

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

The Grant County Drainage Board meeting was held March 29, 2016, in the Grant County Council Chambers. Vice-Chairman Gordon Gough called the meeting to order at 11:02 a.m. Other members present were, Kenny Cates, Pat Pinkerton, Richard Cox and Jim Todd, Grant County Surveyor; Mark Bardsley was not present.

APPROVAL OF MINUTES:

Richard Cox made the motion to approve the minutes from the March 8, 2016 meeting as presented; Seconded by Pat Pinkerton. Motion carried with support 4-0.

APPROVAL OF CLAIMS:

L & W Cates Excavating \$983.60 Elliott Tile; \$6,207.13 in fund

Fratco \$5,200.00 Elliott Tile; \$5,223.53 in fund

Smoke Valley Tree Service \$600 Lugar Creek & Tribs; \$11,533 in fund

Drewry Simmons Vornehm \$1045 Hummel Creek; GDIF

Jim Todd presented the L & W Cates, Fratco and Smoke Valley Tree Service claims; Pat Pinkerton made a motion to approve the claim as presented; Seconded by Richard Cox. Motion carried with support, 4-0. Jim then presented the claim for Drewry Simmons Vornehm regarding legal fees for Hummel Creek. Kenny Cates made the motion to approve the claim as presented; seconded by Pat Pinkerton. Motion carried, with support 3-0 with Richard Cox abstaining due to having land in the Hummel Creek watershed.

OLD BUSINESS:

Hummel Creek

Jim Todd informed the Board that he has spoken with Matt Meade, engineer from Christopher Burke Engineering, regarding the need for a permit to remove the blockage from Gary Ott's property on Hummel Creek. Mr. Meade informed Jim that a permit would be necessary due to the fact that there is a different owner that when the pipes were originally put in. Jim Todd added that he told Matt Meade to proceed.

Little Crane Pond

Jim Todd informed the Board that they are waiting for the ground to dry out. The area in question is on the church property and the Smoke Valley wants to make sure that it is dry enough so that they do not damage the yard or create ruts.

NEW BUSINESS:

Fadley & Owl

Brad Rayl of Rayl Engineering and Surveying was present before the Board per the Board's request. Jim Todd stated that they needed to proceed with the cost finances on the Fadley & Owl. Jim added that there is acreage on the upper end that needs to be evaluated and to determine what kind of rate the Board is looking at. Brad Rayl stated that the Board would need to establish some kind of ratio for agricultural, commercial and residential usage. Generally, agricultural is the lowest rate, with commercial being the highest. Kenny Cates asked Mr. Rayl if he had a chance yet to shoot this area from Pipe Creek. Mr. Rayl replied that he has done this and there is a fall of $6 \frac{1}{2}$ feet. Per the Board's request, Mr. Rayl will return to our next meeting.

Elliott Tile

Wendell Cates was present before the Board stating that a year ago he was before the Board asking permission to use \$5,000.00 from the Elliott Ditch fund. Wendell added that he had ended up spending about \$7,800.00 for the materials to run under State Road 9. Mr. Cates stated that he may return some of the materials if they are not needed. Mr. Cates is hoping to hook this up next week, adding that the work on State Road 9 is delayed due to a couple of eight foot riser pipes being on back order. Gordon Gough asked Mr. Cates if he is coordinating with the State regarding State Road 9, Mr. Cates stated that he is. Mr. Cates added that phase II will start in August. Kenny Cates made a motion stating when Mr. Cates gets the project completed and knows what his final cost is, he be placed for reimbursement when the money comes in. Seconded by Richard Cox; motion carried with support 4-0.

Little Pipe Creek

David Devore 7579 W 700 S, Swayzee was present before the Board regarding quotes for Little Pipe Creek. Mr. Devore is proposing to brush and clean 3,400 feet of Little Pipe Creek from county road 700 to state road 22. Mr. Devore added that there are several pipes that are under water all the time; also stating that he has proposals to brush and dredge, this would relieve the head pressure for the pipes that under water all the time. Mr. Devore has given Jim Todd two proposals regarding the work that is being requested. They are as follows:

Van Horn Excavating- proposal is to complete the work for \$15,980

Walker Excavation- proposal is to complete the work for \$17,880

Copies of the proposals are attached to these minutes. Richard Cox asked Jim Todd if he has reviewed the quotes; Jim stated that he has reviewed them and they both look good. Kenny Cates made a motion to award this job to Van Horn Excavating; seconded by Pat Pinkerton. Motion carried with support 4-0.

