

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held January 30, 2024, in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:05 am. Other members present were Vice-Chairman Richard Cox, Gordon Gough, Pat Pinkerton, Kenny Cates (via WebEx), Grant County Surveyor Jim Todd, and Drainage Board Secretary Mary Weesner.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the minutes from the January 9, 2024, meeting, via WebEx, as presented; seconded by Richard Cox. Motion carried 4-0 with four inhouse votes and Kenny Cates voting via WebEx. Pat Pinkerton abstained as he was not present at the January 9, 2024, meeting.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Chronicle Tribune \$40.68 Polly Walk Open; \$26.28 in the red.

Chronicle Tribune \$40.68 Waters Open; \$26.28 in the red.

Chronicle Tribune \$27.00 Echelbarger Zirkle; \$40,485.90 in the fund

Peerless Printing \$40.00 Office Supplies; \$300.00 in the fund

Grant County Treasurer \$2,273.33 Loan Repayment Maintenance to GDIF (Powers)

Richard Cox made a motion to approve the claims as presented, the motion was seconded by Gordon Gough. Motion carried 5-0 with four inhouse votes and Kenny Cates voting via WebEx.

OLD BUSINESS:

Little Crane Pond

There is nothing new to discuss.

NEW BUSINESS:

There is no new business to discuss

OTHER BUSINESS:

2024 Maintenance Billing – Board Approval

Pat Pinkerton made a motion to approve the 2024 Maintenance Billing as presented; seconded by Gordon Gough. Motion carried 5-0 with four inhouse votes and Kenny Cates voting via WebEx.

2024 Joint-Maintenance Billing – Board Approval

Richard Cox made a motion to approve the 2024 Joint-Maintenance Billing as presented; seconded by Pat Pinkerton. Motion carried 5-0 with four inhouse votes and Kenny Cates voting via WebEx.

Spray Program

Mark Bardsley stated that Raymond Bair has given the Board a list for the spray program for the Board to review, Mark added that the Board can discuss this at a later date.

Drain Sheet

Mary Weesner had given the Board a complete breakdown of all the drains, noting if they are local, inbound, or outbound, previous hearings and rates before and after the hearings. Mark Bardsley asked if this is something that we have a program for; Mary explained that she made it up herself. Mark Bardsley would like her to look into getting all this information on a spreadsheet in a printable program that would be more uniform. Mary Weesner stated that she would look into it.

Apex Solar System

Kenny Cates stated that he has talked to Callie Chaplain of Apex Solar System on two different occasions. He added that on both times, all they talked about was ditching and that on the main tile, we are going to need to be at 150' on each side, giving a 300' easement on the main tiles. Kenny added that he is going to make a motion that we make this at 150' on each side, making it a 300' easement. There are going to be some tile that we cannot get deep enough in the original basin. Kenny Cates said that he can make the motion now or wait until after Callie Chaplain speaks to the Board. Mark Bardsley stated that we should not make a motion now, wait until we have more information come in, and he thinks that we would probably have some issues at least legally on that. Callie Chaplain of Apex Solar System is present before the Board today from the Apex Clean Energy headquarters located in Virginia. She handed out a presentation to the Board members (a copy is attached to these minutes in the Drainage Board office). Callie reviewed the packet with the Board. She explained that they are really far out from building anything until 2027, but wanted to attend and answer questions that the Board may have. She stated that she wants to discuss main drains and repairing them with avoidance and Mitigation. Roger from Bellview, Ohio is now present before the Board. He stated that they do all they can to avoid tiles and are aware of where the mains are at. If they do come into the issue where they damage a tile, they will fix it. Callie Chaplain stated that with a county main, there is a 75' setback per state law. She reiterated that the solar ordinance has passed, and, in this ordinance, it requires developers to have an approved drainage plan prior to any issuance of permits. Callie stated that the plan states that in accordance with the Drainage Board and Apex, all damages to private or public waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by construction, installation, or maintenance of a SFES must be completely repaired by the project owner to near original condition as to not impede the natural flow of water. All repairs must be completed within a reasonable period of time and to the satisfaction of the Grant County Drainage Board. Kenny Cates asked Callie if they did any excavating? She responded that they do, adding that they excavate the trench about two feet wide. Kenny added that some of the people that are signing up have no idea where their drainage tile is

