

# REGULAR DRAINAGE BOARD MEETING:

January 17, 2017

**Former President, Clarence Hensley, called the meeting to order. Members present at the meeting were the following:**

William Whitehead, President  
Clarence Hensley, Vice President  
John Landers, Member  
Shannon Henry, Member  
Dick McIntire, Member  
Tom Borchers, Surveyor  
Stan Willis, Chief Deputy Surveyor  
Cindy Harty, Recording Secretary

**Former President, Mr. Hensley,** opened the meeting by welcoming the audience and inviting them to participate in the pledge of allegiance.

## **APPROVAL OF MINUTES:**

**Mr. Hensley** entertained a motion for the approval of the December 19, 2016 Drainage Board Minutes.

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

## **NOMINATION OF PRESIDENT AND VICE PRESIDENT FOR 2017:**

**Mr. Hensley** entertained a motion for the nomination of President for the Drainage Board for 2017. John Landers nominated William Whitehead as President. Dick McIntire seconded. **Motion passed 5-0.**

**Mr. Landers** nominated Clarence (Dink) Hensley as Vice President. Mr. McIntire seconded. **Motion passed 5-0.**

## **OLD BUSINESS:**

**No old business is presented to the Board this date.**

## **NEW BUSINESS:**

**Hal Ashton, Land Surveyor, 325 W. Washington Street** approached and stated that he is here representing Dr. Hendrickson and his fruit market, which he anticipates to build on East 32. Mr. Ashton described the project as follows:

Mr. Ashton stated that they want to do some building, and gave drawings to each Board member showing what they are proposing to do. (Mr. Ashton speaks without the use of the microphone and the recorder is unable to pick up his voice). Mr. Ashton stated that what they are looking at is a property on the south side of Highway 32 just about one-half (½) mile east of Country Club Road. Mr. Ashton stated there is a legal drain that crosses the northwest corner of this property and the contour lines you see on the drawing represent where they made the topography. Furthermore, Mr. Ashton stated the center of the photo shows the building, and that building will be a 50-foot by 30-foot building, or 1,500 square feet, and to the north of that location will be a parking area. Mr. Ashton explained the total additional hard surface where they currently have gravel, will be asphalted and a slightly larger building put in on the site.

Mr. Ashton stated that Highway 32 is on the north side, and there are two places where water crosses Highway 32 onto their site. He stated that one location where it crosses is at the northwest corner where the Truitt Drain comes across. Mr. Ashton stated the other location is at the northeast corner of the property, with both being 24-inch pipes. Mr. Ashton stated they calculated what those might contribute to their watershed. He stated if water was at the point of cresting at Highway 32, they could possibly get 38-cubic-feet per second of water coming through those conduits onto this site. Furthermore, he stated the one to the west will not be disturbed at all, and the one to the east runs to the south side of the proposed building. He stated with it we have built an earthen dyke, which will slow down that flow, and it will be discharged under the earthen dyke with five (5) 12-inch pipes, which are 17-cubic-feet per second. Mr. Ashton stated we have the potential of 38 coming on the site, and discharging at 17. Mr. Ashton stated that they have created a need for about 20-cubic-feet per second, so the way that translates into acre-feet of the retention with the dyke we have there and with the set they have, we have 91-acre-feet of retention, and explained using the drainage ordinance that they have, they are required 5400<sup>ths</sup>. He stated the reason for the difference is that we are trying to meter from that east culvert since it runs into our retention area, and we are trying to meter the amount of the flow that goes from it.

Mr. Ashton stated there are two things he would like to ask the Board. Number one is

permission to put a 4-inch perforated pipe connecting into the existing 8-inch tile on the Tributary to the Truitt Drain. He stated they would be using a perforated pipe so the area will not be swampy, and are trying to drain that retention so when it is not a rain event, it will dry up. The second is in an effort for them to get a permit to build a construction they have to send their calculations to the engineer and stated they have received a response from the engineer. Mr. Ashton stated that the engineer wants them to get an easement from the west a-joiner, which is the golf course. Mr. Ashton stated he has never been put in the position where they connect to a legal drain and had to get an easement over the legal drain easement, and feels he does not understand what they are expecting. Mr. Ashton stated they wrote back to the engineer, and he came back and said, "I haven't changed my mind and I still feel that you need to get an easement off your neighbor." Furthermore, Mr. Ashton stated that he did say that, "Possibly you have the right to discuss this with Angie Moyer," and stated I am also thinking with the Drainage Board. Mr. Ashton stated that seeing they are already slowing down the water from approximately a 40-cubic-feet per second to an 18-cubic-feet per second with this dyke that they are putting in, he feels that they have already exercised more than their share of trying to be careful about that drainage system. Mr. Ashton stated those are the two things he would like to ask the Board to consider, and he can answer any questions that anyone may have.

