

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

The Grant County Drainage Board meeting was held December 12, 2017 in the Grant County Council Chambers. Mark Bardsley called the meeting to order at 11:02 a.m. Other members present were Gordon Gough, Kenny Cates, Pat Pinkerton, Richard Cox and Grant County Surveyor Jim Todd.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the minutes as presented from the November 14, 2017 meeting; Seconded by Richard Cox. Motion carried with support 5-0.

APPROVAL OF CLAIMS:

Jim Todd presented the claims as follows:

Peerless \$9.57 Office Supplies; \$52.95 in the fund

Chronicle Tribune \$28.68 Galatia Tile; \$25,843.28 in the red

Chronicle Tribune \$29.21 Maddox Ditch; \$1,034.30 in the red

Chronicle Tribune \$28.68 Aaron Newby; \$817.98 in the red

CPS Excavating \$805.00 Jocinah Creek; \$9,006.91 in the fund

Byron Cook Excavating \$1,212.50 King Kelly Ditch; \$19,502.26 in the fund

Byron Cook Excavating \$1,306.00 South Prong/Dry Fork; \$2,096.85 in fund

Byron Cook Excavating \$525.00 Fadley & Owl; \$7,259.70 in the red

Gordon Gough made a motion to approve the above claims as presented; seconded by Richard Cox. Motion carried with support 5-0.

Chronicle Tribune \$28.68 Grassy Fork; \$1,534.55 in the red

Chronicle Tribune \$28.68 Little Deer Creek; \$4,964.12 in the red

CF Excavating \$3,600.00 Big Deer Creek; \$3,733.58 in the fund

Kenny Cates made a motion to approve the remaining claims, seconded by Pat Pinkerton. Motion carried 4-0 with Gordon Gough abstaining due to having land in the Grassy Fork, Big Deer and Little Deer water sheds.

OLD BUSINESS:

Little Crane Pond – Nothing new to report

Hummel Creek – Jim Todd informed the Board that Matt Meade, the engineer for Hummel Creek, has contacted him regarding Hummel Creek. He would like to meet with Mark Bardsley but has been unable to make contact. Jim stated that he informed Mr. Meade that he recommended that he contact Mark Bardsley through email. Jim Todd has concerns that the DNR permit could expire, although the Board could get an extension if necessary. Mark Bardsley added that if Mr. Ott does not want to comply, then we will have to build a road alongside our easement and be responsible for the cost. Jim added that another option would be to go back to court and receive a court order to use that lane, adding that Mr. Meade would testify on the Drainage Board's behalf. Richard Cox asked Jim Todd which way would cost least; Jim responded that the environmental people did not want a road built through there and it was denied. Gordon Gough asked the Board if we could bill Mr. Ott for the process of removing the obstructions; the Board stated that we can collect this through his ditch taxes. Mark Bardsley stated that he would like a finding from the court as to whether the judgement included if the Board could use Mr. Ott's lane.

Big Deer Creek – Terril Fetz = Request maintenance – Nothing new to report.

NEW BUSINESS:

Fowler Ditch – Phil Chastain – New Private Crossing

Phil Chastain 18355 N 300 E, Summitville

Jim Todd explained that Mr. Chastain is before the Board today. He is interested in putting in a 10' pipe; the one north of him has been sized by the county. When you get to State Road 26, the pipe has a 58.5 square foot

opening; a 10' will have a 78.5'; Jim recommends the Board approve his request to put in a 10' pipe. Gordon Gough asked if this request is at the expense of Mr. Chastain, Jim Todd stated that it is. Richard Cox made a motion to allow Mr. Chastain to put in a 10' pipe in our easement on the Fowler Ditch at his cost; seconded by Gordon Gough. Motion carried with support 5-0.

OTHER BUSINESS:

Matthews Ditch – Public Hearing

Jim Todd informed the public that currently there are 1,199 acres in the Matthews Ditch, with an annual collection of \$1,643.00. The current rate is \$1.00 per acre with a \$5.00 minimum and the proposed rate is \$10.00 per acre, \$150.00 per home site with a \$100.00 minimum. The proposed rate would bring in \$26,097.00 per year. Jim Todd added that we did receive two letters of objections for 2 home sites out of 81 and 36.91 acres of 1,199.36 acres objecting. Pat Pinkerton asked Jim if this ditch is in the red at current time, Jim responded that there is actually money in the fund right now but, it is in dire need of work, needing more money than what is currently in the fund. Jim Todd added that he and Kenny Cates looked at the Matthews Ditch this spring and it needs brushed and dredged. Mark Bardsley opened the meeting for the public to speak in regards to the proposed maintenance assessment.

