

REGULAR DRAINAGE BOARD MEETING:

January 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
Jake Dunnuck, Board Attorney
Phil Taylor, Surveyor
Cindy Harty, Recording Secretary

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

NOMINATION AND APPOINTMENT OF DRAINAGE BOARD PRESIDENT AND VICE PRESIDENT FOR 2015:

Mr. Landers moved to appoint Clarence Hensley as President of the Drainage Board. Mr. Whitehair seconded the motion. **Motion passed 5-0.**

Mr. Hensley nominated John Landers as Vice President of the Drainage Board. Mr. Whitehead seconded the motion. **Motion passed 5-0.**

APPROVAL OF THE MINUTES:

Mr. Hensley entertains a motion for the approval of the December 15, 2014 Drainage Board minutes. Mr. Whitehead moved for approval. Mr. Whitehair seconded the motion. **Motion passes 4-0.**

OLD BUSINESS:

J.J. Vance Reconstruction Project

Mr. Taylor informed the Board that the public hearing scheduled for the J.J. Vance Reconstruction project in Oakville, Indiana, needs to be reset until April 20, 2015, due to complications, which needed more engineering. Mr. Taylor requested the public hearing be continued until the April date. Mr. Whitehair asked if that is the date of their original scheduled meeting. Mr. Taylor stated that was the original setting, but no notices were mailed.

Mr. Whitehead questioned the Board Secretary whether the minutes for the Special Meeting held on January 9th are completed. Ms. Harty stated that she is still working on those, and they are almost completed.

#182 Fimple East Ditch

Mr. Hensley called for Mr. Stikeleather.

Michael Stikeleather, 5300 W. Hessler Road, Muncie, IN 47304, approached the Board and informed them as follows:

Mr. Stikeleather stated that he appeared previously at the December 15th meeting to request the Fimple #182 Ditch, Yorktown Meadows Retention Pond be taken over by the Delaware County Drainage Board. Mr. Stikeleather stated that it is his understanding that the Board members should have a copy of the minutes and what was discussed last time about the various aspects of it. He also stated that they were given a drawing that shows in detail the location of the drain. He stated that starting at the very east, north is up on this map, it starts in the Crapo Property, flows west across the Hollowell property, which is a grill at the north edge of Yorktown Meadows. Mr. Stikeleather stated it flows west to a breather, turns south and west, and goes into the retention pond.

He stated the retention pond also is a pipe going to the drainage in Yorktown Meadows Subdivision and it flows out the west end of the retention pond about six to eight feet; it is a grill; goes immediately south along Benton Road to a point about a tenth of mile to the south, makes a turn, heads across a property and Benton Road, ultimately flowing and coming out on Jackson Street. Mr. Stikeleather stated then it goes underneath Stockport Road, where a bridge is located. Mr. Hensley asked how deep the pond is. Mr. Stikeleather stated that he believes it is about 8-feet. He stated that it was deepened to make sure they did not have green moss or green slime on it during the summertime. Furthermore, Mr. Stikeleather stated that was during the 2004-2005 reconstruction when it deepened. Mr. Stikeleather stated, "It was my understanding that it is about 8 to 10-foot deep". He stated that he would verify that information if they desired. Furthermore,

he stated as mentioned last time, the reason for the request is just to clean up the whole matter and make it legally what is practically occurring right now. He stated that a Mr. Dobson who lives in Ironwood Way, which is located in Yorktown Meadows, has now maintained the pond and the Drainage Board pays him. Mr. Stikeleather stated, "I believe Cindy said \$100.00 per payment and he was paid two times last year, if I remember correctly". He stated that Cindy showed him the invoices, which include mowing and may include spraying. He stated the fact of the matter is that there is a 25-foot easement around the pond. Furthermore, he stated that if that pond ever had to be deepened or any work of that nature there is no legal basis for anyone or the Drainage Board to dig or do any type of deepening of it. In addition, this property serves multiple properties; you can see it serves property to the west and east of Benton Road. I am here today to try to clean all of this up. Mr. Stikeleather stated, "I will be 61 in February, my wife will be closer to 60 very soon, and I cannot give away her age, and I am not sure if my children or anyone else would have any interest in this." Furthermore, I wanted to address an issue. Mr. Stikeleather stated the issue is he and Mr. Taylor went out to look at the property today, and he has pictures for the Board, which may be in their packets. Mr. Stikeleather stated that Mr. Taylor expressed a concern and said that his concern would be he does not want to set a precedent in speaking for the Drainage Board to get into the retention pond business. Mr. Stikeleather stated that he agreed with him. Furthermore, he stated that he also expressed to Mr. Taylor the differences between normal retention ponds and this particular case, and stated in this particular case, we have a slight difference, so let me explain.

Mr. Stikeleather stated that usually a retention pond serves a building, a shopping center, or a subdivision, and in other words, there is one entity that receives the benefit of that retention pond and then whenever it gets enough water in it, it finally flows to a legal drain. In this case, that is not the situation at all. This retention pond is an integral part of a drain that serves multiple parties, multiple properties on both east and west sides of Benton Road, and it is also a flood prevention device. He stated, "I used to live at the southwest corner of Orangewood and Benton Road on your map. I can remember before the pond was put in that there were all types of flooding, particularly on the west side of Benton Road on Star Lane, and if you would go all the way back and comes across the field, ultimately you would see flooding in the fields behind where it shows the "O" in Orangewood, go directly west and you will see lots of flooding in that field back there." Furthermore, Mr. Stikeleather stated after we put the pond in, it helped mitigate that, and then after we deepened it, it made a major difference. He stated one resident now comes across to thank us for her house not being flooded anymore. Furthermore, the people who are west of Benton Road in that area between Starr Lane and where the pipe is, no longer have the flooding. Therefore, it is a nice retention flood device that serves both the properties, the Crapo land, the Hollowell land, the Yorktown Meadows, the people along Benton Road the people to the west all the way to Stockport and all the way down. Ultimately, this drain ends into the Hiatt Ditch. Therefore, given all these things put together the fact that it is multiple properties, it distinguishes it from being in the retention pond business that only serves one facility, subdivision or one building, and it is that key distinction, and the fact is either they have, **(speaker did not record)** it has a

wide spot in it called a retention pond, and then that water flows out of that pond, that's water received from your drain, and it goes on down the road, there's another creek on out, to ultimately end up at the White River, the Ohio River, the Mississippi, and then the Gulf of Mexico.

