

REGULAR DRAINAGE BOARD MEETING

June 15, 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
Stan Willis, Deputy 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 entertained a motion for the approval of the May 18, 2015 Drainage Board minutes. Mr. Henry moved for approval. Mr. Whitehead seconded the motion. **Motion passed 5-0.**

NEW BUSINESS:

Creation of Bridge Across Hog Creek

Mr. Hensley called for Gary Townsend.

Mr. Taylor stated that Mr. Townsend is landlocked with property located in Liberty Township, and the county's ditch, Hog Creek, runs through a portion of that land. Mr. Taylor stated that Mr. Townsend would like to put a bridge over Hog Creek so he can get his farm equipment from one field to another. Mr. Taylor stated that he had no problems with Mr. Townsend building the bridge, but if the Board approved Mr. Townsend's request, Mr. Taylor recommended that Mr. Townsend maintain the portion of Hog Creek on his property, which is approximately 1,500 feet. Mr. Taylor asked Mr. Townsend if that

footage was correct. **(Mr. Townsend speaks from the audience and recorder is unable to pick up the conversation)**. Mr. Hensley instructed Mr. Townsend to come to the podium and speak into the mike, and to state his name and address for the Board.

Gary Townsend approached and passed a document marked as "Exhibit 1" to each Board Member and the Board's Attorney. Mr. Townsend stated that he put this cover letter together and as he was reading it earlier, he found he had a few mistakes in it. Mr. Townsend stated that he bought approximately 90-acres consisting of two (2) parcels of land. He stated that one was the John Meredith Estate and the other was Dr. Caplinger, who was a professor at the college. Mr. Townsend stated that he had five (5) acres of frontage and then the other 85-acres. Mr. Townsend stated 501 South County Road 550 East is the frontage property in which he can access from County Road 500 East. Furthermore, Mr. Townsend stated he would have to cut down quite a bit of timber to get access, and does not want to do that at this time because that timber is not mature and needs more growth to it. Mr. Townsend stated he wants to build a bridge out of material that he already has on hand, such as treated electric poles. Mr. Townsend further stated, "We would like to build some access across the ditch and keep the profile as un-impeding as we can for the water going through there". Mr. Townsend stated that they have picked a piece of ground where they would like to put the bridge, and stated it is in Exhibit 5, which looks like a bunch of weeds at this time. He stated that he was able to get down there with his tractor the other day and took that picture standing on the tractor seat. Mr. Townsend said the dark place in the middle of the picture is the county's ditch, and that is where he would like to put a bridge that is large enough to satisfy smaller farm equipment. Mr. Townsend stated he did not need great big farm equipment in there, but he does need something. Mr. Hensley asked how long the bridge would be. Mr. Townsend stated that it is approximately twenty-five feet, but is fairly narrow and it is higher further to the north and then shallows out a little bit. Mr. Townsend told the Board that he did not know what kind of maintenance on the ditch they wanted, but he has done some spraying of ditches, and he believed the Board wanted them as clean as you can get them. Mr. Townsend stated that they do have the means of taking care of it whenever I can get down there because right now all the brush impedes him in both directions. He stated, "I have to open up the east side to get down there with equipment and I have to be able to get across. As you see in Exhibit 1, the layout of the land is drawn in ink." He stated you can see County Road 550 to the east, which is the start of it, and said he is trying to get across where the little X is on the drawing, as you can see on page two. Furthermore, Mr. Townsend stated he wanted to try to get across there and reconnect that piece of ground because he has no other access to get in there. He stated that he has had trouble with four wheelers trespassing, hunters trespassing; some people have been arrested for target shooting in there, and also found remnants of a meth lab. He stated there are many issues, and he is unable to take control of it if he has no access. Mr. Townsend stated, "As the cover letter states, we will try to do anything reasonable to help the county maintain the ditch through there". Furthermore, Mr. Townsend stated, "I would love to change the name from Hog Creek to something else, because I have not seen any hogs around there lately". He asked if there were any questions.

Mr. Henry asked Mr. Townsend, "You would agree to take care of that creek on your property." Mr. Townsend asked Mr. Henry what does he mean by taking care of it. Mr. Henry asked if he would agree to keep that ditch clear of any debris. Mr. Townsend asked, "Caused by us". Mr. Henry stated no, caused by anything. Mr. Townsend asked if they meant any brush that might come down. Mr. Henry stated yes, brush that comes down would be one thing. Mr. Townsend stated with their means, he cannot think of anything that they cannot take care of, and he stated, "I have a backhoe but I do not

have an excavator or something with a claw on it, but I have small equipment to do that with.”

Mr. Taylor stated we do not want anything impeding the flow of the water.

