

DRAINAGE BOARD MEETING:

November 18, 2013

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
Donald Dunnuck for 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 October 21, 2013 Drainage Board minutes. Mr. Bledsoe moved for approval. Mr. Whitehead seconded the motion. **Motion passes 5-0.**

OLD BUSINESS:

No old business is presented to the Board this date.

NEW BUSINESS:

Approval of the Drainage Board Meeting Schedule for 2014

Mr. Hensley entertains a motion. Mr. Bledsoe moves to approve schedule for 2014 Drainage Board meetings as submitted. Mr. Whitehead seconds. **Motion passes 5-0.**

Schedule is approved as follows:

**Meetings are at 1:00 p.m. in the Commissioners Courtroom
(Pre-meetings held at 12:30 p.m. for Board Members Only)**

Tuesday	January 21, 2014
Tuesday	February 18, 2014
Monday	March 17, 2014
Monday	April 21, 2014
Monday	May 19, 2014
Monday	June 16, 2013
Monday	July 21, 2013
Monday	August 18, 2013
Monday	September 15, 2013
Monday	October 20, 2013
Monday	November 17, 2013
Monday	December 15, 2013

Request for New Regulated Drain on the Airport Property

Mr. Hensley informed the Board there was a request made by Chris Peacock to make a private drain into a county regulated drain, which is located on the Muncie Airport property. Mr. Taylor stated that the Riggins family and Chris Peacock, who appears on behalf of the Riggins family, have requested that the Delaware County Drainage Board take the drain over as a regulated drain. Mr. Taylor stated that the Riggins family has spent money to install tile underneath Walnut Street, and the Muncie Airport paid to have tile installed from Walnut Street to the woods on the Airport's property. Mr. Taylor stated both parties agreed to tie-in to the county ditch, which is located north of the airport location. Mr. Taylor stated he feels there should not be any problems, because the entire tile is new and is functioning properly. Mr. Taylor also informed the Board that work was completed on all the ditches at the Airport last year. Furthermore, Mr. Taylor stated the county ditch would be able to handle the additional water.

Chris Peacock approached and stated that this matter was addressed in an Airport Authority meeting in March of 2013, wherein it was discussed replacing the tile from across the Airport

Authority property to the Cornelius B. Price #26 legal drain. Mr. Peacock stated that he is proposing that at the breather, which is located on the east side of Walnut Street and where the new tile was installed, to convert the entire tile over to the Cornelius B. Price Ditch #26 legal drain. Mr. Peacock stated that it entails approximately 826 feet of 12-inch tile. Furthermore, Mr. Peacock stated that a lot of water flows through that 12-inch tile, with the amount being well over a million gallons per day. He stated that one of his concerns is that he wanted to make sure the tile operates properly, which is very important for Delaware County. Mr. Peacock furnishes to the Board members, photographs of the property showing where the tile was installed, including measurements of the tile commencing at the Cornelius B. Price Ditch and back to the breather. Mr. Peacock stated that his photographs include the project commencement to its completion. He stated that he would be glad to answer any questions the Board might have.

Mr. Bledsoe stated that he has no questions, but it looks like it is more than adequate to handle the water and Mr. Taylor agreed. Mr. Taylor stated that he feels the Riggins family and the Airport Authority has done a great job and recommends that the Board approve it as a legal drain. Mr. Bledsoe asked if anyone has a problem or would like to discuss this issue.

Joe Evans who represents the Delaware County Airport Authority as Chairman approached. Mr. Evans stated that the drain they are speaking of is the one that was installed and is located on Airport Authority/FAA property. Mr. Evans stated that the Airport Authority does not know if they can legally give up access to the drain other than letting the water flow through the tile since it is on FAA property. Mr. Evans informed the Drainage Board that the Airport Authority needs to check with their engineers and the FAA, and he feels he cannot advise the Board to approve this at this time. Furthermore, Mr. Evans stated that if work is done on any FAA property, the FAA would have to sign-off on a land acquisition. He stated the Airport Authority will need to check with their attorneys and engineer, and they are willing to do that, it is just time consuming.