Lewis Jackson 3018 S 700 W, Swayzee

Mr. Jackson stated that the proposed rate for the Matthews Ditch is excessive, he feels that halve of the proposed amount would be more reasonable. Mr. Jackson understands that this ditch needs work, adding that about five years ago, Kenny Cates and several of the land owners did part of it themselves; Kenny Cates informed Mr. Jackson that it has actually been eight years ago. Cathy (last name was inaudible and could not find any Cathy's on the current assessment)

Cathy is here representing her parents. She asked the Board if there is any home exemptions for her parents, Mark Bardsley informed her that the home exemption is for property taxes and does not apply to ditch taxes. She then asked Mark how much exemption her parents can claim on their home in

regards to their property taxes; Mark told her that is something that she would have to ask the Auditor's office. Cathy agrees that halve is a good amount. Jim Todd added that in the future they will be raising the assessment on Taylor Creek and they need to try to keep these amounts the same, recommending maybe \$30.00 per home site. Jim feels that the rates need to be the same so that the town will be paying same amount whether they are east or north. Kenny Cates feels that \$5.00 per acre seems ok and maybe \$50.00 per home site.

David Devore

Mr. Devore is present before the Board stating that he has a few questions. Mr. Devore asked if the money starts coming in, does somebody need to propose to the Board to start the dredging process for cleaning up the ditch; Jim Todd replied that the Drainage Board will initiate the process. Jim added that he and Kenny Cates have checked out Matthews Ditch and stated that it does need done and is on the agenda to be done. Mr. Devore asked Kenny if the work could be done on the opposite side; Jim replied that it could be switched. Mr. Devore stated that the guys that live way out in the woods have told him that the pipes are way undersized under the railroad tracks, wanting to know if there will ever be a reconstruction to put in bigger pipes under the railroad track; Mark Bardsley stated that the Drainage Board cannot do that, it has to be done through the rail road. Jim Todd stated that he has met the lead person for the railroad, called the Road Master, and has his contact information. Mr. Devore stated that he knows this ditch needs work and also that it takes money to complete the work that is needed.

Gordon Gough made a motion to set the rate for Matthews Ditch at \$5.00 per acre, \$50.00 per home site with a minimum of \$50.00 for a 4 year collection. Seconded by Pat Pinkerton; motion carried with support 4-0 with Kenny Cates abstaining due to have land on the water shed.

Richard Cox wanted it to be noted that when the time comes for Taylor Creek's hearing, that the rate should be about the same as Matthews Ditch.

New Prairie – Public Hearing

Jim Todd informed the public that his office did not receive any objections for New Prairie regarding the proposed rate. Jim stated that this was set on a higher maintenance and started at the county line replacing it. Joe Seward was the last person to replace the section to the good concrete that was put in during the 1960's on the Vektor property. Jim Todd feels that the proposed assessment of \$10.00 per acre, \$150.00 per home site with a \$100.00 minimum is too high. This tile does need to pay back to the General Drain Improvement Fund for the arrears from the maintenance. Jim added that there are 101 acres with 13 home sites. Jim added that this is all new tile for the length of it until you get to the end farm field and it is good concrete. He does not feel that there will need to be much maintenance for this ditch. Richard Cox asked Jim what the current rate is, he replied that it is \$2.00 per acre with a minimum of \$5.00. Jim Todd recommends a rate of \$7.50 per acre, \$25.00 per home site with a \$25.00 minimum with a 4 year collection. There was no public present to speak regarding the rate increase for New Prairie.

Gordon Gough made a motion to set the rate at \$7.50 per acre, \$25.00 per home site and a minimum of \$25.00 for a 4 year collection. Seconded by Pat Pinkerton, motion carried with support 5-0.

