

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

The Grant County Drainage Board meeting was held September 12, 2017 in the Grant County Council Chambers. Mark Bardsley called the meeting to order at 11:05 a.m. Other members present were, Kenny Cates, Pat Pinkerton and Grant County Surveyor Jim Todd. Gordon Gough was not in attendance.

**APPROVAL OF MINUTES:**

Kenny Cates made a motion to approve the minutes from the September 12, 2017 meeting as presented; Seconded by Pat Pinkerton. Motion carried with support, 2-0, with Mark Bardsley abstaining.

**APPROVAL OF CLAIMS:**

Jim Todd reviewed the claims as follows:

Chronicle Tribune \$28.68 Knotes Branch of Keaton Ditch; \$16.34 in the red  
Winger Farms \$674.73 Ten Mile Ditch; \$3,767.69 in the fund  
Winger Farms \$5,090.00 Pipe Creek; \$141,521.53 in the fund

Kenny Cates made a motion to accept the above claims as presented; Seconded by Pat Pinkerton. Motion carried with support 3-0.

Richard Cox joined the meeting at 11:12 a.m.

**\*Kenny Cates to abstain\***

Chronicle Tribune \$28.14 Keaton Ditch; \$5,826.98 in the fund

Pat Pinkerton made a motion to pay the Chronicle Tribune claim as presented. Seconded by Richard Cox; motion carried, with support 3-0 with Kenny Cates abstaining due to land in the Keaton Ditch water shed.

## **OLD BUSINESS:**

### Fadley & Owl

Jim Todd informed the Board that Mary Weesner is working with the Engineer, Brad Rayl setting the assessment amount. Jim stated that Mary has selected a hearing date that will work; Mary informed the Board that October 31, 2017 is the next available date that she could be ready. Mark Bardsley stated that there is an opening for the October 31<sup>st</sup> meeting. Richard Cox made a motion to set the hearing date for the Fadley & Owl for October 31, 2017 after the conclusion of the regular Drainage Board meeting. Seconded by Kenny Cates; motion carried with support 4-0. Mark Bardsley asked that Mary Weesner contact the superintendent of Oak Hill School System to advise him of the hearing date.

### Trenching Ordinance

Jim Todd asked that the Board read the advised trenching ordinance and report back the next meeting. Kenny Cates stated that he is happy with the revised ordinance. Mark Bardsley feels that they need to move forward with this ordinance. Kenny Cates made a motion to adopt this ordinance and ask the commissioners to make this a county ordinance. Seconded by Pat Pinkerton, motion carried with support 4-0.

### Hummel Creek

Mark Bardsley informed the Board that Gary Ott and he are playing phone-tag. Mark feels that he will hear from Mr. Ott soon.

### Little Creek

There is nothing new to report.

### Little Crane Pond

There is nothing new to report.

### Big Deer Creek

There is nothing new to report.

## Pollywalk

There is nothing new to report.

## Little Black Creek

George Detamore 6702 N 700 E, Van Buren approached the Board, Mr. Detamore stated that it has been brought up that Little Black Creek maintenance fund owes a substantial amount from a twenty year old bill. He noted that State Board of Accounts has missed this in their audits since the year 2000. Mr. Detamore does not think that this is all the county's fault. Mr. Detamore feels that the State Board of Account needs to take into consideration that since they (SBOA) missed it that many years. There are 133 parcels in Grant County on the Little Black Creek assessment roll; there are 96 new ones from the 1995 assessment roll. Mr. Detamore feels that the Drainage Board should talk to a lawyer to see what can be done about this debt. Jim Todd asked for the Drainage Board's approval to talk to Kyle Persinger and give him the history and have Mr. Persinger talk to the State Board of Accounts to see what can be done about this. Jim would like, in the meantime, for the land owners to come up with an amount that they are comfortable paying. Jim Todd added that people are accusing him of raising all the ditch taxes just to pay this old bill; that is not the case. Jim added that monies collected are only used on the ditch it is collected from. Mark Bardsley said that with the Board's consent, Jim can speak with Drainage Board attorney Kyle Persinger regarding this matter and he can report back at the September 26<sup>th</sup> meeting.