Mr. Hensley questioned Mr. Evans about the tile installed on the Airport property. Mr. Evans stated that it is working properly and that the Airport Authority would maintain the drain. Mr. Taylor stated that he feels it might be a formality, but does not see a problem with the tile. Mr. Taylor agreed with Joe Evans, and agreed that they need to go through the FAA to find out what they are allowed to do. Mr. Evans reiterates that it is FAA property, and stated that they have to comply with whatever the FAA wants, which means everything that is done at the Airport must be approved by the FAA. Mr. Evans stated that the Airport Authority has to do this to maintain their Part 139 and all of their grant assurances. Mr. Bledsoe stated this is something the Board would need to consider before assuming the drain as a legal drain.

Mr. Taylor stated that the county controls all other ditches that flow through the Airport, and stated that they had them cleaned last year. Mr. Evans stated that in all honesty, he has no clue of the time it would take to get this completed, but he must get the FAA's approval. Mr. Evans further stated that when the county did the cleaning of those ditches, it was a deal that was made because nothing had been done with those ditches in a long time. Mr. Evans stated that the Airport Authority is going to try to maintain those ditches from now on, but they should leave it at that until they get an answer from the FAA. Mr. Bledsoe stated that the drain can obviously handle the water since it is a newly installed drain, but approval and the legal opinion of the

Drainage Board and the Airport Authority are needed. Mr. Bledsoe further stated the county could start the process of checking whether they can or cannot make it a legal drain.

Ray Brassart, Attorney for the Delaware County Airport Authority, approached and stated the problem is that all of the land at the Muncie Airport was acquired through a Federal grant, and every year the bulk of the work that is done on the runways, etc., are done with federal grant monies. Mr. Brassart stated that the Airport Authority is obligated to comply with all of their federal grant requirements, and they do not want to jeopardize any of those federal grants that they currently have or will have in the future. Mr. Brassart stated that sometimes those grants are approximately two to three million dollar grants for improvements and maintenance of the Airport. Furthermore, Mr. Brassart stated that they will need to establish an okay from the FAA for this request. Mr. Brassart stated that he is concerned that the regular drainage assessments will increase for the Airport Authority if the drain becomes a new county regulated drain. Mr. Brassart informed the Board that in a future Airport Authority meeting, the overall drainage for the airport area, which is approximately six hundred acres, would be discussed and a final action taken on it. Mr. Brassart recommends that the Drainage Board take no final action at this time until they get approval from the engineers and the FAA, so they do not jeopardize any grants. Mr. Bledsoe questioned Mr. Dunnuck as to his opinion. Mr. Dunnuck stated that they could approve this issue subject to the approval of the FAA. Furthermore, Mr. Dunnuck stated that it might be a good idea if the Drainage Board voted in favor of it and have the Drainage Board make the decision subject to the FAA approval. Mr. Dunnuck stated that with the county's approval, the Airport Authority can go to the FAA and they will know that the county has no problems with making it a legal drain.

Joe Evans approached the Board on another Airport issue that will be submitted to the Board later in the meeting. Mr. Evans stated that it is another project the Airport Authority is doing to help drain farmland to the north of the airport, which stands under water most of the time. He stated that he believes the project would cost approximately \$100,000.00 (Mr. Hernly speaks from audience and stated, "Just under"). Mr. Evans stated that they plan to place pipe underground with a swale on the top of the surface. Furthermore, Mr. Evans stated that at the south end of the runway, there is a huge ditch, which runs along Riggin Road. Mr. Evans stated that the Airport Authority hoped to place that tile in underground drainage with a storage vault that will be concrete. Mr. Evans stated that the Airport Authority is trying to reduce the amount of water and the attraction of geese and wildlife, which interferes with the operation of the airport. Mr. Evans stated that a massive study was done concerning this issue. Mr. Evans stated that he is concerned that the Airport's grants will be jeopardized, and asked the Board not to do anything at this time, and allow the Authority to do their due diligence. Mr. Evans asked to put the issue back on the Board's Agenda in approximately a three or six-month rotation. He advised that the Authority could come back at that time and advise the Board where they stand.

With no other input on this issue, **Mr. Hensley** entertains a motion. Mr. Bledsoe stated that it is interesting information concerning the FAA and stated that honestly the drain will not need any work done for quite some time. Mr. Bledsoe stated the Board would not have to act at this time until they find out about the FAA's approval. Mr. Bledsoe stated that he can understand not wanting to jeopardize anything at the airport, and stated that he feels the Board can wait until

they can get an opinion and then they can come back later to address this matter. Furthermore, Mr. Bledsoe stated the water is obviously going to flow through this section of the airport, and is not certain if they even need a motion at this time. Mr. Evans stated that he or Mr. Brassart could come back whenever the Board wants them to, and they will get started with the FAA as soon as they can. Mr. Hensley stated that he does not feel they should dismiss the request until the FAA makes a decision on the matter.