Jefferson Ditch

Don Wimmer of Wimmer Land Surveys was present before the Board. Jim Todd informed the Board that Mr. Wimmer had a plat map for the Board members review. Mr. Wimmer stated that he was present before the Board representing Mr. and Mrs. Robert Winters. Mr. Wimmer said that Mr. and Mrs. Winters would like to re-plat the east part of Jefferson-Stamper ditch. Mr. Wimmer reviewed the plat with the Board adding that the current plat lines are going across the ditch. He added that instead of the one hundred fifty foot drainage easement, they are requesting a twenty foot drainage easement. Richard Cox asked Mr. Wimmer how anyone would get back there to do any work if needed; Mr. Wimmer said that there is space on the west side of the ditch where there is no easement, but there is a power line/power pole running between lots 7 and 8. Jim Todd stated that there is an existing easement on the west side; it was left off of the original plat. It appears that the 75' easement was left off of the original plat in 1961. Mr. Wimmer said that they may be able to get by with a twenty-five foot easement but are hoping for twenty. Gordon Gough added they rarely go less than forty feet. Richard added that he would like to see the easement listed on the other side, Jim Todd agreed and stated that it needs to be. Pat Pinkerton asked Mr. Wimmer if this is in the city of Upland; Mr. Wimmer stated that it is in town. Richard Cox asked the Board what they thought about vacating this drain. Jim Todd said that it would take a public hearing. Pat Pinkerton asked if the entire drain streams within the city limits; Mr. Wimmer stated that thinks it does. Gordon Gough feels that since it is not an agricultural drain, but a residential drain, it is time to turn over to the city and let them take care of it. Richard Cox made the motion to begin the process of vacating the Jefferson Open Ditch over to the city of Upland. Seconded by Pat Pinkerton, motion carried with support 4-0.

Grassy Fork

Jim Todd informed the Board that these quotes were received for the land owners; their plan is to handle this financially by themselves. Jim added that there is a small maintenance on Grassy Fork, but it would not cover the work that they are wanting done. Jim opened and read the quotes as follows:

<u>Redman Excavating</u>	<u>\$100,935.00</u>
<u>Enyeart Excavating</u>	<u>\$153,330.00</u>
<u>Apfel, Inc.</u>	<u>\$187,945.00</u>
<u>Joseph Doughty Excavating</u>	<u>\$ 97,570.50</u>
<u>Van Horn Excavating</u>	<u>\$ 97,500.00</u>
<u>Keith Sullivan Excavating</u>	<u>\$141,500.00</u>

Jim stated that these quotes will be given to the land owners of Grassy Fork.

Deer Creek

Jim Todd stated that the following quotes are for Madison County for a three foot clean-out with no brushing and the land owners will take care of the spoil. This is being paid by Deer Creek maintenance fund. Jim opened and read the quotes as follows:

<u>Redman Excavating</u>	<u>\$4,033.00</u>
<u>Joseph Doughty Excavating</u>	<u>\$3,924.00</u>
<u>Van Horn Excavating</u>	<u>\$3,815.00</u>
<u>Apfel, Inc.</u>	<u>\$8,938.00</u>
<u>Keith Sullivan Excavating</u>	<u>\$2,700.00</u>

Jim Todd added that there is enough money in the fund to have this done.

Pat Pinkerton made the motion to award this to Keith Sullivan Excavating for \$2,700.00; Seconded by Richard Cox. Motion carried with support 3-0 with Gordon Gough abstaining due to having land in the Deer Creek watershed.

OTHER BUSINESS:

Landess Tinkle Drain - Public Hearing

Jim Todd stated the reason that this maintenance is being raised is due to having a low maintenance and the drain is not able to keep up with the work load; the current maintenance is .20¢ per acre with a \$5.00 minimum. The proposed maintenance will be raised to \$10.00 per acre, \$150.00 per home site with a \$150.00 minimum, this run for an eight year collection. The current maintenance brings in \$796.00 per year; the new rate would bring in \$9,876.90 with 748.19 benefited acres, 38 lots and 6 home sites. The Landess-Tinkle drains the south half of Landess. Gordon Gough asked Jim if the Board has received any letters of objection regarding the increase in maintenance; Jim replied that we have not. Gordon invited the public to speak.

Joyce Roethler, 6119 E 400 N, Van Buren approached the Board. Mrs. Roethler was speaking on behalf of herself and 6151 E. Mrs. Roethler went on to say that there is a problem on both her property and on 6151 E. She stated that in 1950 when she moved out there, there was a clay tile and it ran under the gravel road; the road was black topped in the mid 1950's. This road has been black topped many times since then, elevating the road. There is a natural slope from the railroad track toward the road, therefore, when the water gets down to the road, it cannot go anywhere. The existing tile has deteriorated due to age and the weight that is traveled on the road and has collapsed. With heavier rains, she cannot get into her barn and her RV sits in water. Mrs. Roethler stated that she does not have a problem with the increased maintenance, but she would like drainage. Jim Todd said that he would like to get David White there from the Highway

Department to see the problem. Jim added that if the Highway Department fails to put surface drainage in to give her property drainage, then there is no other choice than to remove her from the assessment. Kenny Cates made the motion to approve the proposed assessment on the Landess Tinkle Drain; Seconded by Richard Cox. Motion carried with support 4-0.

