated drain? **Mr. Borchers** stated it's a private structure going over a regulated drain. Last summer the board approved the structure going into the regulated drain. Besides that, and us taking care of the actual open ditch, I think that is as far as the jurisdiction of the drainage board really has. We approved the structure, it's a private structure going into the drain. It would be like any other cross over a farmer or an individual puts in. There isn't much more the drainage board can approve or act on. **Mr. Christy** asked Mr. Brand has anyone made any kind of guess as to what the cost would be to fix it? **Mr. Brand** stated yes, to rip out the structure, dip it out, put an over length culvert and proper amount of fill is going to be about \$15,000 and that is going to be split equally between the County and Muncie sanitary district. Both of them are willing to kick this in on a one-time basis to protect the people on the North side and protect the assets that they have to send across the structure on a regular basis or on a as needed basis. I make an estimate it will last 50 yrs. these are galvanized pipes. **Mrs. Kemp** stated I only have one other thing to say I don't know of anybody that asked anyone to pave anything. Its already paved to the event or whatever you're calling it. So, we will be going to the City Council meeting and we will be talking to them. We will be getting back to you guys and letting you know what the result is because we don't agree with what he just said at all. **Pam Parkison, 1315 N Stockport Dr Muncie**, approached and stated what I don't understand is obviously none of us dug that ditch. None of us put the bridge over it. So why are we responsible? Up until ADEM come out and wanted us to give them parts of our front yards they had maintained

this ditch. They dragged it. They sprayed for mosquitoes and stuff. Garbage truck back and forth but once we told ADEM no, I'm not giving them part of my yard. To say that that's a driveway. Why did you name our driveway? Why do we all have addresses if this is like an apartment building area? Why isn't the trash at the end of the road? Why aren't the mailboxes at the end of the road? We didn't do this and you are hurting their safety. We had nothing to do with none of this and now you want us to pay for it. The very first thing in this letter, they can take it out anytime they want. Then we're left with a hole. That just don't make since. **Mr. Whitehead** stated I don't know exactly how to answer your question. Hopefully you all get together and get this figured out. **Mrs. Parkison** stated that's just it. All we are getting is the run around. We have been to the County Commissioners, now we're here and now they're telling us we need to go to the city. This has been going on for over a year.

NEW BUSINESS:

Mr. Whitehead addressed Mr. Borchers and asked if he had any new business to present to the Board today.

Abe – McConnell Reconstruction

Mr. Borchers stated we have the next step in the Abe McConnell Reconstruction. **Mr. Hamilton** stated I spoke with Lochmueller Group as well as Banning Engineering. They provided pricing structures for engineering services. I sent those out to the board. Does anyone have any comments on either of those? **Mr. Christy** stated the information from Banning is specific to our project. The information from Lochmueller is basically about them. Is that by their choice or they didn't know what our project is? **Mr. Hamilton** stated yes to both. I've worked with Banning Engineering on this Abe McConnell reconstruction since we started discussing it. So, Banning was familiar with the specifics of the reconstruction and when they provided the pricing structure, I asked them to tailor that estimate specifically to the Abe McConnell reconstruction. When I talked to Lochmueller they stated that as an engineering service provider they typically set up agreements with drainage boards on an as needed basis and they would bill out the hours. They were not specifically familiar with the Abe McConnell Reconstruction but they would be interested in participating if we so desired and they would bill out the services at the hourly rates described. **Mr. Christy** asked did you meet with Lochmueller? **Mr. Hamilton** stated virtually I did. I had a Microsoft Teams meeting with two representatives with Lochmueller. After dealing with both these company's I feel that they are both well qualified to provide us engineering services as we require them for reconstructions or any other projects. With the history of working on the Abe McConnell project with Banning my recommendation would be to use Banning for the Abe McConnell Reconstruction and then consider Lochmueller for future reconstructions. Its not limited to these two companies. I also reached out to a third company but I did not receive a reply from them yet. There are other qualified engineering services in the area that would be glad to help us. **Mr. Christy** stated it seems like Banning is more familiar with us and us with them. For me I went through Lochmueller's hourly rates for the various services, its hard to compare apples to apples exactly, but they almost seem like they're a little bit cheaper. **Mr. Hamilton** stated that may be true. All of these professional engineering service companies are licensed by the state of