Mr. Stikeleather stated that is why he is asking that it be taken over, as a practical matter, it serves multiple properties, it is a distinction situation where you are not going to get into the detention pond business, because it serves multiple properties, and there is no HOA in Yorktown Meadows to take care of it. Usually if it is in a subdivision, you have a HOA to take care of it, or if it were a building, that building will pay to take care of that retention pond, at the shopping center, the owner of that shopping center would take care of it. In this case, it is a unique situation, it is an integral part of an existing drain where the water flows into it from the drain, and flows out of it from the drain, and that is a key distinction. He stated, "You are not getting into the retention pond business, which I agree with Mr. Taylor on". He stated he is happy to answer any questions that the Board may have.

Mr. Hensley stated that he would like to say that he has been by that location several times. Mr. Hensley stated that approximately one year ago, he was out at that location and it really looked like crap, because stuff was growing up all around it, and there was trash everywhere. Mr. Hensley stated that he went by the location a couple of times in recent weeks, and it is all was mowed and it looked nice. Mr. Hensley asked who did that.

Mr. Stikeleather stated it is his understanding that Mr. Dobson does that, and it is paid for by the Drainage Board. He stated "Gene C. Dobson, Ironwood Way in Muncie". He stated that he was out there on December 15th, and he would have to agree with Mr. Hensley that it is all mowed, looks very neat and trim, and the best he could tell it appeared to be in good working order for all the snow and rains we have had prior to that time. Furthermore, Mr. Stikeleather stated the level is relatively low. He stated he respectfully requests that the Drainage Board take it over, and he would be happy to pay for any type of title work, document prep, costs that would facilitate the transfer or whatever the Board's counsel may require.

Mr. Hensley asked if any Board members had questions for Mr. Stikeleather. Mr. Henry asked Mr. Taylor if he went out to look at the location. Mr. Taylor stated that he and Mr. Stikeleather did and stated that he has been out there several times previously, and does not have a problem with the pond; it is the fact that he does not feel the Drainage Board or the county need to get into the retention pond business. Mr. Taylor stated that Mr. Stikeleather made a good case for it, but he does not think the county needs to get into that business. Mr. Taylor stated, however, the decision is up to the Drainage Board to decide if they want to take this over or not. Mr. Stikeleather stated this is a unique situation and that is why it is a key distinction.

Mr. Hensley entertains a motion. Mr. Whitehair asked whether he needed a motion to take care of it. Mr. Taylor stated yes the Board needs a motion. Mr. Stikeleather stated it would be a motion to turn over the title and grant it to the Delaware County Drainage Board or whatever

entity the Board's counsel would recommend.

Mr. Whitehead stated that he is not in favor of taking a retention pond over at this time and moved to deny the request. Mr. Henry seconded the motion. **Motion passed 5-0.**

NEW BUSINESS:

Mr. Hensley called for Keith Hill on the Carl Andrews Ditch.

Keith Hill, 3535 North County Road 800 East, Parker City, approached and stated that he is here representing Danny Hueston, and he is the operator of his farm north of Albany. He stated that they have a small area where they removed the woods and in some land adjacent to where the woods were removed, they would like to install a tile ditch. Mr. Hill stated he is here to ask permission to tie-in to the Carl Andrews, which may be a section of the Claude Bergdoll Ditch.

Mr. Whitehair asked Mr. Hill how large the current tile is on that ditch. Mr. Hill stated he was not sure how large it is because he has not opened it up yet. Mr. Whitehair asked Mr. Taylor if he knew and he stated that he would have to look the information up. Mr. Hill stated that the landowner that lives directly north of his property, had told him that it was a 10-inch tile and then reduced to an 8-inch tile, but since they have not opened it up, he is not certain. Mr. Hensley asked Mr. Taylor if he had a recommendation.

Mr. Taylor stated that he has no problem with him tying-in to that ditch, but thought if the Board approved Mr. Hill's request, he would like Mr. Hill to take pictures of the process of when they install it. Mr. Taylor requested that photographs of before, after and during installation be furnished. Mr. Taylor asked Mr. Hill who would be installing the ditch. Mr. Hill stated that Mr. Whitehair's company would do the work. Mr. Taylor stated that he has no problem with that being done.

Mr. Hensley entertains a motion to approve the tie-in. Mr. Henry moved to approve the tie-in as long as the county receives the photographs that Mr. Taylor has requested, and asked if they needed a drawing of the map where the tie-in would be. Mr. Taylor asked Mr. Whitehair if he was doing the work, and Mr. Whitehair stated that it would not be him, but his company, Total Drainage Solutions.

Mr. Hensley stated they need a second. Mr. Whitehead seconded the motion. **Motion passed 5-0.**

MAINTENANCE CLAIMS:

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

ADJOURNMENT:

The meeting adjourned at 1:14 p.m.

Clarence Hensley, President

John Landers, Vice President

Shannon Henry, Member

William Whitehead, Member

Charles Whitehair, Member

Cindy Harty, Recording Secretary