

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

The Grant County Drainage Board meeting was held August 29, 2017 in the Grant County Council Chambers. Vice-Chairman Gordon Gough called the meeting to order at 11:00 a.m. Other members present were, Kenny Cates, Richard Cox, Pat Pinkerton and Grant County Surveyor Jim Todd. Mark Bardsley was not in attendance.

**APPROVAL OF MINUTES:**

Kenny Cates made a motion to approve the minutes from the August 8, 2017 meeting as presented; Seconded by Pat Pinkerton. Motion carried with support, 4-0.

**APPROVAL OF CLAIMS:**

Jim Todd reviewed the claims as follows:

L&W Cates Excavating \$1,380.48 Haw Run; \$1,210.09 in the fund  
L&W Cates Excavating \$299.04 Cart Creek; \$32,749.04 in the fund  
Buck Landscaping \$1,060.00 Solms Ditch; \$10,184.30 in the fund  
Buck Landscaping \$240.00 Solms Ditch; \$10,184.30 in the fund  
Chronicle Tribune \$15.28 Harper Ditch; -\$24,535.19 (in the red)  
Chronicle Tribune \$15.81 Aaron Newby; \$519.76 in the fund  
Chronicle Tribune \$16.35 Maddox Open Ditch; -\$1,020.39 (in the red)  
Chronicle Tribune \$16.35 Galatia Tile; -\$25,827.76 (in the red)  
Chronicle Tribune \$16.35 Matthews Drain & Tile; \$7,308.39 in the fund  
Chronicle Tribune \$15.28 Cassius Smith Drain; \$1,744.66 in the fund  
Chronicle Tribune \$15.81 Winger Drain; -\$1,322.47 (in the red)  
Chronicle Tribune \$30.82 Cleopas Haines; -\$18.49 (in the red)

Eads & Son Bulldozing \$1,154.98 Norton Branch; \$2,699.79 in the fund  
Spitzer Herriman \$380.00 Little Crane Pond; \$21,414.65 in the fund

**\*Kenny Cates abstain\***

L&W Cates Excavating \$1,050.00 Taylor Creek; \$42,901.14 in the fund

Richard Cox made a motion to pay the L&W Cates claim as presented. Seconded by Pat Pinkerton; motion carried, with support 3-0 with Kenny Cates abstaining.

Jim Todd reviewed the other claims with the Board. Pat Pinkerton made a motion to approve the claims as presented. Seconded by Richard Cox; motion carried with support 4-0.

**OLD BUSINESS:**

Burge Tile

Dave Fox from the Sweetser Town Board is present before the Board. Jim Todd informed the Board that he and Mark Bardsley had met with the Sweetser Town Board several months ago. The current assessment is at \$3.00 per acre with a \$5.00 minimum and it is currently in the red by \$2,284.00. Jim clarified that this assessment needs to be raised, but he would like a recommendation from the Town Board and hear what they have to say. Mr. Fox asked the Board how the maintenance fund for the Burge Tile is in the red. Jim Todd explained that about the General Drain Improvement Fund and how the Board is able to use funds from the GDIF to keep drains maintained when there is no money in the drain fund. Jim informed Mr. Fox that the Drainage Board secretary, Mary Weesner could produce the records showing what was done and when. Jim stated that there is very little farm land out there and the home site rates go from \$25.00 to \$150.00. Jim recommends that the town board gets together and tries to figure a good rate and then they could make necessary funds. Mr. Fox asked how long this collect; Jim explained about the four year vs. eight year collections. Jim added that generally, they will always collect since funds are being used to maintain the drain. Mr. Fox asked Jim Todd what he recommends to do to move forward;

Jim stated that he would rather the town board come up with a rate they are comfortable with. Jim added that we could send him an assessment roll of the Burge Tile. Mary Weesner will email the current assessment roll to Mr. Fox.

### Little Black Creek

Jim Todd stated that after their discussion a couple weeks ago, he has done some more research on Little Black Creek and he has talked to Mr. Green. Jim explained that while researching this matter, he looked at the assessment roll that was turned in years ago (1998). On this assessment, there was a typo made by the previous secretary that stated it was a maintenance hearing instead of a maintenance/reconstruction/ therefore, it was only billing for the maintenance. Upon reading the assessment roll, it showed that it should be billed for \$22.37 per acre. The Auditor billed the \$1.00 per acre, but never questioned why there was a reconstruction amount on it as well as a maintenance amount. If the Auditor at the time would have brought it back to the Surveyor and questioned why the assessment roll had a reconstruction rate as well as a maintenance rate on it, they could have corrected the typo to read Maintenance/Reconstruction assessment to be billed, as it was meant to in the first place. Jim could have gotten it recertified and it would have billed as it was meant to bill and it would have been ok. Jim Todd also stated that the State Board of Accounts comes in every couple of years and audits the books and they never found it either. Jim added that by going back on the records, Mr. Brankle was saying that they had done something with the money; Jim had gathered all the claims from Mr. Brankle's request. Mr. Brankle had spent \$17,592.00 out of the maintenance fund over the years; claim amounts are as follows: \$2,432.00, \$5,500.00, \$9,060.00 and \$600.00. This was on the west side of I-69 and more people than Mr. Brankle benefited from this, but he is the one that came to the meetings requesting the work be done. The work was done and the claims were paid. Mr. Green had spent \$9,150.00 from the Little Black Creek maintenance fund. Jim Todd added that it is very unfortunate that this never was brought to the Drainage Board's attention. Gordon Gough added that they knew they got it constructed, he wonders why they were not attending meetings asking about the bill for this work that was done. Gordon added that they have the benefit of the work without paying for it. Jim Todd added that he has postponed the

