

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

The Grant County Drainage Board meeting was held April 10, 2018 in the Grant County Council Chambers. Mark Bardsley called the meeting to order at 11:04 a.m. Other members present were Gordon Gough, Kenny Cates, Pat Pinkerton and Grant County Surveyor Jim Todd; Richard Cox was not in attendance.

**APPROVAL OF MINUTES:**

Kenny Cates made a motion to approve the minutes as presented from the March 27, 2018 meeting; Seconded by Pat Pinkerton. Motion carried with support 3-0, Gordon Gough abstained due to not being in attendance at the March 27<sup>th</sup> meeting.

**APPROVAL OF CLAIMS:**

Jim Todd presented the following claims:

Redman Excavating \$2,596.00 New Prairie; \$105,946.60 in the fund

Redman Excavating \$8,854.33 New Prairie; \$105,946.60 in the fund

IMI \$526.57 Lugar Creek (Pressler); \$74,321.11 in the fund

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

Kenny Cates informed the Board that Mary Weesner has received an invoice from Gary Drook for work done on the Fadley & Owl and he would like to get this paid. Kenny added that he was informed by Darren Bates that we could reimburse a land owner for work done if he provides an invoice and a canceled check that shows he paid it.

Gordon Gough stated that this will put the Fadley & Owl even deeper in the red. Jim Todd then added that he has gotten a request to clean out the head wall that has collapsed and neither the 15" nor the 30" is draining. Jim would like the Board approval to get this cleaned out. Mark Bardsley asked if there is a current assessment on the Fadley & Owl, Jim responded that there is and that it does need to be raised. Gordon Gough stated that at some time, this needs to stop and that we cannot keep putting these ditches farther into the red. Kenny Cates responded to Gordon that the Board talked Gary Drook into doing this work to avoid IDEM and DNR. There was an understanding with Mr. Drook that we were going to put a 48" pipe in. Kenny feels that we might as well add this invoice. He added that we need to come up with a higher maintenance on this ditch to get this money paid back into the fund. Mark Bardsley asked Kenny Cates if this was for work done on the west side of State Road 13; Kenny replied that it is. Kenny added that Brad Rayl had to have it cleaned out so that he could get down to the creek so that he could check how much fall there was. Gordon Gough stated that he understands and that we do need to pay this but the Board needs to set up a hearing to raise the rate. Kenny said that we need to set a hearing date so to get this raised as he showed Gordon a picture of a 30" tile that needs work. He added that they also worked on a 15", noting that there was a little improvement. Kenny stated that there is another 30" with standing water in it. He said that by the state highway there are trees and that they will need to spend another \$3,000.00 or \$4,000.00 more and then the fund will be over \$30,000.00 in the red when they get done. Jim Todd added that he has looked at it and water is running underneath the head wall where both tiles have collapsed. There are large farm rocks that have been put there have slid down and mashed the outlet, until that is opened up, there is going to be standing water. Mark Bardsley reiterated that State Board of Accounts requires us to hold a public hearing and raise the rate of any ditch with a negative balance. Kenny Cates made a motion to pay the claim to Gary Drook as soon as the proper documentation has been submitted to Mary Weesner; seconded by Gordon Gough. Motion carried with support 4-0.

## **OLD BUSINESS:**

### Little Crane Pond –

This issue is still in the hands of the attorney and there is nothing new to report.

### Hummel Creek –

This issue is still in the hands of the attorney and there is nothing new to report.

### Fadley & Owl – Max Middlesworth & David Bettegnies

Max Middlesworth approached the Board. He stated that he was at Oak Hill and had done some probing, wanting to expose the 30" to see where it is going and where it crosses. Mr. Middlesworth stated that he may be able to do some work on the headwall as well. Mr. Middlesworth informed the Board that in 2001 he started diverting water from this watershed. He added that there have been five watersheds diverted in Grant County and has met with all of them. Mr. Middlesworth feels that surface water is a lot cheaper to deal with than new construction. He stated that he would like to see all these projects keep moving forward, but when someone diverts water and then they get a large bill for that water, they fight the project and then the project dies. He figured that the rate should be 33% of any assessed value for diverted water per acre per year. Mr. Middlesworth stated that Tom Horner's ditch is breaking down in his field as well as Mike Mark's. Jim Todd stated that Mike Mark's surface water has been greatly cut down since Mr. Middlesworth diverted his water. Mr. Middlesworth voiced his concern over the culvert size for the football field at Oak Hill School, adding that they are not big enough. He is aware that there is dirt in their waterway and that slows down the water flow. Mr. Middlesworth would like to see a prorated schedule for the land owners that have diverted their water. Jim Todd stated that on June 17<sup>th</sup> he is attending a class for the County Surveyors Association; there will be 40 or 45 county surveyors in attendance. Jim added that he would like to ask the other surveyors regarding the school being in the way of the water. Mark Bardsley asked Jim if we have received a petition for a public hearing for the Fadley & Owl; Jim stated that we have not received one. Gordon Gough stated that if

we do not receive one soon, the Board will have to set a rate and a date themselves. Mark Bardsley agreed with Gordon, adding that this fund is in the hole and we are compelled by state law to hold a hearing and raise the rate in order to make up the deficit. Jim Todd asked the land owners that are present if they had a recommended rate; there was no response.