Mr. Townsend stated that is why he mentioned from the berm. He stated he will have to anchor them in the high part, and that is why he was trying to pick out the highest part. He stated, “I have only seen it one time myself, but the water gets out in those flats before it gets to some of that.” Further, he stated, “Now there are some trees growing down there in the berm, and you can see some on Exhibit 5, and I can cut the trees for you if it’s not an issue.” Mr. Taylor stated that if he cuts the trees, he would have to leave the root balls in there and Mr. Townsend stated, “No problem”. Mr. Townsend asked Mr. Taylor if he wanted the trees cut flush to the ground or did he want them up in the air. Mr. Taylor stated if a tree falls cut it where you think it is logical to cut it. Mr. Townsend asked if he wanted to cut it ahead of time. Mr. Taylor stated that if it is not impeding the flow of the water, he did not feel it was necessary. Mr. Townsend stated that he has brush rakes and stuff like that, and he would be able to take care of that part. Mr. Townsend stated that right now the east side of his property is classified as part of the Liberty Village Addition, which is within the Town of Selma. He stated that he is clearing that up by working to de-plat it, and then he hopes the woods would be classified as a forest and a wildlife preservation. Mr. Townsend stated he bought the land to hunt on, but right now, other people think they own it too, so he has some issues with that.

Mr. Henry moved to grant the request for the bridge to be built over the area of Hog Creek per Mr. Townsend’s request. Mr. Whitehair seconded the motion. **Motion passes 5-0.**

Drainage Board Budget for 2016

Drainage Board Secretary stated that the Budget is being submitted exactly the same as last year. Mr. Hensley stated that they did not get any raise. Ms. Harty stated, “Do not feel bad, we did not either.”

Mr. Whitehead moved for approval. Mr. Landers seconded. **Motion passes 5-0.**

OLD BUSINESS:

Mr. Hensley asked if there are any issues to discuss under Old Business.

Mr. Taylor stated there are two issues he would like to present to the Board. Mr. Taylor stated the first issue is the J.J. Vance Reconstruction in Oakville. Mr. Taylor recommended that the county go ahead and replace the tile south of Oakville over to the Henry County line. Mr. Taylor stated this tile laid in Delaware County would be approximately 1,500 feet, with approximately 1,000 feet of tile flowing into Henry County. He stated that he would contact Stephen Rust, the Henry County Surveyor, to see if they could piggyback this work, and run it clear to the creek in Henry County. Mr. Taylor stated that he believed this would solve everyone’s problems in Oakville, and the work could be completed as soon as weather permits and it dries up.

Mr. Henry asked if they have tried to jet that out. Mr. Taylor stated that Stan Willis had met with

Harman's in Oakville last Friday. Mr. Henry asked if the whole thing was broken down. Mr. Willis stated that he believed the tile was broken down. Mr. Willis stated there is a man who lives in Oakville who swears that ten or fifteen-years ago when new pipe was to be installed, that it was never put in. Mr. Willis stated this man has pictures where they supposedly put the pipe in. Mr. Willis explained that this person told him that they put approximately forty-feet of pipe in, then a dozer was brought in about a week later and filled it back in, and the rest of the tile disappeared.

Mr. Henry asked if this was the same person, they had talked with when in Oakville. Mr. Willis stated no, this person lives on the eastside of Oakville. Mr. Taylor asked what the man's name was. Mr. Landers stated it was "Floyd King". Mr. Henry asked how large of tile they planned to install. Mr. Taylor stated that it would be 15-inch.

Mr. Willis reiterated that Mr. King had stated ten, twelve, or fifteen-years ago whenever the work was suppose to be completed, that they put about 40-feet of pipe in, and then two days later all the rest of the tile was gone, and the dozer came in and filled all of it back in. Mr. Willis stated that Mr. King has numerous pictures. Mr. Willis stated that he feels they did not put all of the tile in and they only went about 40-feet from the railroad tracks. Mr. Henry asked if this was the old concrete tile. Mr. Willis stated yes, and that Harman's went approximately 400-feet, but they had to shove it through there **(cannot hear his remaining statements)**.

Mr. Henry asked what the estimated cost of the installation would be. Mr. Taylor stated he assumed 15-inch pipe would be under \$25,000.00. Mr. Taylor stated that Delaware County would install the pipe from Oakville to the Henry County line. Mr. Taylor stated that cost for pipe would be approximately eight or nine thousand dollars, and then about that much in the labor to install it. Mr. Taylor recommended they go ahead and get it done. Mr. Landers asked if they would be doing it immediately or wait to after all the crops are in. Mr. Taylor stated he would have to get with Lon Wright and it would depend on the weather, but suggested they go in and get it completed. Mr. Henry asked if we had the money in that watershed to do that. Mr. Taylor stated there was. Mr. Henry makes a motion that they install the new pipe in Oakville. Mr. Landers seconded.