Mr. Taylor stated that he understood what Mr. Evans was saying, and there should be no problems in waiting for the FAA approval, since the drain is new and working properly. Mr. Taylor stated that the county does not want to jeopardize the Airport Authority in obtaining monies for work at the airport. Mr. Taylor asked Mr. Peacock what his opinion was on this matter.

Mr. Peacock stated that he agreed one hundred percent, and feels the Riggins family would also. He stated he and the Riggins do not want to do anything to jeopardize the Airport Authority and potential grants in the future. Mr. Peacock stated that whenever the Drainage Board wants them to come back, he would be glad to do so.

Mr. Landers asked Mr. Evans if they could have an answer from the FAA by the date of the December meeting. Mr. Brassart stated probably not, and he stated the FAA does not work that fast. Mr. Taylor stated that it is almost like working with the railroad. Mr. Bledsoe stated that if they work like the railroad, they would be here this time next year. Mr. Brassart explained the roundabout project and about how long it took to get it completed. Furthermore, Mr. Brassart stated that they have to go through whatever the FAA wants; otherwise, you jeopardize many of the funds coming in to the Airport. Mr. Bledsoe stated that if they adopt this at some point and there is maintenance done, it would be done from the watershed money, so it would save the FAA and/or the Airport money. Mr. Bledsoe stated he just wanted to get it done the right way. **Mr. Evans speaks from the audience and voice could not be picked up by the recorder.**

Mr. Hensley entertains a motion to dismiss the request. Mr. Bledsoe so moves. Mr. Landers seconds motion.

Discussion is held between the Board members concerning this matter (**cannot be picked up by recorder.**) Mr. Bledsoe stated that he hated to table this matter for five or six months, and stated when you usually table a matter it is brought back up at next month's meeting. Mr. Hensley stated that he feels it should be dismissed and let them reapply. Mr. Bledsoe stated that the request had been made, it is at the Surveyor's purview and by Surveyor's oral report on the issue, the Board should take action on the matter. Mr. Bledsoe asked Mr. Taylor if there is a deadline on the project. Mr. Taylor stated it was just a formality that they wait to receive the blessings of the FAA, but does not see a problem with waiting because the tile is new. He recommended that when the FAA gives their approval, then the Drainage Board could approve the request. Mr. Taylor recommends that the Drainage Board table the issue, which is better than dismissing the request. Mr. Dunnuck recommends that the original request be withdrawn at this time, and then the Riggins family could come back at anytime and resubmit the request. **Discussion held in audience, which cannot be picked up by the recorder.**

Mr. Peacock stated that he hereby withdraws his request at this time.

Mr. Hensley entertains a different motion. Mr. Bledsoe withdraws his previous motion to dismiss, and cause is continued without date.

Request of Jerry Morgan to Tie-In to the Hensley Ditch #314

Jerry Gale, 2290 South CR 900 West, Daleville, approached and stated that he is the neighboring landowner of Mr. Morgan who wants to run a new tile through his property and underneath County Road 900. Mr. Gale stated that Mr. Morgan would like to tie-in to the Hensley Ditch at that location, and he stated that he does not have a problem with Mr. Morgan doing so. Mr. Gale informed the Board that he has spoken with Mr. Taylor, and feels the ditch would handle the additional water. Mr. Gale stated that Mr. Morgan had agreed that if there were any issues down the road, he would take care of them. Mr. Taylor asked Mr. Gale if he had spoken with Mr. Morgan after their conversation. Mr. Gale stated that he had, and Mr. Morgan informed him that he would be using an eight-inch solid wall tile under the road. Mr. Gale stated that he feels this would benefit the whole intersection at that location because it is a mess when they get a lot of rain.

Mr. Taylor agreed and stated to Mr. Gale that as they previously discussed, if any problems arose, those would be between Mr. Morgan and Mr. Gale. Mr. Taylor further stated that he and Stan were at the location the other day, and they did not see any problems with what Mr. Morgan wanted to do. Mr. Gale stated that he hoped it would benefit everyone.

