

# GRANT COUNTY DRAINAGE BOARD

**401 South Adams Street  
Marion, Indiana 46953**

The Grant County Drainage Board meeting was held April 30, 2024, in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:03 am. Other members present were Vice-Chairman Richard Cox, Gordon Gough, Kenny Cates, Pat Pinkerton, 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 April 9, 2024, meeting as presented; seconded by Gordon Gough. Motion carried 4-0, Pat Pinkerton abstained due to not being in attendance at the April 9, 2024, meeting.

## **APPROVAL OF CLAIMS:**

Jim Todd read the claims as follows:

Chuck's Sewer & Drain \$335.00 Robb Tile; \$73,536.21 in the fund

Bragg Excavating \$3,436.00 Fadley & Owl; \$128,566.70 in the fund

Morelock Wildlife Control \$700.00 Hollis Daughtery; \$12,163.03 in the fund

Richard Cox made a motion to approve the above claims as presented; seconded by Kenny Cates. Motion carried 5-0.

\*\*\*Kenny Cates to abstain\*\*\*

Cook Excavating \$2,730.00 Taylor Creek; \$267,371.31 in the fund

Cook Excavating \$840.00 Taylor Creek; \$267,371.31 in the fund

Cook Excavating \$1,050.00 Taylor Creek; \$267,371.31 in the fund

Gordon Gough made a motion to approve the claims listed above; seconded by Richard Cox. Motion carried 4-0, with Kenny Cates abstaining due to having land in the Taylor Creek watershed.

## **OLD BUSINESS:**

### Little Crane Pond

Mark Bardsley stated that we are still waiting for the attorneys to meet regarding the issue of resolution.

## **NEW BUSINESS:**

### Simmons Ditch - Discussion

Jim Todd began by stating that there is \$113,105.00 in the maintenance fund and the collection is currently shut off. The landowners would like to bring this back to a hearing, it is currently \$25.00 per acre with \$50.00 per homesite; which is \$25,912.00 per year. The landowners are finding out that they can get more depth if they cross Wheeling Pike and outlet into the open ditch. Jim added that we need to have a hearing this summer to either raise the maintenance or turn it back on since the money is not building up fast enough to do a replacement down to the State Road. Raymond Bair stated that they have talked to Joe Seward, Joe had told them that if they wanted to put in 30" then they would need to go north of Wheeling. He added that the tile itself was going to cost around \$100,000.00. Raymond said that they would like to request that the Board let them hire Joe to put in \$99,000.00 worth of work to get them across Wheeling and get them as far south as they can get. They want the fund turned back on so that they can continue to gain money, this would take a public hearing. Jim Todd informed Raymond that if they spent the money this year, it would begin to collect again next year. Raymond said that they would still have to do it in \$100,000.00 segments and it is still going to be piece meal, whereas if they waited until they got \$150,000.00 they could get further. He is not sure how much it is going to cost to get to State Road 26, but he did talk to an engineer and the engineer told him in order to profile the 4,000' it would be about \$5,000.00. Jim Todd questioned that if the landowners want the old tile left in place, wanting it to work when they put the new one in, which side do you pick; Raymond said on the east side per Phil and Brad. Jim asked if they are all in agreement with that, Raymond said that two are but the other big player, Lasater, is not. Jim added that he feels that everyone needs to be in consensus and in agreement, there would need to be a public meeting and let everyone discuss this. Randy Atkins, 8560 S Wheeling Pike, Fairmount, and Brad Atkins approached the Board stating that from what Bradley has shared with him from what he was told from Jim and Raymond is incorrect. He stated that the original discussion that they had, the new tile was going to go on the west side. Jim Todd said that it had not yet been determined. Mr. Atkins went on to state that now it is being proposed to go on the east side of the old where there is a very minimal area between the old tile and the existing woods. He added that in order to get enough cover on that tile, that tile would need to go into the wooded parts; Jim Todd said that the woods would have to be pushed back. Raymond Bair asked how far the tile is from the woods; the response was 20-30 yards at the most. Jim stated that with the roots, at least 50 feet. Mr. Atkins said in 24" versus 30", Jim Todd said that the Board is still unsure of what the consensus is of what the landowners want to put in. Raymond Bair said that the contractors that he talked to said that the 24" was too small for the watershed and they needed the 30". Jim feels that if it is going to be in the way and a

