

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

The Grant County Drainage Board meeting was held October 31, 2017 in the Grant County Council Chambers. Mark Bardsley called the meeting to order at 11:01 a.m. Other members present were Gordon Gough, Kenny Cates and Grant County Surveyor Jim Todd. Richard Cox and Pat Pinkerton were not in attendance.

**APPROVAL OF MINUTES:**

Kenny Cates made a motion to approve the minutes from the October 10, 2017 meeting as presented; Seconded by Gordon Gough. Motion carried with support 3-0.

**APPROVAL OF CLAIMS:**

Jim Todd presented the claims as follows:

Redman Excavating \$15,000.25 Dillon Winslow Tuttle; \$15,648.91 in the fund  
Ramseyer Excavating \$633.91 Unthank; \$8,397.16 in the fund  
Chronicle Tribune \$4.74 Little Black Creek-Exec. Session; \$81,372.08 in the red  
Peerless Printing \$127.46 Office Supplies; \$180.41 in the fund  
Chronicle Tribune \$15.28 New Prairie; \$5,652.48 in the red  
Van De Water Farms \$961.11 Brumfield Minnich; \$6,800.55 in the fund  
Byron Cook Excavating \$1,131.90 Potter Creek; \$22,400.04 in the fund  
Byron Cook Excavating \$350.00 Potter Creek; \$22,400.04 in the fund  
Byron Cook Excavating \$350.00 Pipe Creek; \$141,521.53 in the fund

Kenny Cates made a motion to approve the above claims as presented; seconded by Gordon Gough. Motion carried with support 3-0.

## **OLD BUSINESS:**

### Fadley & Owl

Fadley & Owl will be discussed later in the meeting with surveyor/engineer Brad Rayl of Rayl Surveying and Engineering in the public hearing.

Little Creek – Request future maintenance to cut the trees; \$2,127.63 in fund

### Little Crane Pond

There are no updates on Little Crane Pond at this time.

### Hummel Creek

There are no updates on Hummel Creek at this time.

Big Deer Creek – Terril Fetz = Request maintenance

### Little Black Creek

Mark Bardsley stated that the Drainage Board did meet with attorney Kyle Persinger regarding Little Black Creek and this information is still on hold as we are waiting for a recommendation from State Board of Accounts. There is no action to be taken at this point.

## **NEW BUSINESS:**

### New Prairie

Jim Todd informed the Board that Brad Rayl has this ready for bidding for maintenance clean-out and the last of the dredging on New Prairie and Galatia. Mr. Rayl would like to hold the bid letting for November 28, 2017 with the Board's approval. Mr. Rayl will work with Mary Weesner regarding the advertising.

### Lomax Ditch

Jim Todd stated that he talked with Wendell Cates this morning and he and Wendell are going to look at the Lomax, there are landowners that have concerns. Currently there is \$37,828.00 in the maintenance fund for the

Lomax. After the crops come off, Mr. Cates and Jim will look at the issues and evaluate what needs to be done.

### Barren Creek & New Prairie

Don Wright was on the agenda, but approached the podium stating that his question has been answered by Brad Rayl regarding the bid letting.