Mr. Hensley entertains a motion. Mr. Whitehead moves to approve Mr. Morgan's request to tie-in to the Hensley Ditch. Mr. Bledsoe seconds the motion. **Motion passes 5-0.**

Jakes Creek (Airport Property)

Todd Hernly-3D Company approached and stated that his company had a pending project with the Airport Authority and will be installing drainage from the north end of the runway to County Road 450 North, which includes the intersection of 100 West. Mr. Hernly stated that catch basins would be installed on all four corners of the intersection, which will help drain the intersection. Mr. Hernly stated that he is asking to tie-in to the ditch that crosses over the Airport property. Mr. Hernly informed the Board he is referring to the county drain in which they were discussing earlier in the meeting. Furthermore, Mr. Hernly stated that Butler, Fairman and Seifert were the engineers on the project, and they have approval through the FAA, along with their IDEM permit pending. Mr. Hernly stated it would be approximately two more weeks before they should have the approval for that. Mr. Hernly asked the Board if anyone would like to see his plans and stated he wants the Drainage Board's blessings before they started laying pipe.

Mr. Taylor stated he thought it was a great idea, and stated that those ditches located on the Airport property will hold a great amount of water. Mr. Taylor stated it would be a great

improvement for the intersection at Shaffer Road and 450 North because it floods so badly in that area. Mr. Bledsoe stated that Mr. Taylor is the ultimate authority. Mr. Taylor stated that the two fields, and possibly one more property, are located northwest and northeast of that intersection, and have needed this work for quite some time. Mr. Taylor recommends that the Board approve the request and allow 3D to do the work.

Mr. Bledsoe moves for approval based on the Surveyor's oral report. Mr. Whitehair seconds motion. **Motion passes 5-0.**

Joe Evans approached the Board and stated that the Airport Authority will be doing approximately a million dollars worth of drainage work at the Airport in the future, and asked the Drainage Board if there was something procedurally the Airport Authority needs to do prior to commencement of the work. Mr. Evans asked if he would show up for a Drainage Board meeting occasionally to inform the Board what the Airport Authority is working on, if this would make the path a little quicker. Mr. Taylor stated that Mr. Evans could do that as a courtesy to the Drainage Board. Mr. Taylor stated that all flooding issues should be resolved at the Airport at this time because of their cleaning last year. Mr. Evans stated that he will keep the Surveyor posted as best he could.

Gas Fueling Site for the Muncie Sanitary District

Travis Gaither of HWC Engineering approached the Drainage Board and stated that he has been working on the compressed natural gas fueling station for the Muncie Sanitary District. Mr. Gaither stated that the location of the site is on the north side of Centennial Avenue, east of Martin Luther King Jr. Blvd., and the water would be discharging into Hamilton Ditch, which is also known as the Muncie Creek. He stated that HWC Engineering is the city engineer on the project, but has another engineer who has done a review on the project. Mr. Gaither stated the reviewer made suggestions and comments and those have been addressed by HWC. Mr. Gaither stated that he has submitted to DNR the plans because the entire site is in a flood plain. Mr. Gaither stated he has submitted those plans to the County Surveyor, who in turn gave Mr. Gaither a verbal approval. Furthermore, Mr. Gaither stated he is awaiting a letter of approval from the Surveyor's Office. Mr. Gaither stated he is requesting an approval from the Drainage Board to construct a road on-site inside the legal drain easement at that location. Mr. Gaither stated that he has a set of plans if anyone is interested in viewing those.

Mr. Taylor stated that he has reviewed those plans submitted by Mr. Gaither. Mr. Taylor asked Mr. Gaither if there will be a 4-inch line ran from Highland up to Centennial. Mr. Gaither stated there is an existing 4-inch gas line in that location, and they are planning to tie-in to it, but will run a new line onto the site for service there. Mr. Taylor asked if they were building any new structures within the county's 75-foot right-of-way. Mr. Gaither stated they are going to build, but no buildings will be inside the 75-foot right-of-way. Mr. Gaither stated it will be a road for the Muncie Sanitary District vehicles to loop around and be lined up to fill up their vehicles in that easement. Mr. Gaither further stated there will be one catch basin that will collect water and discharge it into the creek. Mr. Taylor asked where the location of the catch basin would be