Indiana. As licensed providers they are expected to provide equivalent service on a professional basis. Obviously, it will not be exactly the same. I believe that both of these estimates are competitive and both of these are capable of providing the services we need. **Mr. Bothel** asked, did Banning give a running total of what the project would total. **Mr. Hamilton** stated Banning services for the design phase of the reconstruction were estimated at 23,900. There may be some additional locating fees and that does not include a drain repair report for No Name Cr, Belle Cr, and Buck Cr. Which as we previously discussed is desired for this project. **Mr. Christy** stated Lochmueller states not to exceed \$100,000.00 but its hard for me because they don't go into any specifics like Banning did. **Mr. Hamilton** stated neither of these were meant to be a firm quote for the cost of the reconstruction. They were both estimates. In the case of Lochmueller they did not know the specifics of the reconstruction so they did not estimate the hours required to complete the engineering support. **Mr. Bothel** stated for what I read on it, for this one, I think Banning is more up to date so we can get moving on it quicker. My opinion is I think we probably ought to use Banning on this one. Possibly on the next one use Lochmueller and compare the two different firms and see what we like. **Mr. Borchers** stated as a guy who has to watch the budget and count the pennies its nice to have a solid firm number that I can budget in right now verses not to exceed \$100,000. For this first one I agree. **Mr. Hamilton** stated the reason the Lochmueller estimate stated \$100,000 is that is how they have set up agreements with other drainage boards in the past. They say if you're willing to spend \$100,000 with us, we will lock in these rates then you use them out of the \$100,000 pot until its exhausted and then they will requote their rates. That number can be set at any level we want. If we want to do 20,000 worth of business with them on the next reconstruction project, they can adjust their estimate accordingly. **Mr. Christy** moved to hire Banning Engineering. Motion seconded by Mr. Bothel. **Motion passed 5-0.**

Hiatt #3941 and Schram #244 Mowing Bids

Mr. Borchers stated we need to open bids for the mowing of the Hiatt and Schram. I called four contractors. Two picked up specs and one turned them in. So, we have one bid for each ditch. If the board is ready to move forward, we can open those.

Butler Masonry, Hiatt #3941: \$20,235 with completion date of August 28, 2025

Butler Masonry, Schram #244: \$17,300 with completion date of August 28, 2025

Mr. Hamilton moved for approval of Butler Masonry's quotes of both the Hiatt and Schram. Mr. Bothel seconded. **Motion passed 5-0.**

Trib #1 of the Bowers Ditch

Mr. Borchers stated Abe Wright requested a tie into Trib #1 of the Bowers Ditch. He's going to field tile a 36-acre field for Mr. Shroyer. I looked at it. The field to the West I haven't had any reports of the tile breaking down or any fixes in it since I've been in office. They tiled it last year and haven't had any ill effects of that. I don't see a problem with it. **Mr. Hamilton** moved for approval. Motion seconded by Ms. Riffin. **Motion passed 5-0.**

OLD BUSINESS:

Mr. Whitehead addressed Mr. Borchers asked if he had any old business to present to the Board today.

Mr. Borchers stated we've had a contractor out on the Racer Ditch debrushing for the last 90 days. I've stopped out there multiple times to try and catch him. It is not completed yet. There is a lot of trees still needing to be cut and are too tall and a lot of areas that are incomplete. The specs state he is supposed to call the office every time you work for the county and he has only called once, in the last 90 days. Its nice when the contractor calls in so when we have people call in questioning it, we can let them know its us and why. Communication is the key and its hard to communicate with you when I can't get a hold of you. The board gave him 90 days to complete the job. It has not been completed to my satisfaction or probably to the boards. I have had a couple of complaints. A farmer is very concerned. One of the main issues, all the water from Dunkirk comes through this ditch. Dunkirk completely cleared their ditches out so it's a free fall coming through there. There's a lot of trees down in the ditch and obstructions we need to get out and we can't get to them because the trees are in the way. Dunkirk is calling and the farmer is scared it's not going to get done. I had another complaint from a lady that says he doesn't get out till after 5:00 pm and works until 10:00 pm. She gets up early. It's hard for her to sleep. That's where we are at with Racer and I didn't know if the board had any ideas on it. **Braydon Arnold, Arnolds Landscaping and Excavating**, the only reason it's not completed because in May we pretty much got rained out. It was washed out. The water was up the bank and we couldn't get through. In June every time I go, a machine breaks down. I've been waiting on parts. My main goal was to get the path on the North side so I could walk through and it would be easier to work through. **Ms. Riggin** asked have you been keeping track of your hours that you have spent on this project. **Mr. Arnold** stated yes and no. I don't know my hours because I don't really look at the time. Usually, I go out there and work until it gets late enough, I can't see. **Ms. Riggin** stated your machinery would have the hours wouldn't it. **Mr. Arnold** stated yes, I don't pay attention to that. **Ms. Riggin** stated I think we got a problem. **Mr. Christy** stated would you estimate your half done, two third done, one third done. **Mr. Arnold** stated probably close to three quarters done. Most machine work is almost done its just on the South side of town. That side would have been done on Monday but I had a machine break down. John Deere can't get the part until tomorrow afternoon. **Mr. Whitehead** asked Mr. Surveyor what do you want to do with this? **Mr. Borchers** stated I'll leave that up to the board. Like I said when we opened the quotes up, I've never worked with him. It would be nice to start on a smaller job. This is a very complicated job. I don't believe he's three fourths of the way done. I do think he's got a lot done in the last week. There is still a lot of stumps that are 12" to 3 ft tall. There's a lot of trees that are leaning. There's a lot of dead trees that haven't been cut down. There's a lot of chainsaw work still needing to be done. Just not machinery. That's the hard part about it. Anybody can go in there with a skid steer and mow off everything they can, but the hard part is the hand work, pulling that stuff out. I'll leave it up to the board's discretion. **Mr. Hamilton** stated I have a question for our attorney. Do we have legal justification to cancel this contract without payment? **Mr. Wright** stated I believe so. I think there is lack of substantial performance on this. **Mr. Christy** asked has the 90 days passed? **Mr. Hamilton** stated it was awarded at the April 9th board meeting. July 8th would have been 90 days. **Mr. Hamilton** stated I believe our options are to issue an extension and ask Mr. Arnold to complete the work, another option would be to issue partial payment, and the third option would be to cancel contract with no payment. **Mr. Bothel** asked how many more days do you think it will take to complete the project as specs? **Mr. Arnold** stated I just have to walk through again to get a rough idea at how long. Like Tom said it would be nice to start with smaller jobs. This one I got myself into it too big. **Mr.**