### Fadley & Owl – Dustin Stuffle – crossing

Mr. Stuffle asked to be on today's agenda, but was not in attendance. Jim Todd spoke on his behalf; it is a crossing for the solar panels for Oak Hill. Jim added that Mr. Rayl has recommended 3 of the 30" elliptical concrete pipes adding that each road that is put across the drainage easement in an impoundment of water, therefore we need to make sure to continue this water. Jim Todd passed a letter to the Board from Mr. Stuffle regarding the crossing. Jim asked Mr. Rayl if Mr. Stuffle had corresponded with him; Mr. Rayl stated they did have a phone discussion. Mr. Rayl stated that the only other option he can see would be to put nothing in but gravel if they keep it down to grade. Mr. Rayl stated that he had told Mr. Stuffle this but Mr. Stuffle just wanted to know what size pipe they would need and how many for an elevated crossing. Joel Martin of Oak Hill Schools stood in attendance and stated that he is aware of whom Mr. Stuffle is and that they have paid him to get this done. Mr. Martin added that Mr. Stuffle is the expert that is working with the Drainage Board to get this accepted. Mr. Martin stated that he has never heard talk of the gravel at surface height, adding that whatever the Drainage Board feels is acceptable is good for them. This is meant to be a maintenance access road that will not be heavily traveled. Kenny Cates stated that he would rather see a stone bottom down rather than 3 pipes, adding that if you put in concrete, if there is ever a problem, it would have to come out; Gordon Gough agreed. A motion was made by Kenny Cates, recommending that they use a drive through with a stone bottom; seconded by Gordon Gough. Motion carried with support 3-0.

### Isaiah Wall Tile & Hodson Branch – Public Hearing

Jim Todd informed the public that the current rate is \$4.00 per acre with an \$8.00 minimum with an annual collection of \$728.00. There is little over \$700.00 in the fund right now and the last time money was spent on the Isaiah Wall Tile & Hodson Branch was 2015 for \$886.00. This tile was installed in 1903 with about 181 benefited acres. There are currently no home site assessments. It is proposed to raise the rate to \$10.00 per acre with a home site assessment of \$150.00 with a minimum assessment of \$100.00 for an eight year collection instead of four. Jim Todd added that he has received one letter of objection stating this increase would cause a hardship.

### Harry Pearson 5901 N 200 W, Hartford City

Mr. Pearson is before the Board regarding the Isaiah Wall Tile & Hodson Branch representing the Oak Chapel United Methodist Church. He feels that the assessment is way too high. He would rather see the assessment at \$100.00 rather than \$150.00. Jim Todd asked what the home site rates are in Blackford County; Mr. Pearson replied that it is between \$10.00 and \$50.00. Jim Todd stated that he would rather see the home site reduced to \$50.00 instead of the recommended \$150.00 with the acreage rate at about \$8.00 with a \$10.00 minimum. Mr. Pearson stated that he knows the tile is over used, and needs attention, Jim Todd added it is a 15" that is down sized to a 10". Gordon Gough made a motion to set the Isaiah Wall Tile & Hodson Branch rate at \$10.00 per acre with a \$50.00 home site and a \$10.00 minimum with an 8 year collection. Seconded by Kenny Cates; motion carried with support 3-0.

### Fadley & Owl – Public Hearing

Jim Todd informed the public that the Fadley & Owl is currently on maintenance, but the maintenance has never been able to keep up the drain. There is 24" tile that is real old and was put in 1972. Jim added that we are here for a public hearing and that there are a lot of remonstrance's against the proposed rate of \$225.00 per acre for the farm acreage, residential lots would also be \$225.00. There are 21 of the 32 homes for a percentage of 65.63%, 613.553 of 1,005.963 of the benefited acre for a percentage of 60.99% and 26.127 of 38 hard surface acres for a percentage of 68.76% that have filed

remonstrance's against the proposed rate. Jim added that he had a lady call and inform him that there are a couple of her neighbors that did not get an assessment, adding that after checking further, there are 3 people that have been left off and will be added to the assessment roll.

Michael Mark 2251 N 700 W, Marion

Mr. Mark approached the Board stating that he is opposing his \$50,550.00 assessment on this project. If this is paid over the five year period, that would make it over \$55,000.00, which is a hardship for him. Mr. Mark added that consider this year was one of his better years even with all the rain, he does not see where he would be gaining from this project. Mr. Mark added that Middlesworth Farms had disconnected his tile from the top end and runs in a different way, straight into the creek; which is about 666 acres that is affected Max Middlesworth actually has 233.72 benefited acres in the Fadley & Owl)

. He feels that a 24" tile is sufficient to drain the 666 acres, with a few improvements; he feels that it would be a good tile for them. Gary Drook is already dredged the outlet out of his own pocket; there were grown trees and brush. He added that there are several blockages and is happy the Board voted to put the low level crossing with gravel for the solar panels due to several blockages. Mier Road has culverts that block up with corn stalks. He is not opposed to raising the maintenance assessment because the tile does need some work done. Kenny Cates asked Mr. Mark what he would suggest be done; Mr. Mark stated that he would like to see the surface water get away quicker and work on Tom Horner's section with new tile.