October 31, 2017 public hearing because he had talked to Huntington County surveyor Jay Poe and there is acreage that comes in from the McKee Drain and down through Honey Creek. Huntington County waived their rights the last time but that does not mean that they will waive them this time. Jim informed the Board that we need to send them a letter requesting that they waive their rights this time or for a Joint Board. Mr. Green has been the spoke person for this; there are still some trees that are down on the east side.

Mr. Green 9565 E 600 N, Van Buren is present before the Board. Mr. Green stated that he is on the lower end of Little Black Creek and he feels that they did not get any benefit from this reconstruction; they did the reconstruction from I-69 back to the upper end. Mr. Green added that they gained all the water to the lower end. He feels that it is wrong to charge the lower end the extra rate because they did not benefit. Jim Todd stated that they did take out log jams on his side and the sediment was removed, therefore the water came down on him faster. Jim stated that he thinks they backed it up because of the Environmental Management was bucking it on the east side from what he read. Jim recalls that the land owners wanted it brushed and dredged, Mr. Green agreed with Jim. Mr. Green added that when Manship came out there and surveyed the whole thing, this was mismanaged. Manship put stakes in Mr. Green's wheat field and drove railroad spikes into the trees. He added that IDEM dropped them from I-69 to the outlet. Awhile later, he had two spots in his ditch that were real cruse as far as water. Mr. Green stated that he went to Indianapolis and got his own permit to get this done. Jim Todd clarified that the maintenance paid for the work to fix the corners; that was part of the \$9,000.00 that was paid from the maintenance fund. Jim added that Mr. Green keeps his part up; he keeps it brushed and sprayed. Jim Todd added that he would like to make two assessment rolls; one that goes from I-69 to the east and one that goes from I-69 to the west. Richard Cox asked Jim if they can charge two different rates, Jim stated that he did not know for sure. Mr. Green stated that he feels if the Board can come up with a percentage for each side. Jim Todd will discuss with Mr. Green when to hold a hearing and also come up with a rate for each end of the ditch. Jim Todd added that the work was done and the bank was paid off by the General Drain Improvement fund, but the land owners did not pay for it as proposed.

## Fadley & Owl

Brad Rayl of Rayl Engineering and Surveying is present today. Mr. Rayl reminded the Board that at the last Drainage Board meeting they received bids from contractors regarding the Fadley & Owl for review. Mr. Rayl recommends that the bids be rejected due to a misunderstanding on his part; the upper end of the project was omitted from the plans and was not bid. Therefore the total project was not bid at that time. The Board will need to receive bids for the project following a positive public hearing. Upon reviewing the bids, Mr. Rayl was able to come up with some numbers for the project as they were trying to obtain to set the assessment rates. Mr. Rayl suggests that the Board reject the bids and stop holding the bonds for the contractors. Richard Cox asked Mr. Rayl if they could set a public hearing to get public comment with the numbers that he has figured to see if the public even wants to proceed or not before letting any more bids; Mr. Rayl stated he believes so since we have a better idea of the numbers, the numbers are higher than first thought. Mr. Rayl stated that he will get with Mary Weesner regarding the assessment roll and a suggested rate. Mr. Rayl added that he has come up with a new hard surface rate for Oak Hill Schools. Kenny Cates informed Mr. Rayl that Jason Holloway from Fort Wayne State Highway contacted him and Kenny informed Mr. Holloway that Mr. Rayl had sent the application for the permit for the State highway; Mr. Holloway told Kenny that he cannot do anything until it is decided whether they are going to bore or not. Mr. Rayl informed Kenny Cates that Mr. Holloway has never responded or acknowledged that he has not received anything from him, nor will he return Mr. Rayl's calls to him. Mr. Rayl added that it would be cheaper to bore than to deal with all the detours and traffic and delete the open cut. Mr. Rayl has a revised permit he will send certified mail to Mr. Holloway. Kenny stated that they just needed the cost to cross the highway and how they are going to proceed. Kenny Cates made a motion to reject the bids that were received regarding the Fadley & Owl; Seconded by Pat Pinkerton. Motion carried with support 4-0. Richard Cox added that he would like to have a public hearing before receiving bids to see if the land owners are interested; Mr. Rayl feels this is a good idea since the numbers are so high. Kenny Cates

feels that the contractors need more than two weeks to figure an accurate bid, Mr. Rayl agreed.

#### Little Creek

There is nothing new to report.

#### Little Crane Pond

There is nothing new to report.

