

REGULAR DRAINAGE BOARD MEETING:

August 17, 2020

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

William Whitehead, President
Dick McIntire, Vice President
Shannon Henry, Member
John Landers, Member
Jamie Swoboda, Member
Brandon Murphy, Attorney for Board
Tom Borchers, Surveyor
Cindy Harty, Recording Secretary

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 July 20, 2020 Drainage Board Minutes.

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

NEW BUSINESS:

Mr. Whitehead asked Mr. Borchers about any new business.

JAKES CREEK/DORA WILHELM DITCH

Mr. Borchers informed the Board that they have a couple of tie-ins requested. Mr. Borchers stated, "The first one is for Ashton Land Surveying, who would like to tie-in to Jake's Creek/Dora Wilhelm. This is located where they are going to build the new dog park, and they are putting in a large retention pond, running the overflow from that pond into the tile. With the size of that

pond and the area that is there, I would give that a favorable recommendation.”

Mr. Whitehead asked if anyone in the audience wished to speak on this subject.

Leonard Reese of Ashton Land Surveying approached and stated, “We are representing Pam Terhune who will be the owner of the rescue facility. We have talked with the Surveyor on this matter several times. In about 2009, Mr. Scott Lasater put a single wall 12-inch tile in, that goes to and connects into the existing drain. Not that we are objectional to replacing that, but we are wondering why we cannot leave that in place and hook on to that near the northeast corner of this site, and utilize that which is already in instead of re-disturbing that ground. I know Mr. Borchers has suggested that we would be better off to have a dual wall, but since a single wall is already in place, is there any allowance to be able to hook on to that with this new development and stay with that, or would the Drainage Board prefer a dual wall PVC pipe all the way to the connection?”

Mr. Borchers asked, “That is a private tile that runs back there, so Mr. Lasater or whomever the property owner might be, you’ve had his permission?”

Mr. Reese stated, “Mr. Lasater owned where the animal sanctuary is going now. Mr. Lasater owned it in 2009, and put in several laterals and apparently got permission to go across Mrs. Jane Ginther and Hartmeyer’s properties to put this in. We could not find any record where he had obtained approval from the Drainage Board to do so at that time, so yes, at this point that would be a private tile.”

Mr. Borchers stated, “If you guys hook into his private tile obviously that is going to be permission from him and that is going to leave us out of it. If that is what you want to do, that is fine. I guess when I was talking to you or whomever it was, we were talking about new installation and I recommended the dual wall. I have torn out so much single wall that has only been in for 5 to 10 years, so it is a waste of money. If there is already a structure there and if you get Mr. Lasater or whoever’s property that is on, you get their permission, I am fine with that, but I don’t know about the Board.”

Mr. Reese stated, “Like I said the developer is not objectional to replacing, but they were just asking is it a possibility. I had talked to you and you said about 10-years is what the life of a single wall tile is, so if we have to replace it with dual wall, obviously we would do that, but it was just a question that they had asked to bring up.”

Mr. Henry asked, “Are you going to replace what they already have on there, is that what they want to do?”

Mr. Reese stated, “Yes, it will probably be in the same spot. We would probably just dig up the single wall and replace it with dual wall, if that is going to be the recommendation of the Board.”

It is like Mr. Borchers said, at this time it is a private tile on the properties of Hartmeyer Stables and Mrs. Jane Ginther, so Scott Lasater is completely out of the picture. He sold the property to Pam Terhune to do this development.”

Mr. Henry asked if he is withdrawing his request then?

Mr. Reese stated, “Well if we can’t just tie-in to that, do we still have to request it because the tile is already tied into the county drain. Do we still have to seek permission from the Drainage Board to tie-in to the single wall or would the Drainage Board prefer that we go ahead and replace it based on what Mr. Borchers said he would rather see dual wall.”

Mr. Borchers stated that is what I thought when I first remembered talking to you, I thought we were talking about a new construction.”

Mr. Reese stated, “They had gone both ways, because we had also discussed the possibility of just connecting in there. You, at that time, said that your recommendation to the Drainage Board would be not to allow it to remain single wall, that you wanted dual wall.”

Mr. Borchers stated “I did not understand the question then. I guess I thought that it was all going to be brand new installation.”

Mr. Reese stated, “If that’s what it takes to get the development approved, we will do that.”

Mr. Borchers stated, “I am fine either way. If the single wall is working and you are not having any trouble with it, I do not see why you would have to dig that up and replace it. Just know at some point, you probably will have to replace some of it. With it being private tile, Brandon can speak more on that.”

Mr. Murphy asked, “We are expanding the properties that are impacted by this aren’t we?” Mr. Reese stated, “Yes.” Mr. Murphy stated that he does think, because we are capturing more, that the Board should vote on this proposal to tie-in, with more properties being impacted.

Mr. Henry stated we are also adding a drainage pond into our ditch.

Mr. Murphy stated, “We need an action by the Board. It could be subject to either of those proposals if either are objectionable, either keeping the private drain or a double wall and, of course, obtaining the permission of the affected property owners that would be impacted.”

Mr. Reese stated, “We are in the process of getting recorded easements from both. and that currently there are no recorded easements obtained by Scott when he put that in.”

Mr. McIntire asked who would maintain this tile; the county, you or the owners?

Mr. Reese stated, “If it is just connecting to the county drain, my assumption is that the owner would be maintaining it up to the county drain. I mean, if it is the recommendation of the Board that we run new, then that’s what we are going to do, but if there is a possibility we could just tie-in to what is there at this point, it would be great too. Like Tom said, they may have to replace it further down the road.”

Mr. Henry moved that they allow them to hook the drainage pond into their original drainage line that has already been in the ground, and eventually goes to the county’s ditch. Mr. McIntire seconded the motion. **Motion passed 5-0.**

ELWOOD REESE DITCH

Mr. Borchers informed the Board that the next item that they have is AEP, who has requested to tie-in to the Elwood Reese Ditch. Mr. Borchers stated, “I think they are going to dig an open ditch and tie-in to our current open ditch. First of all, they need to get the easement from the property owner, which they are currently working on. In some sort of wording they need to let us know who is in charge of maintenance of that ditch. It will be a privately-owned open ditch, and I want to make sure it is in writing, so years down the road we know that it is not our responsibility to maintain that ditch. With those two bullet points, I think I would give it a favorable recommendation.”

Mr. Henry moved to approve the request of AEP with two additions that Mr. Borchers suggested. Mr. Swoboda seconded the motion. **Motion passed 5-0.**

OLD BUSINESS/MAINTENANCE CLAIMS:

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

Mr. Borchers asked Mr. Murphy to address a certain claim which was submitted for payment.

Mr. Murphy stated, “We do have a claim in which they should talk a little bit about, which is the \$32,875.00 for Schneider General Contractor. This is based on an agreement that we reached and was executed with the City of Muncie Board of Works. The city agreed to pay half of the original quote, which was in the sum of \$28,875.00. Once that claim is approved, I will be submitting a claim to the City of Muncie Board of Works in the amount of half of that \$28,875.00. It is my understanding from the Surveyor, that an addition was added to our request and the difference between the twenty-eight thousand and the thirty-two thousand should be paid by the county. I just wanted to give that some individual attention.”

Mr. Henry moved to approve that claim which the Board's attorney just spoke about, along with all the others, as presented. Mr. Swoboda seconded. **Motion passed 5-0.**

ADJOURNMENT:

The meeting adjourned at 2:43 p.m.

William Whitehead, President

Dick McIntire, Vice President

Shannon Henry, Member

John Landers, Member

Jamie Swoboda, Member

Cindy Harty, Recording Secretary