Joel Martin Oak Hill Schools, 1474 N 800 W, Converse

Mr. Martin is here representing Oak Hill School Corporation. He stated that he has signed and submitted an objection in a letter by Denise Alexander Pyle, Attorney at Law. Mr. Martin is formally objecting to the reconstruction project as described. Mr. Martin has spoken with engineer Brad Rayl and he now understands more now. He added that anytime that they have added to the property, such as a turf surfaces or parking lot they have involved an engineer to assist. He explained that Oak Hill does oppose this based on the fact that their assessment is just shy of \$250,000.00, which is extremely costly. Mr. Martin added that Oak Hill is happy to consider any options in

addressing the issues. He added that he is aware that the 24" was installed in 1972 and there is older tile as well. Kenny Cates stated to Mr. Martin that he

assumes that he is aware that the surface water has come down and gotten into the school; Mr. Martin stated that he is aware of this, but feels that this was due to the stalks that have caused the backup, adding that he has never seen this in his ten years at Oak Hill. Mr. Martin feels that something needs to be done with the stalks and debris that is causing this backup. Mr. Cates pointed out that there was 100 year rain event in 2015 and another in 2017. Mr. Martin replied that he is aware that there are issues, but maybe the design of culverts could help with some of this.

Tom & Carol Horner 13637 S 950 E, Converse

Mr. Horner stated that he can vouch for the horrible condition of the drainage going through his property, which is directly east of Oak Hill. He asked about the previous bid and if it was for the whole job; Mr. Brad Rayl responded that it did not cover all of the tile replacement to the east. Mr. Horner asked Mr. Rayl if the assessment that was sent out will cover the whole job, Mr. Rayl stated that it would indeed cover the entire project. Mr. Horner is concerned that if this does not go through that his problems will fall to the wayside and be forgotten. He added that something will have to be done going across him because every year it needs to be repaired. He has very large suck holes; something needs to be done for sufficient outlet. Gordon Gough asked Mr. Horner how many acres he represents; he replied that he has 122 acres. Jim Todd informed the Board that the tile is shallow on Mr. Horner's property and traditionally that is where it always breaks down and the maintenance is spent. The problem with speeding up the surface water per Jim is that even though David White of the Grant County Highway Department being on board, agreeing to put a bigger pipe under Mier Road, it will then get the last farm field and the surface flow will damage that last ground. Jim added that because of the lay of the land, they did discuss cutting an open ditch across Mr. Dook but if you cut across the swale of a property it will put the farm at an angle. Jim said if you try to put in a straight ditch you have to come up through the hill and turn it 90° and that is never good for an open ditch.

Max Middlesworth of Middlesworth Farms, 4711 W 200 S, Marion

Mr. Middlesworth stated that his assessment was \$52,700.00. Mr. Middlesworth informed the Board that he has been diverting his water away from the Fadley & Owl for at least ten years. He added that he has been turning his ditching maps into Jim Todd at the Surveyor's office. Mr. Middlesworth said that he would be more than happy to serve on a committee to help decide what needs to be done with the tile. He stated that within the next couple weeks, he will have zero water coming into this tile. He hates to think what would have happened if he had not diverted the water in 2002, the school may have been full of water. Gordon Gough asked him if he had changed the surface water; Mr. Middlesworth stated that he has catch basins and he is putting in more each year. He said he is certain that any rain under 1 1/2" does not even leave his farm. Mr. Middlesworth did not know if they intended on putting surface water into this tile. Kenny Cates asked Mr. Middlesworth if he has a 24" smooth core; he stated that he does. Kenny stated that a 24" smooth core would hold about 185 acres; Mr. Middlesworth stated that it would not due to the grade; it is on 3/10th of grade. He added that he very little water that leaves his farm, but with these rain events of 2" in only 20 minutes, then there would be water leaving his farm. He is currently putting in more surface drains. He added that he can hold about 2" of water if it hasn't rained in a week or so, and the more he drains the more he ditches, then the more he can hold. He added that Oak Hill has a 24" culvert under the highway and that probably is not enough for the rain events that we have been getting. Mark Bardsley asked Mr. Middlesworth what ditch he was diverting into; Mr. Middlesworth stated that he put his own in that goes into Pipe Creek.