## **NEW BUSINESS:**

Poe Drain – Joel & Taylor Thomas 5850 S 150 E, Jonesboro

Joel Thomas is present before the Board today regarding the Poe Drain. Jim Todd informed the Board that he is here today to ask permission to tap into the Poe. Mr. Taylor has one of the branches that go through his backyard. This ditch was put in the year 2000 and he would like to utilize it to drain the water off of his property. Jim recommends that the Board give approval to do this. Richard Cox made a motion to allow Mr. Thomas to tap into the Poe Drain to drain his property. Seconded by Pat Pinkerton; motion carried with support 4-0.

## **OTHER BUSINESS:**

### Wigger Drain – Public Hearing

Jim Todd informed the public that there has been no money spent out of the Wigger Drain fund for years. There was accounting work done by the Auditor's office that discovered an old previous unpaid bill from a reconstruction in 1972. The rate is currently 55¢ per acre with a minimum of \$5.00 per year. Jim added that there was home sites added to the revised rate; he does not agree with this because then they are getting into a second tier. Already the people on this ditch are already paying a home site rate. The Wigger is in the red by \$568.96, it will take 8 ½ years to pay the arrears back at the current rate. Jim Todd added that there was one letter of objection that raised some valid points. The letter stated that they had a pond that held water back it helps the whole water shed. This land owner is here with some additional information. Jim added that the water shed is 122 acres and the original tile was put in the year of 1893. In 1972, they re-laid part of the tile and since then, some of the farmers have put in their own drain off to the side. Jim stated that they never request money to be spent from the maintenance fund; they did have some money in their fund, but this money was paid towards the 1972 reconstruction bill, still owing \$568.96. Jim said that there are only three home sites and they are already paying home site assessment on the Lugar Creek maintenance fund, he does not want home owners to pay more than one home site. Mark Bardsley asked what the annual collection brings in for the Wigger Drain; Jim informed him it brings in about \$60.00 per year. Mark asked how much of the Wigger is an open ditch, Jim answered that all 122 acres are tile.

Gary Owens 4453 E 300 N, Marion is present before the Board. Mr. Owens approached the Board with a map of the area. Mr. Owens has lived there since 1989 and is familiar with the drain and its history. He went on to explain that in 1972 they had abandoned the old tile and he has been paying a ditch assessment for; this tile goes across his property and then over to Tom Hix. Mr. Owens stated that they have been charged for a tile that they don't even get use out of. He added that when he dug his pond, he worked with Rick Wilkes of the Surveyors office in the 1990's, he hooked into the old tile and it did him no good. He added that when Mr. Wilkes had come to his property,

he was told that the tile was plugged both ways and did not work. Mr. Owens then cleared an area that was a swamp and Mr. Hix cleared some trees and now Mr. Hix is able to farm this land. But, this did cause a problem for Jerry Losure by running through Mr. Losure's tile, then Mr. Losure hooked them together and they are not even using the Wigger Drain. Richard Cox asked Mr. Owens what he would like to do; Mr. Owens stated that until this fund had come up in the red and then they took their money in the fund, paying about half of the arrears, he does not know if they should abandon this tile. Jim Todd added that this drain was not collecting for years since they have not used the money, but now, it is in arrears due to overlooked invoice. The records go back to 2006 and there has been nothing spent out of the account. Jim Todd wished they could transfer the money back that was paid towards the arrears and return the maintenance money back into the fund. Mark Bardsley asked Jim if this is considered a tributary to the Lugar Tile; Jim said that it is not. Kenny Cates stated that they should change the collection amount to \$2.00 per acre until the money is paid back and then the land owners can petition to vacate this tile at that time, if they wish.

Kenny Cates made the motion to change the maintenance rate to \$2.00 per acre and no home site with a \$10.00 minimum for a 4year collection; seconded by Richard Cox. Motion carried with support 4-0.