Gossom Tile - Public Hearing

Jim Todd stated the reason that this maintenance is being raised is due to having a low maintenance; the current maintenance is .57¢ per acre with a \$5.00 minimum. The proposed maintenance will be raised to \$10.00 per acre, \$150.00 per home site with a \$150.00 minimum, this run for an eight year collection. The Gossom Tile brings in \$524.00 per year and is not enough to keep up with the tile repairs, there are 950.01 benefited acres. With the new assessment, the yearly collection would be \$11,452.80.

Loretta Scott 7740 W 900 S, Fairmount appeared before the Board. Mrs. Scott just had a question as to when and how to pay the assessment. It was explained to her that it would be added to her property taxes and would be collected in the spring and fall until the eight year cap is reached. She stated that she does not have any water issues but questions whether she is on the Gossom Tile. She had questioned her benefited acreage that she is being assessed. Jim Todd and Mary Weesner will research this matter and get back with her.

Steve Richie 3826 S 550 W, Swayzee came forward to speak. Mr. Richie stated that he has no objection to the raise in the assessment. Kenny Cates made the motion to approve the proposed assessment on the Gossom Tile; Seconded by Pat Pinkerton. Motion carried with support 4-0.

Wybrew- Flanagan Open Drain & Tile - Public Hearing

Jim Todd informed the Board that this drain is in major need of repair. This tile collects .50¢ per acre with a \$5.00 minimum, bringing in \$495.65 annually and has 1,016.53 benefited acres. This maintenance will be raised to \$10.00 per acre, \$150.00 per home site with a \$150.00 minimum, this will run for an eight year collection. The new rate would bring in \$12,482.70 annually to the maintenance fund for this tile. Jim added that there were a couple of letters of objection received. Jim read the letters from David & Debra Eltzroth, Robert & Jeryl Ricks and Linda Wilson.

Robb & Jeryl Ricks 3059 E 900 S, Fairmount approached the Board. Mr. Ricks stated that he does not benefit from the Wybrew-Flanagan and does not feel that he should have to pay the assessment. Mr. Ricks added that he has two ponds, one on either side of his driveway and four acres of woods. He asked the Board if the tile that is on his property belongs to him or to the county; his neighbor, Mr. Peacock, has shut the drainage off from his property, therefore, he does not benefit from this drain. He has no drainage issues with water on his land due to the ponds. They are requesting to be removed from the assessment roll; Richard Cox stated that there needs to be proof that the neighbor has shut off this drain to Mr. Ricks; Mrs. Ricks watched him doing it and also has it all on a video, there is also a neighbor that has pictures. The Drainage Board informed him that what his neighbor did is a civil matter. Mr. Ricks does not desire to benefit from this tile; he has no problem getting his water off. Jim Todd agreed, stating that the Board cannot assess him if his water isn't going into the system.

David & Debra Eltzroth 2771 E 900 S, Fairmount is present before the Board. The Eltzroth's stated that their tile was cut off by Mr. Peacock as well. They do not feel that they should have to pay into the Wybrew since they are denied usage by Mr. Peacock. Mr. Eltzroth stated that he has had no issues with water in his yard or crawl space; he does not see a difference in the water flow. Richard

Cox made the motion to remove Robb & Jeryl Ricks and David & Debra Eltzroth from the assessment on the Wybrew-Flanagan since the evidence they provided shows they have no benefit; Seconded by Kenny Cates. Motion carried with support 4-0.

Richard Cox made the motion to change the rate to the advertised rate of \$10.00 per acre, \$150.00 per home site with a \$150.00 minimum, this run for an eight year collection. Seconded by Pat Pinkerton, motion carried with support 4-0.

Grant County SWCD

Myron Brankle approached the Board regarding the separation of the Drainage Board secretary and the SWCD secretary. Mr. Brankle expressed that he was not happy with the separation and doesn't understand why. Mr. Brankle stated that he has the State Soil & Water Conservation attorneys investigating.

Duane Phipps also appeared stating that he felt a notice should have been given to the SWCD Board.

Gordon Gough stated that this issue needs to be tabled until the Chairman, Mark Bardsley could be present.

Myron Brankle stated that he will not be back.

*A letter submitted by Tim Canode (Treasurer of the SWCD) is attached to these minutes.

ADJOURN:

Kenny Cates made a motion to adjourn at 12:48 p.m.; Seconded by Pat Pinkerton, motion carried with support 4-0.

The next scheduled meeting to be held April 12, 2016 at 11:00 a.m.

Minutes recorded by Mary R. Weesner

Minutes approved:

*****ABSENT*****

Mark Bardsley

Gordon Gough

Richard Cox

Kenny Cates

Pat Pinkerton