at. Kenny Cates asked about how far down in the ground do they panels go and do they put concrete around the posts; they responded that they do not plan to concrete the posts, just drive them in, which will depend on soil types and how deep they have to go, usually four to six feet depending on soil type. They will have one inverter every thirty acres that collects all the power and sends it to the sub-station. Mark Bardsley stated that he had heard these will be as far away from population as possible. He added that this Board considers mutual drains, which is a stop off of an assessed ditch or tile, to be a part of the inventory that is moving the water and therefore, we are going to take jurisdiction over those mutual drains that aren't necessarily a part of our inventory so that they are cared for as well. Gordon Gough stated that on some farms, you do not know where the tile is at and asked how they would find them; they explained that they would try to use aerials as best as they can, or if they can follow an outlet back with a probe or possibly some trenching. Jim Todd informed him that in the Surveyor's office they have some aerials that show the old scarring and that may assist them as well. Mark Bardsley asked if they use any ground penetrating lidar, they responded that they are just starting to use that. Mark Bardsley opened the floor to anyone that has any questions answered by Apex. Randy Atkins came forward stating that some of the solar fields that he went and saw, being a farmer, the permeability of the ground is the ability for rainwater to be absorbed. But when they are filling the surface with that glass, it will impact that ability as it would if the panel was not there and the water is not absorbing as quickly, causing a runoff situation. Mr. Atkins asked if this was something that they have experienced and this when it happens how are they anticipating that and how are they dealing with it when it does occur; Roger from Apex replied that they have not experienced this situation. *Most of the response is inaudible due to being away from the microphone and several conversations are occurring at the same time. Mr. Atkins asked about ground cover; a lot of the response was, again, inaudible, but Roger stated that they try to plant cover crops before construction. Randy Atkins stated that he pays ditch assessments on county ditches based on watershed, he added that he feels that he is buying the right to have an outlet to that county ditch that he is paying an assessment on. He is concerned that the next generation will not be able to get the outlet tile to that ditch that we pay the assessment on if solar development is between us.

As you go into the development stages of the Drainage Board responsibility, he feels that we need to take that into consideration. Mr. Atkins asked Apex if they would be willing to anticipate and put an outlet to that adjoining property owner in the event that he wanted to ditch his property to get an outlet to that? The response was inaudible as Roger was seated away from the microphone. Wendell Cates is now before the Board. He stated that we could argue all day about the 150' easement, but he has been talking to an attorney in Indianapolis, but he has not received the answers that he is wanting yet. Wendell stated that there is a solar company over Cart Creek. He added that Cart Creek should have been replaced 10 to 15 years ago, but it did not get replaced. Cart Creek cannot be put back in a 75' easement and if we were not dealing with solar panels, they would probably just move the main over and redo the 75' right of way. Wendell stated that we need to set some rules somehow that we have that 150' each work end. He said that you cannot stay in the 75' easement when you are putting in a new main. Wendell feels that if there were no solar panels, the Drainage Board would allow them to move that tile over and reroute it to the side. A member of Apex asked Wendell a question that was inaudible; Wendell's response what that he wants to talk about Cart Creek because it is very obvious. He added that they would have to go 100' and another 50' to 60' to run the equipment and stack the dirt, to one side of it, redo it. Jim Todd stated that Cart Creek is about 110 years old and needed to be done 20 or 30 years ago but we could not get the cooperation. Jim agreed that the way he is explaining is correct, you would go to the bigger side, into the deeper soil. Wendell Cates stated that the problem with Cart Creek is where the solar people have leased/rented, it is so crooked down through there. Mark Bardsley asked Mr. Cates if it is Apex that is going through Cart Creek; Wendell stated that it is not Apex. Mark added that we need to make sure that in the context of all of the requirements we have, that is a condition that we have to negotiate with before it goes back to the Area Plan. Wendell asked Kenny Cates if it is Apex that is north of the Co-Alliance; Kenny stated that it is, but it is all washed out down through there. Mark Bardsley stated that he would like to hear from Wendell about what he hears from Indianapolis, and he has also reached out to the Drainage Board attorney regarding the 150'. Kenny Cates stated that, for the record, he agrees with Wendell. He added that once they come in and put solar panels on each side, you cannot ditch.

Mark Bardsley asked Wendell Cates if we went in and readjusted everything before they ever got into their planning, how much would it cost. Wendell said that Zirkle will be really expensive, it would take a \$1,000,000.00 to get from the creek under State Road 13 to get out of Apex's way.

ADJOURN:

Gordon Gough made a motion to adjourn the meeting at 12:08 pm; seconded by Kenny Cates via WebEx. Motion carried with support, 5-0 with four inhouse votes and Kenny Cates voting via WebEx.

The next scheduled Drainage Board meeting to be held will be February 13, 2024, at 11:00 am will be held in the Grant County Council Chambers.

Minutes recorded by:
Mary R. Weesner
Drainage Board Secretary

The Grant County Drainage Board has approved the minutes for January 30, 2024, as presented:

Mark Bardsley

Gordon Gough

Richard Cox

Kenny Cates

Pat Pinkerton