#### Trenching Ordinance

The Board is waiting for the updated ordinance.

#### Big Deer Creek

There is nothing new to report.

#### Pollywalk

There is nothing new to report.

### **NEW BUSINESS:**

Dan Malott – 5096 N. Lagro Road, Marion is present before the Board.

Jim Todd informed the Board that Mr. Malott has been fighting a drainage issue for a few years. Jim showed the Board an aerial photo of the area in question. Jim reviewed the drainage pattern on the map with the Board. Where the water comes in, it is supposed to go into a main ditch across his field, but his neighbor has a very small tile that keeps plugging up and it cannot move the water and it backs up. There is also a concrete structure that is built up with soil and the water is running back to the road. Pat Pinkerton asked if this is a regulated drain, it is not. The highway department recommended that he come to the Drainage Board. Two years ago, David White from the highway department put in block and rip-rap (purchased by Mr. Malott) and built this up and he was able to farm through here again, but he was only able to farm it one year. He is able to stand in the washout now, every year it gets worse. The highway department told him that he would have to buy a larger culvert to put in, possibly a 48" tile. Jim Todd stated that there is no easement for jurisdiction and this is not a regulated drain. Jim added

that twice in the past, they tried to put this drain on maintenance but the public did not want it. Mr. Malott does not understand why it is now his responsibility when the highway department approved the tile size that is now in place. Jim Todd said that he would have Commissioner Mark Bardsley call Mr. Malott to see if there are any ideas from the Commissioners.

## **OTHER BUSINESS:**

### Knotes Branch of Keaton – Public Hearing

Jim Todd informed the public that the Knotes Branch of the Keaton consists of 332.34 acres of land benefiting. The proposed rate is \$10.00 per acre, \$150.00 per home site with a \$100.00 minimum; this would bring in \$4,284.33 annually. Gordon Gough stated that the public is welcome to speak for or against this rate. An unidentified women asked the Board, regarding her parent, is this a yearly amount to be paid or is it just a onetime payment; the Board informed her it is to be billed for an eight year collection. Adding that it will only shut off when the eight year cap is met. Kenny Cates added that by her mom's house there is a ditch that goes south; this ditch is broke down in several places and it takes money to fix this problem. The lady stated that her mom is on a fixed income. Jim Todd informed her that after the tile is in good shape, the land owners can petition the Board to lower the rate. She agrees that there is work that needs to be done. Kenny Cates explained that the money collected for this drain is only used on this drain.

David Devore is present before the Board. Mr. Devore stated that he has maps of the ditches and area for the public to view if they would like.

Kenny Cates made a motion to set the rate for the Knotes Branch of the Keaton to be \$10.00 per acre, \$150.00 per home site with a \$100.00 minimum for an eight year collection. Seconded by Richard Cox; motion carried with support 4-0.

### Keaton Ditch – Public Hearing

Jim Todd informed the public that the Keaton Ditch consists of 435.24 acres. If the rate is set at \$10.00 per acre, \$150.00 per home site with a \$100.00

minimum for an eight year collection, it would bring in approximately \$5,813.71 per year.

Phil Leisure approached the Board stating that his concern is the field right beside the highway, the south 2/3 of this field is ditched and does not go into the Keaton and does not feel he should have to support this. Jim Todd told Mr. Leisure that they have used the Keaton fund to keep that open ditch clean and brushed. The Keaton is a tile and an open ditch. Jim stated that some of his water goes to the open ditch and some goes to the tile. Mr. Leisure wants them to put the grade back in the side ditch when they do the work down through there, there is also a spill way. Kenny Cates told him that since that was put in, probably the 1970's, IMI went out there, they put a 4" gas line down the side ditch of this tile, there is also a fiber optic cable there. They cannot use a ditching machine that close to a 4" gas line. Jim Todd asked MR. Leisure how much surface dirt needs to be moved to get that water; he was told about half a foot. Richard Cox stated that he has heard about how it needs repaired and no one came forward saying the proposed rate was too much. Richard Cox made a motion to set the rate as published for the Keaton Ditch (\$10.00 per acre, \$150.00 per home site with a \$100.00 minimum for an eight year collection). Seconded by Pat Pinkerton; motion carried with support 3-0 with Kenny Cates abstaining due to having land in the Keaton Ditch water shed.

Kenny Cates is discussing a ditch that he and David Devore would like to do; he was told that they need to get three bids for the work.

Ditch balances in the red – Limit of negative balance

Gordon Gough stated that the Board needs to decide how far into the red they should allow a ditch fund to go before they stop. Kenny Cates recommended two years. The Board agreed. Kenny Cates stated the work will be a first come first served basis.

Richard Cox made a motion to not allow a ditch to get more than two years (of their collection) in the negative for doing work. Seconded by Pat Pinkerton; motion carried with support 4-0.



**ADJOURN:**

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

The next scheduled meeting to be held is September 12, 2017 at 11:00 am

Minutes recorded by Mary R. Weesner

**MINUTES APPROVED:**

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

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MARK BARDSLEY

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GORDON GOUGH

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RICHARD COX

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KENNY CATES

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PAT PINKERTON