Denise Alexander Pyle, Attorney at Law 2421 W 500 S, Marion

Mrs. Pyle is present before the Board representing the land owners that had signed in opposition to the proposed assessment along with her letter stating what the objections are (the list is attached to the minutes in the Drainage Board office). Mrs. Pyle stated that there should have been a long range plan for the collection of money for the proposed project. She stated that

everyone knows that Tom Horner's property has problems with drainage. She stated that a lot of the problem that we are having with corn stalks are modern technology, the stalks don't deteriorate like they used to, prior to GMO. She added that the engineering of the drain is not taking into consideration that we don't have the break up that we used to have. Mrs. Pyle added that while this does not fix the drainage problem, it does help us to understand why we are seeing more debris collecting and causing more water to collect on surface level. There needs to be a plan to help some people like Tom Horner, not just used patches. Mrs. Pyle stated that if Max Middlesworth is being over assessed for then you have to figure in the \$55,000.00 and this must be amortized among the remaining land owners. She added that Oak Hill is committed to do what they need to do on their ground to improve their drainage as they go forward. Mrs. Pyle stated that they need to start using the tools available to them to raise money. She said that there are parts of the county that qualify as blighted or lower amount of income areas that may receive some of the grant money out there. We need to look where the water flow issues and drainage issues and where there may be grant money available to them as well. Mrs. Pyle added that we put a tax on land owners, which they have not voted on the tax increase. She wants to work with others to try to find a solution to this problem. They could cover the cost better with fund raising. The land owners know that there is a drainage problem but they do not have the money to make necessary repairs.

Charlotte Beltz 7989 W. Mier Road

Mrs. Beltz approached the Board stating that she is opposed.

Don Lewis 1692 N 800 W 27, Converse

Mr. Lewis stated that he has been paying a ditch tax, adding that he has been told that he has three ditches going through his property. He would like to know where this ditch tax has gone; Jim Todd explained to him that the money has been spent on two 24" tiles. Mr. Lewis asked Jim why his proposed assessment is over \$200.00; Jim told him that he is in the water shed for the Fadley & Owl. Mr. Lewis would like to know how the project is going to affect him and his neighbors; Mark Bardsley responded that if you have a clean ditch and clean tile water can move off more quickly and not stand and pool on

properties. If there was saturation for people with septic, they would not be able to flush, things would not move as quickly as normal. Mark added that everyone in the water shed benefits if the water moves off more quickly.

Charlotte Beltz 7989 W. Mier Road

Mrs. Beltz reproached the Board. She stated that there is a ditch that runs along the road from State Road 13 down to "Bill's" property; Mark Bardsley informed her that is a highway ditch, not a drainage ditch. She asked if it has any effect on her property and then she said that when they put the bridge in, they blocked her ditch. She then asked how the proposed project going to affect her and her neighbors in Mier town. Mrs. Beltz then went on stating that the Board wants her to pay more on her taxes over a period of five years when it is of no profit to her. She said that she had the entire tile replaced because they were using that as a detour and busted all the tiles that alongside her house; she had to replace this tile at her cost. Mrs. Beltz stated that this assessment would cause a real hardship on her. Mark Bardsley asked her for her phone number stating that if she had damage as a result of the detour work, he added that they may need to follow up on that. She informed Mark that they would not pay for it because it was not a legal detour.