**Mr. Whitehead** asked if there were any questions from the Board.

**Mr. Henry** asked Angie Moyer if she had seen any of this.

**Angie Moyer of the County Engineering Office** stated that yes she had. Ms. Moyer stated that currently her engineer is reviewing the drainage permit, but there has been discussion back and forth between Leonard and her engineer. Ms. Moyer stated that one of her engineer's recommendations, or instead his concern was, "*The proposed outfall from the dry pond will concentrate flow and based on the existing contours, will travel across a property overland to the adjoining property to the west before entering the ditch. The developer must obtain an offsite drainage easement for this flow from the adjoining property owner or redirect the concentrated flow along the western property line south to the ditch as it crosses the southwest property corner.*" Ms. Moyer stated that the engineer sent this back to Leonard and she stated, "I do not have Leonard's response, but my engineer is still standing firm." She stated her engineer feels this is an easement for you to maintain your tile, so if you want to give them permission to use your easement to discharge water that is up to the Board but these were his concerns before approving the drainage permit. Ms. Moyer explained that one of the things, based on their permitting process; the applicants do not receive approval until the Drainage Board gives approval on their end to outlet water into their tile. Ms. Moyer stated she is not trying to stop this project by any means, but her engineer is looking out for the county's best interest either in suggesting they get an easement or to do side ditch work.

**Mr. Ashton** stated that the interpretation that he read from the statutes is that a drain like this, before a tile was put in, was always a waterway. He stated when the tile went in, the

primary drain was the waterway, and they created a secondary drain in the conduit they had put in. Mr. Ashton stated it is an 8-inch tile that was made for agricultural purposes, and it was created as a Tributary to the Truitt Drain so it is under the Board's jurisdiction. He stated the fact that the water flows on the surface, it is a natural thing and was there before the tile was put in. Furthermore, he stated it is now a created drain and we are slowing the flow down from its natural state, which should be a benefit to the neighbor. Mr. Ashton stated the Board is asking them to run a conduit south and that drain runs southwest, connecting with the large drain, which runs back southeast, and it is at the southwest corner of their property. Mr. Ashton stated if the Board would look at the bottom of their drawings, they would see that pipe coming in and going under the railroad at that point; however, we are talking about a small building and we are talking about a small parking lot, it would be a large conduit since there is a good size hill located there, and it is not a side-ditch kind of thing we would have to do. Mr. Ashton stated that they would have to build a tile drain to the south along their property line. He stated that he believed he already thinks they have been responsible by putting the dyke in and putting metering calculating the amount of water that they are discharging on to the surface. Furthermore, Mr. Ashton stated the worst-case scenario, a 50-year rain or something worse, would not discharge more than 17.94-cubic-feet per second out of that dyked area, and currently it has almost 40-cubic-feet per second going through there, which is less than half the amount of water discharged in its current condition.

**Mr. Whitehead** asked if there are any questions or comments from the Board.

**Mr. Hensley** asked what Mr. Borchers' take was on the project.

**Mr. Borchers** stated he has visited the location to research it, and stated that obviously it is wet out there, but stated he trusts Angie Moyer as to what she has to say. Mr. Borchers stated he would not be the first to tell them that he has done all the calculations, and he is not agreeing or disagreeing with Mr. Ashton by any means. Mr. Borchers stated he was just referring to Ms. Moyer and what her engineer had stated about the project. Furthermore, he stated it is almost impossible to run a calculation on that even on his map showing a 6-inch tile, and stated that he believes it is 8-inch pipe instead.

**Angie Moyer** asked if the 8-inch tile that it ties into could handle this, and then stated, "Nothing against this project Hal, by any means." Ms. Moyer explained that they had a drainage permit further west of the doctor's office near Country Club on the south side of 32, and it wasn't an easy process either, just because of the situation out there. She stated that there are many people that are worried about the Truitt Ditch, and feels there has been a lot of work done on it, but it is not totally corrected. Ms. Moyer stated she does not know if this would affect it or make it any worse, but reiterated what her engineer advised. She stated, "I do not know if the cost to do this additional tile and ditching work is going to put this project . . ." Mr. Ashton stated, "Without a doubt". Ms. Moyer asked if they (the property owner) could get an easement, and she stated that she does not know if the county would allow their easement to be used that way. She stated that her engineer is worried about the concentrated flow, and it does not surprise her that it may be

helping, but it still does not meet their drainage code. Ms. Moyer asked Mr. Ashton if he is in a hurry to get this built, and stated that she can talk to her engineer some more, or all three of them can have a conference call concerning the matter. Furthermore, Ms. Moyer stated that these are just the engineer's suggestions, and he is not trying to tell the Drainage Board what to do.

**Mr. Ashton** stated that currently it is running more water than it will be when they are done, and thinks in his opinion that should answer the question. Ms. Moyer stated that if it is a water problem now, it might help a little, but still not solve the problem. Mr. Ashton stated there is a 150-foot wide drainage easement down through there, what would they be doing in that drainage easement except for allowing water. Ms. Moyer stated that she does not oversee that because she is not an attorney, and she does not know if they normally allow concentrated water to go over their easement. Ms. Moyer stated, "It is up to them." Mr. Ashton stated that they just tossed it at the Board.

**Mr. Henry** stated that he would approve it as long as they follow the engineer's recommendations and Mr. Hensley agreed.

**Mr. Hensley** moved for approval as long as they follow the engineer's recommendations. John Landers seconded the motion. No other discussion is held. **Motion passed 5-0.**

**Mr. Ashton** stated they are waiting on the engineer because they have done all that they are going to do.

### **MAINTENANCE CLAIMS:**

**Mr. Whitehead** entertained a motion for the approval of the maintenance claims as presented. Mr. Henry so moved. Mr. Hensley seconded. **Motion passed 5-0.**

### **ADJOURNMENT:**

The meeting adjourned at 2:50 p.m.

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William Whitehead, President

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Clarence Hensley, Vice President

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Shannon Henry, Member

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John Landers, Member

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Dick McIntire, Member

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Cindy Harty, Recording Secretary