located. Mr. Gaither answered that it is on the site, and it is just inside the loop. Mr. Gaither also stated that they did not want to run water across the road, so they put it in there to catch water and prevent it from running across the road. Mr. Taylor stated that he sees no problem with those plans. Mr. Taylor asked how far from the ditch, the road will be located and if the drive would be gravel. Mr. Gaither stated that it is close because they wanted to make sure that certain size vehicles could make that turn, and it will be asphalt. Mr. Gaither stated that the road is anywhere from 12 to 15 foot off the top of the bank of the ditch, with a 75-foot right-of-way in that location. He stated that the Muncie Sanitary District requested they provide room for an 8-foot walking path, so they have room for that walking path to go between the pavement and the top of the bank of ditch. Mr. Taylor asked Mr. Gaither if it is only 12-feet off that ditch, does he feel there would be any erosion that would cause that bank to fall into the ditch. Mr. Gaither stated that they did not believe so, they have one to two percent slopes everywhere and they are tying in right around the county's existing grade in all locations and the only water that would be going over that would be what is landing on that road. He stated that is why they partially installed the catch basin to intercept the majority of the water. Mr. Taylor stated that if the Drainage Board approved his plan, what does the Muncie Sanitary District plan to do if the bank of the ditch starts to erode. Mr. Gaither stated that they (the Muncie Sanitary District) would have to come in. Mr. Taylor asked if the Muncie Sanitary District takes responsibility for that. Mr. Gaither stated that he cannot speak for the MSD, but will discuss this matter with them since they are the owner of the site. Mr. Taylor stated that they have had an issue ongoing with them since last year about another subject, and the county needs to address that. Mr. Gaither stated if Mr. Taylor likes, they could also change the grading of the road and pitch everything to the beehive so none of the site development would go across that 12-foot strip. Mr. Taylor stated he would like to see that road further away from the top of the ditch. Mr. Gaither asked what his limit would be, and Mr. Taylor stated that he just has a concern about having a 12-foot easement with heavy trucks running over it. Mr. Taylor asked if anyone has any thoughts on the matter.

Mr. Hensley asked if they could install a curb there. Mr. Taylor stated that would be a possibility, but he just does not want that bank to decay. Mr. Taylor stated that he feels they will try to stay on the road, but a 12-foot bank is not that large and if they run on it, it will probably start to decay. Mr. Taylor stated he felt a 20-foot easement would be better. Mr. Gaither stated that if they had a large semi come in, it would not be able to make the turn because of the railroad on the west side of the property. Mr. Gaither stated that it is a very narrow site.

Mr. Taylor stated that he would like and feels the Board would like to have something in writing from the City of Muncie. Mr. Taylor stated it would be beneficial for the county to have something in writing stating that if something happens to the county ditch at that location, the Muncie Sanitary District would be responsible for the repairs. Mr. Gaither stated he will contact the Sanitary District and discuss the matter with them. Mr. Taylor recommends that Mr. Gaither get something in writing from the Muncie Sanitary District and come back to December's meeting for approval. Mr. Gaither asked if it is possible to get approval pending submission of that agreement so it does not have to be delayed for one month. Mr. Hensley stated he would request something in writing from the Muncie Sanitary District also. Mr. Gaither asked if he can provide that to the Drainage Board and the Surveyor later this week, but asked if he could go ahead and get an approval pending submission of that document. Mr. Hensley stated the Board

could approve it on that condition and asked Mr. Taylor what his thoughts are. Mr. Taylor stated that would be fine, but the county definitely needs something in writing before anything is done. Mr. Hensley asked Mr. Dunnuck's opinion on the matter. Mr. Dunnuck stated that would be fine. Mr. Taylor stated that Mr. Gaither could bring the document to the Surveyor's Office and Cindy can send it to the Board members. Mr. Hensley entertains a motion. Mr. Whitehead so moves. Mr. Whitehair seconds. **Motion passed 4-0.**

MAINTENANCE CLAIMS:

Mr. Hensley entertains a motion to approve the maintenance claims as submitted. Mr. Bledsoe so moves. Mr. Whitehair seconds the motion. **Motion passes 5-0.**

ADJOURNMENT:

The meeting adjourned at 1:41 p.m.

Clarence Hensley, President

John Landers, Vice President

Larry Bledsoe, Member

Charles Whitehair, Member

William Whitehead, Member

Cindy Harty, Recording Secretary