Drain Maintenance

Darren Bates is present before the Board stating that there has been a lot of discussion regarding Little Black Creek and the \$105,000.00 that got moved over from the Reconstruction fund to the Maintenance fund. He added that he was informed that the Board has discussed writing off some of the drains. Mr. Bates handed a spread sheet (a copy is attached to the minutes in the Drainage Board office) to the Board regarding maintenance funds that are in the red. Mr. Bates explained how and why the monies and/or debt were moved from the reconstruction funds over the maintenance funds. Mr. Bates explained that after a lengthy conversation with attorney, Kyle Persinger, he has learned that there is no law regarding writing off old debt from the ditch books. Mr. Bates informed the Board that the way the states this issue is that if a debt for a reconstruction has not been paid off in five years, that debt shall be moved over to the maintenance fund for collection. Mr. Bates explained

that if there is any money in a reconstruction fund after the reconstruction is complete, they have to wait one year after the last check was written before moving the funds over to the maintenance fund. But, Mr. Bates added, if there is a negative balance after the completion of the reconstruction, then that debt may be moved right away, re-evaluate the drain situation and hold a public hearing, if necessary, to raise funds to pay back the debt owed by that drain. Mr. Bates gave an example: If the reconstruction has a deficit of \$10,000.00 and the maintenance fund has a surplus of \$10,000.00 or more, you may pay off the reconstruction deficit with the maintenance surplus. On the other hand, if the deficit is \$10,000.00 and there is only a balance of \$5,000.00 in the maintenance fund then the maintenance would pay its balance to the reconstruction and then the remaining deficit would be written off. Richard Cox asked Mr. Bates what the balance in the General Drain Improvement would fund if the Board forgave the recommended debts from the reconstruction fund; Mr. Bates stated that right now, \$313,787.00 is currently in the GDIF, but you would knock that balance down by \$153,280.00 for the outstanding debts. Right now, there is an outstanding debt in the maintenance fund for over \$289,000.00, but part of this is the \$189,273.00. A lot of this debt came from a period between 1995 through 2003. Mark Bardsley stated that he feels that the Board should take this matter under advisement and consult their attorney for his advice based on what he knows regarding the State Board of Accounts, and then the Board will come back and take action on this matter. Mark Bardsley feels that since there is no actual law in the books regarding this situation, we need to follow the direction of State Board of Accounts. Jim Todd stated that Little Black Creek was certified to collect for the reconstruction and maintenance, but due to a typo on the cover sheet only listing the maintenance, the Board all signed it, missing it. Then the Auditors office also missed it, but did not question the reconstruction being attached to it, therefore, the reconstruction did not get billed. Mark Bardsley added that the State Board of Accounts would say that is a loop hole and people would be able to sue the county. Mr. Bates stated that there are 71 drains earmarked to bill next year; but the problem is 19 of those are red flagged and will not bill. These drains will need researched and corrected before it can bill. Some of the issues are where they are listing the benefiting acreage exceeds the parcel acreage; a lot of times due to a split on

the parcel. Jim Todd stated that is due to error in the Auditors office and is no reflection on the Surveyors office, Mr. Bates agreed, stating the Auditors office messed up on the legal descriptions and the acreage. Mr. Bates informed the Board that he and Mary Weesner have created phony parcel numbers for State right of ways and rail roads, they do not have parcel numbers and are not billable because of that. Now, there are 38 different numbers for every taxing unit in Grant County for the State of Indiana to assign parcel numbers to the right of ways and rail roads. Mr. Bates explained in detail the process of assigning numbers. Mr. Bates asked the Board whether or not they make the exception for just one drain (Little Black Creek) by not applying paid taxes to the old debt and write off entire balance or do you apply what was previously paid assigned to the balance and then write off existing balance. Mark Bardsley stated that this will be handed over to the Drainage Board attorney, Kyle Persinger, and will be taken under advisement at this time.

ADJOURN:

Kenny Cates made a motion to adjourn at 12:16 p.m.; Seconded by Richard Cox motion carried with support 5-0.

The next scheduled meeting to be held is January 9, 2018 at 11:00 am

Minutes recorded by Mary R. Weesner

MINUTES APPROVED:

MARK BARDSLEY

GORDON GOUGH

RICHARD COX

KENNY CATES

PAT PINKERTON