#### Carey's Tile of Brushy Run – Public Hearing

There is no public present regarding the Carey Tile of Brushy Run.

Jim Todd informed the Board that there are 14 home sites and a total of 80 acres. A few years ago, this was put on maintenance when it was discovered that it was broke down. They are already paying \$100.00 per home site but it was broke down under the church parking lot and the highway department charged for the tile but they did the work themselves; then they had to remove tree roots and run it across the yard, it then outlet on Jerry Losure. This maintenance fund is now \$8,269.38 in the red. The town has a bad flooding problem and this was the only solution to get this to drain. There is one letter of objection stating that this is a hardship. The current rate is \$1,808.00 per year which included a \$5.00 per acre, \$100.00 per home site and a \$5.00 minimum. Mark Bardsley asked Jim what is the shape of the

ditch; Jim replied that there are a few spots that could break down but it has been mostly redone and is in good shape now.

Richard Cox made a motion to approve the rate as advertised; \$10.00 per acre, \$150.00 per home site and a \$100.00 minimum for an eight year collection. Seconded by Pat Pinkerton, motion carried with support 4-0.

#### Winger Ditch – Public Hearing

There is no public present regarding the Winger Ditch.

Jim Todd informed the Board that with the spring's flooding; they did have Bragg Excavating out there for \$1,994.00 and Byron Cook out there for a cost of \$1,090.00. This ditch is at a low rate with 590 acres at the new rate would bring in \$6,760.00. There are 5 home sites. There was one letter of objection offering to pay \$50.00 per home site. Currently this ditch brings in \$600.00 per year. The current rate is \$1.50 per acre, \$3.00 per roadway, 75¢ per woods and \$10.00 per home site. Richard Cox feels that \$50.00 per home site is fair, stating that \$150.00 is too high. Pat Pinkerton made the motion to change the assessment to \$10.00 per acre, \$50.00 per home site with a \$50.00 minimum for an eight year collection; seconded by Richard Cox. Motion carried with support 4-0.

#### Poe Drain – Public Hearing

There was no public present for the Poe Drain.

Jim Todd explained that the Poe Drain was put in new in the year 2000. The current maintenance is \$20.00 per home site with a minimum of \$20.00. This is mostly the sub-division and very little farm land. There are 9.7 acres and 37 home sites. The current collection brings in \$780.00 annually. It has gone years without needing any work since it is a newer drain. At one time they did have a problem, Bragg Excavating had to jet leaves and stuff that had gotten in to the drain, costing \$462.00. Recently, the Auditor had found that because of the reconstruction that there is still a \$6,472.00 owed. After we paid this off, it is now in the red by \$1,233.88. Jim added that because this is new and was put in the year 2000, he does not feel the Board should approve the \$150.00 home site; Mark Bardsley agrees that the proposed rate is excessive. Mark feels that \$40.00 per home site would repay the debt and build up the fund for future needs, if necessary. Richard Cox suggested

\$50.00 per home site, Jim Todd agreed. Richard Cox made a motion to change the assessment for the Poe Drain to \$50.00 per home site with a \$50.00 minimum and a four year collection. Seconded by Kenny Cates, motion carried with support 4-0.

### Cassius Smith Drain – Public Hearing

Jim Todd informed the public that the Cassius Smith Drain is not in the red, but the collection rate is only 30¢ per acre ever since the 1970's. Jim added that at this time, there is no home site rate. There were a lot of objections for the new rate; there were 11 of 22 (50%) home sites objecting and 548.022 of 1,046.445 (52%) acres objecting. Jim added that the Cassius Smith has a lot of natural fall until the water gets away. This fund has built up to \$1,744.00 over the years since there has been no money spent for years as the farmer have been taking care of it themselves.

