

**GRANT COUNTY DRAINAGE BOARD
401 SOUTH ADAMS STREET
MARION, INDIANA 46953**

The Grant County Drainage Board meeting was held May 10, 2016, in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:03 a.m. Other members present were Gordon Gough, Kenny Cates, Pat Pinkerton and Jim Todd, Grant County Surveyor; Richard Cox was not present.

APPROVAL OF MINUTES:

Kenny Cates made the motion to approve the minutes from the April 26, 2016 meeting as presented; Seconded by Gordon Gough. Motion carried with support 4-0.

APPROVAL OF CLAIMS:

Ramseyer Excavating \$2,500.00 Big Black; \$130,540 in the fund
Bair Excavating \$2,005.00 Maddox; \$2,002.17 in the fund
Enyeart Construction \$50,000.00 Barren Creek; \$130,724.00 in fund
CF Excavating \$660.00 South Prong of Dry Fork; \$4,265.72 in fund
CF Excavating \$232.00 Gossom Tile; \$2,556.12 in fund
Chronicle Tribune - \$14.87 Landess Tinkle; \$3,504.71 in the fund
Chronicle Tribune - \$14.87 Wybrew Flanagan; \$2,455.37 in the fund
Chronicle Tribune - \$14.34 Gossom Tile; \$2,324.12 in the fund
B&S Trucking - \$919.72 Potter Ditch; \$16,892.48 in the fund

Pat Pinkerton made the motion to approve the claims as presented; seconded by Gordon Gough. Motion carried, with support 4-0.

OLD BUSINESS:

Dollar General

Gordon Gough address the rest of the Board stating that he has spoken to Steve Deel of Fairmount regarding the engineer that stated the tile the water

was being dumped into is only three years old; but after talking to Steve Deel, Gordon found out that the tile is more like thirty years old. Gordon wanted to make the Board aware that this is not a new tile as indicated at the last Drainage Board meeting. Jim Todd added that the sewer maintenance department had a question whether or not it would work, even with the retention. Jim added that the Board could rescind their vote. Pat Pinkerton stated that the age of the tile was one of the conditions. Kenny Cates added that Fairmount is supposed to send a Hold Harmless Agreement to the Drainage Board regarding this tile. Kenny added that the Board does not want the responsibility of getting the water from their lot to the Dillon Ditch.

Little Crane Pond

Jim Todd informed the Board that he thinks there is only one big tree left.

Crane Pond Sub-division

Jim Todd explained to the Board that Ms. Keefe has had an ongoing drainage problem on her property. The water is catching on the southwest corner of her property. Jim showed the Board the path the water is taking (In a plat). Deborah Keefe, 2621 West Chapel Pike Lot 1 in Crane Pond Sub-division, Marion. Ms. Keefe was present before the Board. Ms. Keefe stated that she had purchased her home in February of 2010 from Allyn & Julie Beekman, with Sally Jenks of ReMax Realty as the realtor. Sally Jenks was the original home owner that had the home built at that location. No one disclosed the water issues with the property or the flood problems that occur when Ms. Keefe had purchased the home. She did have a home inspection when she purchased the home, but they could not inspect the ground because of the snow coverage at the time (February 2010). She added that when the snow melts, her yard floods and when there are significant rains, her yard floods. She added that over the past six years she has spoken with officials from Marion Utilities, Grant County Highway Department, Grant County Surveyors office and the Grant County Drainage Board. In January of 2015, she began having problems opening her new garage entry door that was installed in the fall of 2014. She then called the contractor that installed the door; they discovered damage to the foundation on the west side of her garage. She added that the front fascia of her brick siding has shifted and cracked from the damaged

foundation. The damage occurred due to all the excess water freezing and thawing. She added that her front porch steps have also pulled away from her foundation. Ms. Keefe stated that she has been in contact with Marion attorney Joe Keith Lewis regarding her drainage issues. Mr. Lewis had sent her a certified letter the next day; she then passed the letter for the Board to read. The letter stated that Mr. Lewis was declining to represent her regarding her water run-off issue. He recommended that she find an attorney that deals with this topic, she has been in contact with a different attorney who is from Fort Wayne. Ms. Keefe stated that the attorney advised her to speak with the local Drainage Board and county Surveyor. She called Jim Todd and he went to her home, with a plat map and tried to locate drainage on her property; there was no drainage on her property. Ms. Keefe added that she has talked to Jay Tinkle, the housing addition association; Mr. Tinkle said that there were other land owners with drainage issues as well. She asked about her association dues, they are \$60.00 per year; she was told that money is used for care of the trees. She would like a copy of the drainage laws of Indiana. She has pictures that she showed the Board. She has replaced her foundation blockage, just to get her through. She has also replaced her 4" gutters with 6" gutters and moved her down spouts further from the home to help divert the water. She had to have 5 trees taken out due to the excessive water. Jim Todd stated that she needs a deeper open ditch on her property. She stated that the city placed a 9" drain pipe across the road to a ditch; this helped a little, but not much. Pat Pinkerton stated that on the 1992 topography it shows that the old farm ground flowed through there at an angle. Pat added that at some point, someone, possibly the developer, diverted the natural water flow to build a house on the site. Pat stated that he wonders about the house settling, he feels that they filled the lot in over what used to be the drainage area. Mark Bardsley stated that the county does not have an assessed drain that runs through this location and the Board only has jurisdiction over assessed regulated drains. Mark recommended a petition to the land owners to have a public hearing so that the Board may put in a county drain and then the Board would have jurisdiction; but as a practice, because it is in the city limits, the Board will vacate a drain within the city limits, giving the city control. Jim Todd asked Pat Pinkerton if he felt that the city could run a perimeter drain where the gravel is. Pat replied that it is private property and city will not get