Mr. Whitehair asked if they needed a motion since it would be under \$25,000.00. Mr. Taylor stated that he felt it would be better if they did, and then if any questions were asked concerning this matter, then it would be on record. Mr. Whitehair asked Mr. Taylor if he would be putting any tile in on the Henry County side. Mr. Taylor stated not on the Henry County side, just to the Henry County line. Mr. Whitehair asked if Henry County would be installing Henry County's portion. Mr. Taylor stated that he wants Henry County to install the pipe in Henry County, and does not foresee a problem. Mr. Whitehair asked if Mr. Taylor would be corresponding with the Henry County Surveyor. Mr. Taylor stated that Mr. Rust is a good man, and stated that he assumed he would agree to this, since it will help him too. Mr. Whitehair stated that surely when they jet rod and they go 400 feet and you said that you do not know if there is tile there, you can dig it up can't you, don't you have a backhoe that you dig it and see if there is tile underneath. Mr. Taylor stated that yes they can do that. Mr. Whitehair stated like you said, you put 40-feet in and you can take a backhoe and dig and make sure there is tile in there. Mr. Henry stated that he thinks they are saying that they went 40 feet easy. Mr. Willis stated that they went 40-feet straight in, no problem and then all of a sudden it stopped, and would have to shove it through by hand. Furthermore, Mr. Willis stated that every once in a while, it would grab and go a little bit and then it would stop. Mr. Whitehair asked if they ever dug at the end of it to see if there is tile in there. Mr.

Willis stated no they just went three or 400 feet and we came to the conclusion it is full of mud or something. Mr. Landers stated that he thinks the county tile in there is like 8-inch tile. Mr. Whitehair stated that someone needs to do some digging out there and see if there is any tile or not. Mr. Taylor stated he did not see spending the extra money to get Harman's back out there. Mr. Willis stated he hopes by replacing the tile in Oakville that it would resolve the problems that exist. Mr. Henry stated that he agreed, and stated, "Replace it and move forward". Mr. Taylor stated just put new in whether there is any in there or not, because apparently something is wrong, so let us get it fixed. Mr. Hensley asked Mr. Taylor if he wanted it on the record. Mr. Taylor stated that was appropriate.

Mr. Hensley entertained a motion. Mr. Henry stated that there has been a motion and second. **Motion passed 5-0.**

Reconstruction of the Schram Ditch

Mr. Taylor stated he wanted to talk with the Board concerning the Schram Ditch reconstruction, which is located on Royerton Road and 200 East. He stated that they were out last week with Christopher Burke Engineering. Mr. Taylor stated they would like to replace approximately 700-feet southeast of 200 East going toward Royerton Road, and then we want to go approximately 1,000-feet west of 200 East, and feels that will solve the drainage problems in that area. Mr. Taylor stated that he does not feel the problem is underneath 200 East, and does not want to bore because it is too expensive, but would like to dig the road up and replace it. Mr. Taylor stated that he has spoken with Bill Frazier about this, and that Mr. Frazier would like to bid on this work. Mr. Taylor stated he does not agree with Delaware County providing the pipe and then paying Mr. Frazier to install it on his own land. Mr. Taylor said he would leave it to the opinion of the Board.

Mr. Hensley stated, "In his opinion, he does not feel that it was a good idea either". Mr. Landers stated he would like to know why they want to put in 2,000 feet and then stop and somebody else do the rest. Mr. Hensley stated that he (Mr. Frazier) needs to petition the Board to do something, doesn't he. Mr. Taylor stated that first, he would have to be on our contractors/vendors list to do that, but it just leaves a bad taste in my mouth; where it is his and Wingate's land, and he wants the county to pay him to install the pipe. Mr. Taylor informed the Board that usually the farmers install the pipe for nothing if the county purchases the pipe. Mr. Taylor stated, "I just have a hard time with paying him to put it in, and if we are going to do that, let's use one of our approved contractors to put it in".

Mr. Henry stated that he thought that would be bad business and does not want to pay somebody to install on his own ground. Mr. Taylor stated he did not either. Mr. Henry reiterated that is bad business, and if we are going to do that, we need to hire somebody to do the work. Mr. Taylor stated Mr. Frazier wanted the county to hire him to install the pipe, and I do not think that is a good idea. Mr. Henry stated he does not want to do that.

There were no decisions, conclusions or motions offered on this matter.

MAINTENANCE CLAIMS:

Mr. Hensley entertains a motion to approve the maintenance claims as submitted. Mr. Whitehead so

moved. Mr. Landers seconded the motion. **Motion passed 5-0.**

ADJOURNMENT:

The meeting adjourned at 2:54 p.m.

Clarence Hensley, President

John Landers, Vice President

Shannon Henry, Member

William Whitehead, Member

Charles Whitehair, Member

Cindy Harty, Recording Secretary