### Jackie Sheets 10015 E 1000 S, Upland

Mrs. Sheets is in front of the Board regarding the Cassius Smith Drain. She suggested that they abandon the Cassius and let the land owners take care of it themselves because the rate that is being proposed is excessive. Mrs. Sheets also recommended possibly a home site rate without a per acre rate. She asked that if they do not abandon this drain that she would like for all the properties to be double-checked and verified. Jim Todd explained to her that he has verified the water shed and has even removed a home site from the existing records. Mark Bardsley explained that one of the things that he and the Board has talked about is that as a county, on open ditches where brushing needs to be done, they have been working to increase the assessment in order to require that every three or four years (as needed) they start spraying and knocking down the brush so that it is just a part of the maintenance. Mrs. Sheets said that would bring up another problem regarding the spraying. She would like to have her property organic and not be sprayed. Jim Todd informed her that in the past that when it has been requested for spraying for brush kill, it has been just the stuff in the channel or along the bank. Jim added that as long as there isn't stuff growing up in the channel blocking off people's water; they would not have to spray anything on the top of the bank. Jim added that the trouble is the trees and shrub that is planted in the right of way in the easement is at the discretion of the Board. Jim Todd explained that if the land

owners want to table the Cassius Smith at this time and petition for a vacation of the drain to go to another hearing. The Cassius Smith would then become a natural stream and the land owners would be responsible for taking care of their own property. Jim Todd read the following objections:

Teresa Picco	4.54 + HS
Joe & Susan Gall	89.30 + HS
John Horine	8.66 + HS
Jacqueline Sheets	60.11 + 2 HS
Tami Wagoner	4.00 + HS
WM Jackson Farms	19.27
Wm Niswander	105.50 + 2 HS
Jeffrey & Kyle Gall	178.01 + 2 HS
Donald & Bobbie Brankle	74.5
Rodney & Sharon Eib	4.132 + HS

Joe Gall 9995 S 1100 E, Upland

Mr. Gall approached the Board stating that he would like to see the Board just stick with the current rate of 30¢ per acre with a minimum of \$5.00 since they do have a balance in their maintenance account and the ditch is in good shape. Jim Todd stated that is what the letters from the farmers stated and that they all maintenance the drain on their own property themselves. Jim feels that the rate should be raised to \$1.00 per acre, waiving the home site rate. Richard Cox stated that if they are considering abandoning the drain, there is no reason to raise the rate at all. Jim agreed with Richard. Mr. Gall would rather leave it as a county ditch and maintain the rate that it is at currently. Kenny Cates asked Mr. Gall if he feels that the drain will need any work on it in the near future; Mr. Gall stated the drain is in very good shape. Kenny asked him about the trees, Mr. Gall stated it is in very good shape and the water gets away. Mark Bardsley asked Jim Todd that since he walked the ditch and looked at properties, does he have any concerns with the ditch regarding repair or upgrade; Jim replied that he had no concern. There is currently \$1,744.00 in the fund at this time, but the fund has not been touched in years. Mark Bardsley stated that in his opinion, the Board has reached out to the land



owners on the Cassius Smith and over 50% have stated that they object to the increase, we know that we have good fall and have made it known to the land owners that this is not very much money to have in their fund if there should be an issue and they are inclined not to change, he feels we should leave it like it is. If in the future the land owners want it raised, they may request another public hearing. Richard Cox made a motion to leave the rate as it is on the Cassius Smith Drain; Seconded by Pat Pinkerton. Motion carried 4-0.

William Niswander 11535 E 900 S-27, Hartford City

Mr. Niswander approached the Board stating the Cassius Smith runs through his property. He added that he would like to keep it an open county ditch.

## **ADJOURN:**

Kenny Cates made a motion to adjourn at 12:26 p.m.; Seconded by Pat Pinkerton; motion carried with support 4-0.

The next scheduled meeting to be held is September 26, 2017 at 11:00 am

Minutes recorded by Mary R. Weesner

**MINUTES APPROVED:**

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MARK BARDSLEY

**\*\*\*ABSENT\*\*\***

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GORDON GOUGH

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RICHARD COX

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KENNY CATES

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PAT PINKERTON