involved with private property. Ms. Keefe stated that by Indiana drainage law, other people's water cannot build up on someone else's property; Mark Bardsley informed her that no one can build an obstruction that would cause a buildup of water on some one else's property. Pat Pinkerton explained that everyone's water drains somewhere. Kenny Cates stated that the Board understands what her problem is but, there is not a regulated drain and this is private property, and she is in the city limits. Gordon Gough feels that this is not a county problem, but the home owner's association problem. Mark Bardsley reiterated that the Drainage Board has no jurisdiction over this matter; Pat Pinkerton agreed, adding that it is private property. Pat added that it appears from the topo map that the ditch ran diagonally across her property at one time, her house is on top of the old ditch, that would explain the house settling. Pat explained that over time, the fill will settle. Ms. Keefe will speak again with her attorney. Mark Bardsley added that if her attorney needs to ask questions to the Board or the Surveyor, they would be glad to talk to him.

NEW BUSINESS:

There is no new business.

OTHER BUSINESS:

Milner & Moon – Public Hearing

Jim Todd stated that the current assessment rate on the Milner & Moon tile is .25¢ per acre with a minimum of \$5.00. Due to the increased cost to maintain this drain, the Grant County Drainage Board would like to raise the assessment to \$10.00 per acre with a \$150.00 home site and a \$150.00 minimum assessment with an eight year collection. At the current rate, it only brings in \$99.41 per year the tile was installed in 1938 and there are 246.62 benefited acres. With the new proposed rate, it would bring in \$4,091.60 yearly. Pat Pinkerton asked how much is currently in the maintenance fund; Jim replied there is \$144.61. Gordon Gough stated that he is on this watershed and the tile is overloaded. Gordon added that he put in new tile about four years ago that catches a lot of water. Gordon said that even though it does not handle a lot of water, it still needs maintained. Kenny Cates made the motion to approve the advertised rate of \$10.00 per acre with a \$150.00 home site and a \$150.00

minimum with an 8 year collection. Seconded by Pat Pinkerton, motion carried with support 3-0, with Gordon Gough abstaining due to having land in the watershed.

Furman Tile – Public Hearing

Jim Todd stated this tile was installed in 1887. That the current assessment rate on the Furman Tile is \$3.50 per acre with a minimum of \$5.00. This watershed brings in \$524.21 yearly. Due to the increased cost to maintain this drain, the Grant County Drainage Board would like to raise the assessment to \$10.00 per acre with a \$150.00 home site and a \$150.00 minimum assessment with an eight year collection. The advertised rate would bring in approximately \$2,384.50 yearly with 177 benefited acres. There is currently \$234.00 in the maintenance fund. There was one letter of objection from Iona Losure. This letter includes two parcels that include a home site with thirty-one acres and one with 24.72 benefited acres; this acreage opposing is 14% of the total benefited acres in the watershed. Mrs. Losure is in the process of selling this house and does not wish to have any maintenance done at this time.

Scott Miller 11215 W 650 S-90, Warren, Indiana. Mr. Miller stated that he is not sure that he is in the Furman Tile watershed. Jim Todd informed Mr. Miller that he does have five acres that benefit the Furman Tile watershed. Mr. Miller thought his water went to the legion. Jim will check this out and let Mr. Miller know if he is in the watershed. Gordon Gough made the motion to approve the proposed rate of \$10.00 per acre with a \$150.00 home site and a \$150.00 minimum with an 8 year collection. Seconded by Pat Pinkerton, motion carried with support 4-0.