Brian Cates is before the Board. Mr. Cates informed the Board that he was told that Cass County is approving diversions of water. Mr. Cates would like for Jim to call that surveyor and get the information on the process. Kenny Cates stated that nobody informed they Board when they first started doing this and now they want to do it again; Kenny fears that this will open a can of worms. Kenny recommended that they run a camera to find what is plugged. Mr. Cates stated that they have spent quite a bit of time out there and they are not even getting paid. Jim Todd stated that first things first, they need to get the headwall opened up. Jim would like permission from the Board to have this work done. Mark Bardsley stated that the Board needs to come up with a policy that when we run the ditches two or three times the annual collection into the red, the Board needs to just automatically set a public hearing to raise the collection to cover the debt.

Jason Cates Mr. Cates asked about what needs to be done to raise the rate. Jim Todd stated that normally it takes a petition with 10% of the affected acreage to sign the petition. Mr. Cates asked about the process of a public hearing when the Drainage Board forces it; Mark Bardsley explained that a notice would be sent out to land owners informing them that the ditch balance is in the red and that the State Board of Accounts requires the Board to raise the ditch tax to make up the deficit. Jim Todd then added that a rate per acre and a rate for hard surface would need to be determined. Gordon Gough said that normally the land owners approach the Board with a figure that would pass through the hearing, if the land owners do not come forward with a figure, the Board will suggest an amount. Mr. Cates feels that \$20.00 per acre sounds like a good amount. He added that they need to do some more probing because he is not sure that the treatment plant is hooked into the newest 30" tile. Mark Bardsley asked if we want to do anything with the headwall at this time, Gordon Gough said that we have gone this far into the red, we might as well. Mark recommends to the Board that they give Jim Todd the freedom to get the headwall area done. Mark also added that with current collection, it would

take 15 years to pay back what is already owed. Mark Bardsley stated that we need to go ahead and hold a public hearing with a rate of \$20.00 per acre; Jim added that the rate for hard surface is three times the acreage rate, making the hard surface rate \$60.00 per acre, which includes home sites. Jim Todd asked Brian Cates if he is willing to work on the headwall or Cook Excavating is close. Mr. Cates wasn't sure he wanted to do the work. Mark Bardsley recommended Cook Excavating do the head wall. Gordon Gough said that at \$20.00 per acre, it would not get the fund out of the red in the first year. Jason Cates stated that when you add the hard surface rate for Oak Hill that would bring in more than Gordon had figured. Gordon Gough made a motion to allow Jim Todd to work on the headwall, with the condition that there will be a public hearing before January. Seconded by Pat Pinkerton, motion carried with support 4-0.

Mark Bardsley asked that Jim Todd have recommended rates and dates for a public hearing for our next meeting.

### **NEW BUSINESS:**

There is no new business to discuss

### **OTHER BUSINESS:**

#### Doty Tile – Set hearing date

Jim Todd informed the Board that he has received a petition for the Doty Tile to raise the maintenance from \$3.00 per acre to \$10.00 or \$12.00 per acre.

Jim went on to tell the Board that there is 474 acres in the watershed and there is 266 acres on the petition requesting a hearing, this is over the required 10%.

Jim added that if we went for \$12.00 per acre then the minimum assessment would be three times that for a rate of \$36.00 for any home sites. Mary Weesner stated that she could be ready for a hearing date of May 29, 2018.

The Board recommended a hearing date of June 12, 2018 due to the Memorial Day holiday. Pat Pinkerton made a motion to hold the public hearing for the Doty Tile on June 12, 2018 for \$12.00 per acre with a minimum rate of \$36.00; seconded by Gordon Gough. Motion carried with support 4-0.

Peterson Tile – Set hearing date (7/31/2018)

Mark Bardsley stated that there has been a petition turned in for a public hearing. Jim Todd informed the Board that he has been there and looked at the head wall; it is an 18" tile and is running about 1/3 full. There are some large trees, and he will have pictures for the next Drainage Board meeting. Jim added that he will pull some manhole lids as well. He will try to get out into some of the yards after a rain. He added that the water looked fairly clean, but there was some sewage present downstream. Some major trees need to be cut down. Jim feels that \$20.00 per month for drainage would not be out of line. He added that he did see two breaks running along Harmon Street.

Stan Davis is present before the Board today regarding the Peterson Tile. Mr. Davis stated that he feels it is a dire situation if they should get 2 or 3 inches of rain. He added that he has actually had 28" of water under his house; there is also currently a home owner that has not had heat in over a week because he flooded. He knows that every time we get a heavy rain, there is always flooding. Mr. Davis spoke of his neighbors flooding as well. Jim Todd asked the Board if they wanted to approve a little money from the General Drain Improvement Fund to fix the two breaks that he found. Pat Pinkerton stated that until you know what is wrong with tile, you don't know what to set the maintenance at, Jim agreed. Jim said that we need to get someone out there that is familiar with this kind of work. Jim feels that the Board needs to hold off on a hearing date at this time. He would like to dig around the breaks and maybe run a camera; maybe about \$6,000.00. Pat Pinkerton made a motion to allow Jim Todd to investigate the South Marion Peterson Tile, not to exceed \$6,000.00. Seconded by Kenny Cates, motion carried, with support 4-0.

Pat Pinkerton told Jim Todd that he would like to go with Jim when he goes, maybe he could get some maintenance to look into it too. Mark Bardsley said that maybe David White of the Grant County Highway Department could help in this matter around 50<sup>th</sup> Street.

## **ADJOURN:**

Kenny Cates made a motion to adjourn at 11:23 a.m.; Seconded by Pat Pinkerton; motion carried with support 4-0.

The next scheduled meeting to be held will be April 24, 2018 at 11:00 am

Minutes recorded by Mary R. Weesner

**MINUTES APPROVED:**

---

MARK BARDSLEY

---

GORDON GOUGH

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

---

RICHARD COX

---

KENNY CATES

---

PAT PINKERTON