Christy asked do you want to continue? **Mr. Arnold** stated I would like to complete it. I just have to walk through again. Start from the road all the way to the fence line and see how many days it will take. **Mr. Christy** stated we meet on the second Wednesday of the month. By our next meeting could you be 100% completely done. **Mr. Arnold** stated I can manage that. I just won't be here, in town. So, I can probably just do it this week through next week. I will be in town the last week of July so it's probably manageable. **Mr. Hamilton** stated I guess I will restate the question if we issue you a 30-day extension to complete this work, will you be done in 30 days? **Mr. Arnold** stated Yes. **Mr. Hamilton** asked are you able to communicate daily with the surveyor's office? **Mr. Arnold** stated Yes. My problem with that is my head, I forget a lot of things each day so I'll just set a reminder. What time do you open the office? **Mr. Borchers** stated we open at 8:30. Even if you're not going to be out there until later just call in the morning that day, you're going to be there at X time. That way I can come out and meet you and show you the things that aren't good. **Mr. Hamilton** stated there was a complaint from one of the neighbors that you were working after dark. Will you be able to complete all the work during normal day light hours? **Mr. Arnold** yes. **Mr. Bothel** stated I guess we are this deep in, give him until our next board meeting and if it's not, it's no pay. **Mr. Hamilton** moved to issue a onetime extension for 30 days to complete the work as required. Motion seconded by Mr. Christy. **Motion passed 5-0.** **Mr. Borchers** stated Mr. Arnold get a hold of me next week sometime when you're going to be out there and I'll walk that ditch with you and show you exactly what needs to be done. **Mr. Arnold** asked are you available tomorrow? **Mr. Borchers** stated I am available tomorrow.

Mr. Borchers stated Ms. Riggin I went out and looked at Everett North of Sugar Bush. Its bad. I think we probably need to debrush. Its one that was on a reconstruction so it's not on any of our maps. It was reconstructed 15 years ago. I think we need to debrush it when the leaves are off, and its defoliated. We won't make such a mess. Then when we get it done, we will put it on a spray program and it will look nicer. I will get the specs wrote up and we can get out in August or September when its defoliated. **Ms. Riggin**, I appreciate it.

Brown Ditch Petition for Reconstruction

Mr. Hamilton asked Mr. Howell if he had any further information? **Mr. David Howell, 12261 S CR 600 W Middletown**, approached and stated I'm here to present a petition to initiate a study of watershed for the South end of the Brown Ditch so we can improve the open ditch that's there and not functioning. **Mr. Hamilton** asked how many signatures do you have on your petition? **Mr. Howell** stated two, per your request. **Mr. Hamilton** stated Mr. Howell has presented a petition with two signatures for a new construction or reconstruction in the area of the Brown Ditch at Centennial, 32 and 700 East. The Indiana Code states we need 10% of landowner support by area to enter this project. Considering we have not defined the water shed but we do have landowners representing two significant tracks of land, I believe we do have that 10% support. I motion to move forward with the public hearing process at the next meeting to address reconstruction of this ditch. Seconded by Mr. Bothel. **Motion passed 5-0.**

Mr. Hamilton stated the Indiana State Farm Bureau School is August 26 registration opens July 22, 2025. Delaware County Farm Bureau is willing to pay the registration fee for anyone in the Surveyor's Office or the Drainage Board if you are interested in attending.

MAINTENANCE CLAIMS:

Mr. Whitehead entertained a motion for approval of the maintenance claims as presented. **Ms. Riggin** moved for approval. Motion seconded by Mr. Hamilton. **Motion passed 5-0.**

The meeting adjourned at 9:55 a.m.

Jennifer Licht, Recording Secretary

William Whitehead, President

Joseph Hamilton, Vice President

Sherry Riggin, Commissioner

John Christy, Member

Wayne Bothel, Member