Drain Maintenance/GDIF

Darren Bates of Data Pit Stop, Inc. 3800 W. Russell Court, Muncie, Indiana. Mr. Bates handed out a report to the Board members detailing his findings through researching the ditch maintenance books. Mr. Bates began with the NBD/Union/Planters bank loan. He stated that from 1998-2005 the bank had gone through different names as it kept getting bought out. This loan was for twelve drains (they are listed at the bottom of hand-out). Mr. Bates noted that none of the interest from this loan was ever factored back into the drains themselves; therefore, it was never collected back into the fund totaling

\$183,411.87 for the interest. Mr. Bates stated that over the past thirty years that he researched, there were many drainage board secretaries (12-18). He added that when claims are sent to the auditor for payment, if the funds are not readily available, we are to send the fund into the red and we are not to use the GDIF (General Drain Improvement Fund). The auditor's office will loan the drain the funds from the GDIF to cover the claim and then reimburse the GDIF when the funds are collected. Mr. Bates stated that there are many counties that have been using GDIF instead of putting the ditch fund into the red. The surpluses in the reconstruction funds will be moved to the appropriate maintenance funds, deactivating the reconstruction funds that are not being used. He reviewed the many drains that are listed on his report (this report is attached to these minutes in the Drainage Board office). Mr. Bates recommended that all the reconstruction be put on maintenance to establish the maintenance account; this does not mean that it would collect just because it has been put on maintenance. Any excess from the reconstruction fund would then be moved to the maintenance fund after the reconstruction is completed. He explained the maintenance account, is the 2700 account, 2600 account is the reconstruction account and the 1185 account is the GDIF account. Regarding the \$300,000.00+ of interest that was earned, Mr. Bates will apply this to the drains that have earned the interest since the Board did not actually vote to have the money put into the GDIF. Jim Todd agrees to the idea of applying to the actual drain rather than the GDIF. Jim Todd asked if the Board needs to vote on the transfers; Mr. Bates stated that a vote would be needed. He also stated that at any time there is any work done on a ditch that exceeds \$1,500.00 the Board must establish a maintenance fund for that drain. He had asked the Board if they wanted to make the last two payments of the ten year loan for Little Creek, saving about \$3,800.00 in interest. Right now, there is \$56,967.93 in the Little Creek fund, There is \$26,442.83 in the red for the recon fund. If the Board agrees to pay off the loan, the Little Creek fund would be in the red for \$4,870.00; but it is collecting this year, which would take it back out of the red. Mr. Bates, Mary Weesner and Tammy Miller will meet to produce the claims to make the necessary transfers. He recommends paying off the ten year loan, Gordon Gough agreed. Pat Pinkerton made a motion to pay off the Little Creek loan; seconded by Kenny Cates. Motion carried with support 3-0; with Gordon Gough abstaining due

to have land in the Little Creek water shed. Mary Weesner will get with Tammy Miller for the pay off as of Thursday, May 12, 2016 and complete the claim so that it may go before the Commissioners on Thursday, May 12, 2016.

Grassy Fork

Gordon Gough informed the Board that there was a wash in; they had Eric Bragg from Bragg Excavating come take a look at the situation and give a bid for repair. Gordon added that there is approximately \$2,500.00 in the fund, not counting the spring 2016 collection. The cost for repair would be \$4,405.00. Gordon is recommending that the Board allow Eric Bragg to fix it and pay what we can; if necessary, Gordon stated he would pay the difference and then be reimbursed when the money comes in. Mark Bardsley stated that he feels the Board needs to authorize this payment, putting the fund in the red; then the GDIF would loan the money to the maintenance fund for Grassy Fork and then the collections would pay that back to the GDIF. Jim Todd stated that Grassy Fork is collecting this year, bringing in \$2,100.00 this year. Kenny Cates made the motion to allow Bragg Excavating to do the work on Grassy Fork, temporarily putting fund in the red; seconded by Pat Pinkerton. Motion carried with support 3-0, with Gordon Gough abstaining due to land in the water shed.

Ballinger Drain

Steve Holtzleiter is present before the Board. Jim Todd explained that there was a reconstruction in 1997. Mr. Holtzleiter discovered that the old existing line that goes to the highway is bad, approximately 175 feet. There is no current maintenance. The Board has agreed that if he keeps his bills for materials only, the Board may be able to reimburse him in the future if this is ever put on maintenance. Gordon Gough made the motion to allow Mr. Holtzleiter to work in the easement and possibly be reimbursed if the Ballinger Drain is put on maintenance; seconded by Kenny Cates. Motion carried 3-0. **Pat Pinkerton left the meeting at approximately 1:30 p.m., before the motion was made.

ADJOURN:

Kenny Cates made a motion to adjourn at 1:51 p.m.; Seconded by Gordon Gough, motion carried with support 4-0.

The next scheduled meeting to be held May 31, 2016 at 11:00 a.m.

Minutes recorded by Mary R. Weesner

Minutes approved:

Mark Bardsley

Gordon Gough

ABSENT

Richard Cox

Kenny Cates

Pat Pinkerton