

GRANT COUNTY DRAINAGE BOARD
401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held February 23, 2016, in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:02 a.m. Other members present were Gordon Gough, Pat Pinkerton, Richard Cox and Jim Todd, Grant County Surveyor; Kenny Cates was not present.

APPROVAL OF MINUTES:

Richard Cox made the motion to approve the minutes from the February 9, 2016 meeting as presented; Seconded by Pat Pinkerton. Motion carried with support 4-0.

APPROVAL OF CLAIMS:

Spitzer Herriman \$504 Little Crane & Maddox; \$5,000 in legal fund
Christopher Burke \$412.50 Weasel Creek; \$174,985 in the fund
Van Horn Excavating \$5,966.40 Harper Ditch; \$6,758.00 in the fund
Drewry Simmons \$261.92 Hummel Creek; GDIF

Jim Todd presented the Spitzer Herriman, Christopher Burke and Van Horn claims; Gordon Gough made a motion to approve the three (3) claims as presented; Seconded by Richard Cox. Motion carried with support, 4-0. Jim Todd then presented the Drewry Simmons claim; Gordon Gough made a motion to approve the claim as presented. Seconded by Pat Pinkerton; motion carried with support 3-0, with Richard Cox abstain due to have land in the water shed.

OLD BUSINESS:

Little Crane Pond

Jim Todd informed the Board that he has Rick Wilkes working on the legal description and has found the tile that goes into the subdivision. Jim had a map showing the tile location. He recommended vacating from Miller Avenue up-stream; Mark Bardsley added that it is agricultural land on the west side from Miller Avenue. Mark added that the Board should attempt to vacate anything in the city limits, east of Miller Avenue. The Board agrees.

Ordinance - underground utilities

Gordon Gough questioned the ordinance regarding burying underground utilities that Howard County is using. Mark Bardsley stated that Kyle Persinger, Drainage Board attorney, is still working on this and that Mr. Persinger needs to review what Howard County has done and reforming that to Grant County. Gordon asked Mark what happens next; Mark Bardsley stated that once it is legally correct, it will return to the Drainage Board for their approval and from there it would move to the Grant County Commissioners for their approval for an ordinance.

NEW BUSINESS:

Lugar Creek

Jim Todd has informed the Board that he has received a petition for a public hearing for Lugar Creek. The current maintenance is \$1.00 per acre with a \$5.00 minimum; they are asking for \$3.00 per acre with a \$10.00 home site rate. There are 3,985 acres requesting the new maintenance rate that is more than the required 10%. Jim is asking the Board to accept this rate. Gordon Gough asked if the requested amount is enough. Mark Bardsley added that this is recognition by the land owners that work is going to have to be done.

Richard Cox added that this triples the amount that is currently being collected. A public hearing date will be set in the future.

OTHER BUSINESS:

Leisure Drain - Public Hearing

There were no land owners present. Jim Todd informed the Board that he has not received any letters of objection. There are 485.29 acres that are benefited acres. This would bring in \$5,774.00 yearly. The Leisure Drain is currently collecting \$.28 per acre with a \$5.00 minimum since 1967. The new rate will be \$10.00 per acre, \$150.00 per home site with a \$150.00 minimum for an 8 year collection. Jim Todd added that there were no objections. Richard Cox made the motion to change the assessment of the Leisure Drain to the advertised rates; Seconded by Gordon Gough. Motion carried with support, 4-0. Mark Bardsley asked if we have added enough of a buffer to add spray into this and cover any brushing; Jim informed Mark that as soon as the money gets collected, they will want to cut the trees down and spray it.

Hummel Creek

Mark Bardsley stated that it his opinion that the Drainage Board attorney is telling the Board what they can do; Mark would like for Mr. Leone to write the letter on behalf of the Board. Mark Bardsley stated that the letter should inform Mr. Ott that this is what needs to be done, informing Mr. Ott that this is what we want done and if he is not willing to do it, we will get it done. Mark added that the letter should state the costs with Mr. Ott allowing access and the cost of not allowing the access. Richard Cox stated that we do not want to give him the options Jim Todd added that all of this was explained in our 10-day letter that was previously sent out, Jim feels that we just need to do it with our contractor, but the question is if we can use his lane and make it less expensive or if the contractor needs to bulldoze a path back there for 1,000 feet, that will cost a lot more. Jim added

that the fill is his as well as the pipes to utilize as he wishes, he may want to use them somewhere else on his land. Mark Bardsley stated that the letter should then state that we are going to do this. Option A would be to assist us with the right of way, with cost being a certain amount; if he does not wish to assist us and we have to come in via our right of way, then it will cost this other amount; and it will be billed. Jim Todd added that we would have public hearings with Mr. Ott prior to him being billed. Mark Bardsley stated that he would like to get Mr. Leone to write a letter to Mr. Ott informing him of this. Gordon Gough states that he wants to get this done, but he wants to get it done legally so that there are no more problems. Jim added that if Mr. Ott would like, Mark Bardsley and himself could meet with Mr. Ott, possibly on site with the contractor so that they could work it out with Mr. Ott to insure him that we will not damage his property. Mark Bardsley stated that he feels that Mr. Ott was led astray by those he had employed. Jim Todd stated that he has talked to Bragg's Excavating regarding this issue and that Bragg's feels they could be out there by the end of March after it dries out. Bragg's has done work for Mr. Ott in the past and if Mr. Ott is comfortable with Mr. Bragg, that would be fine with him; in case Byron Cook Excavating may not be able to do the work until summer. Jim Todd said that he would like to get this done in March to prevent Mr. Perez from flooding any longer. Mark Bardsley added that he would like Jim Todd to confirm with Mr. Leone exactly what needs to be said and Mr. Leone can write it up properly; stating that we want this work completed as soon as possible.

ADJOURN:

Pat Pinkerton made a motion to adjourn at 11:29 p.m.; Seconded by Richard Cox, motion carried with support 4-0.

The next scheduled meeting to be held March 8, 2016 at 11:00 a.m.

Minutes recorded by Mary R. Weesner

Minutes approved:

Mark Bardsley

Gordon Gough

Richard Cox

***** ABSENT *****

Kenny Cates

Pat Pinkerton