An unnamed individual approached the Board asking where the ditch money goes to and who gets it. Mark Bardsley informed him that it is used for dipping or tree clearing if trees are in the ditch and keep water flowing or even repair of suck holes. This gentleman stated that he is opposed to this before he sat down.

The public side of the hearing is closed and the Board will discuss the issue with Brad Rayl. Mr. Rayl introduced himself to the public as the engineer for this project and stated that he is not an advocate here. He gave a brief presentation regarding the drainage problem. He also explained surface water and sub-surface water. This proposed project is a sub-surface/sewer type of drain. Mr. Rayl stated that if you have a 4" rain in a 24 hour period in a 1,100 acre water shed and you figure the percentage, code stated that for a water shed of that size and you are building a bridge, the opening requirement would be 63.5 square feet; the current opening under State Road 13 is half of what is required.

Mr. Rayl had done an area comparison. Much of what Mr. Rayl said was inaudible to the recorder as his back was to the Board. Mark Bardsley stated that the limitation we seem to be having is that we have a five year requirement on a reconstruction; the Board has asked their attorney if there can be an extension on this time limit, whether it be through bonding or if can be done through another action. The real question that needs to be decided is one of three; the Board can out right approve the proposed assessment, the Board can table the public discussion until they hear from their attorney about what can be done or just deny this and basically start over. Mark stated that they need to determine are they really looking at a reconstruction of this when we are dealing with a school system because of the intricacy that is all there. The cost will put this into the reconstruction category; the question is how do we bring the cost down for the land owners and take care of the water getting it off so that water is flowing. Mark Bardsley added that what we have heard today is that we know we need the work done but the land owners do not want to do it at this price for five years. Mark asked the Board how they want to proceed. Gordon Gough said that the land owners know they have a problem, they do not want to pay to fix the problem and there is no free money to pay for it. Mark Bardsley asked the Board whether or not they looked into the possibility of an open ditch through the school area; Kenny Cates stated that he does not like the idea of an open ditch if a child should happen to fall in and drown. Brad Rayl said that an open ditch would hold a great capacity but the state highway would create quite the obstacle. Mark reiterated that it is a safety issue in not having an open ditch run through there. Gordon Gough pointed out that he has heard three people are for it and everyone else is against it; he addressed the public stating that they have a problem, the Board tried to help solve it and they don't like what the Board came up with, they can come up with a solution and bring it in front of the Board. Jim Todd said that before they have maintenance hearing and pick a rate, he would like for a committee to come up with a recommended rate as to what they would be comfortable with; the current rate of \$1.50 is not enough to maintain this ditch. Kenny Cates stated that the Board has worked on this for two years and he is done, they can get rid of their own water, Gordon Gough agrees since the public is against the reconstruction. Gordon Gough made a motion that considering the number

of people against this, they just drop the whole thing; seconded by Kenny Cates. Motion carried with support 3-0.

Mark Bardsley reiterated to the public that reconstruction has been voted down and that there will be no reconstruction at this time. A majority of people have voiced that there is a problem and that work needs to be done, but at this point, the work will not be done through a reconstruction. Any work to be done on the Fadley & Owl in the future will be done from maintenance. Kenny Cates stated that he would like Oak Hill School to understand that we have an easement through there and if they build on it, it could have to come down. Mr. Joel Martin stated that he understands. Mark Bardsley added that in the future there will need to be a maintenance hearing for the Fadley & Owl, but not at this time.

### **OTHER BUSINESS:**

There was no other business discussed.

### **ADJOURN:**

Kenny Cates made a motion to adjourn at 12:42 p.m.; Seconded by Gordon Gough motion carried with support 3-0.

The next scheduled meeting to be held is November 14, 2017 at 11:00 am

Minutes recorded by Mary R. Weesner

MINUTES APPROVED:

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MARK BARDSLEY

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GORDON GOUGH

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

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RICHARD COX

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KENNY CATES

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

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PAT PINKERTON