hinderance, kill it and put the other one in closer to it in the bigger size. Mr. Atkins asked if they have done watershed studies regarding how many acres are coming into this; Jim stated yes. He asked Jim if he is accounting for the fact that there is potential solar development on the south end; Raymond responded that you can't access a future development. Jim Todd suggests that they develop that area and that there is several holding ponds to catch all that water and meter it to the county tile. Jim would like these to have some retention in them rather than just dumping the water on the next door neighbor. Mr. Atkins said that they're building retention on the south side of State Road 26. Raymond informed Mr. Atkins that Jim said the retention would be on the property that has the solar field; Mr. Atkins said that is not the way that is going to go. Raymond Bair informed Mr. Atkins that Jim Todd is saying the retention ponds would be on the land that has solar fields. Mr. Atkins said that is not the way it is going to go; it is going to go on down; Raymond said not if it is created on the property that has the solar fields. Mr. Atkins said we are going to disrupt the natural landscape and create a retention pond for solar; Raymond responded that he is speculating on whether there is solar or not. Mr. Atkins stated that we need to do watershed studies because if he is paying to have a right to access that county tile, he needs to be able to, in the future, put an outlet on that county tile that he bought the right to have access to. He added that he feels that they need to keep the old tile going and that Phil Chastain does a wonderful job of keeping it maintained and he fixes the holes immediately when they are broken down. Jim Todd stated that they need an estimate from Joe Seward for the work and then there needs to be a letter sent to all the landowners and interested parties notifying them of a public hearing to discuss the project proposed. Raymond Bair said that everyone says that a 24" tile is not big enough.

#### Burge Tile Discussion

Jim Todd reported that if we are raising the homesites on the Burge Tile due to a request for a public hearing, we will need to talk to the town board, Jim would like to find out what kind of rate they would back for homesites. They had a reconstruction at one time and the town board turned it down.

#### Sims Franklin John Needler

Jim Todd stated that John Needler is not present today but wanted Jim to represent him. Mr. Needler has ¼ mile of brush on the Sims Franklin. He does not want the brush cut and will maintain his ditch himself; he has taken out the dead trees and he likes the brush for a wind break for his son's house. Mr. Needler can guarantee the Board that he will keep the ditch open. Richard Cox added that he's going to do it, but who will do it when he is gone? Mark Bardsley stated that Mr. Needler needs to come before the Board regarding his request.

## **NEW BUSINESS:** (continued)

### Martin Tile Flooding issue

Jim Todd informed the Board that he has talked to the new President of the homeowner's association. Jim told Pat Pinkerton that it flooded, and he would like to know if the city would put a camera through it as he believes there are maple roots. This is a 15" tile, and the maintenance fund does not have enough money; they need about \$200,000.00 but they only have about \$62,895.00 in the fund at this time. This comes across Meridian Street and then dumps into the backyard of a person. Jim added that there is a little headwall there and two landowners have an open ditch, and they would like to tile it in across their yards. At the end of the dead end road, it dumps into a county tile, it is a county highway department system. The easement would have to be engineered. Roger Bainbridge, at the end of the dead end road, had a channel that Roger has put two 12" tiles in his open ditch and has tried to cover them up but he is getting all this water, and it is not working. We would have to make the legal ditch longer and outlets past Roger Bainbridge's. This water would go to Deer Creek on the next owner. Pat Pinkerton responded by stating that if there is decent enough access, they could try to get their camera in there. Jim and Pat plan to meet up on Martin Tile.

### Davis Morehead

Jim Todd stated that he talked to Kenneth Chance at 4533 South Meridian. Mr. Chance has pictures of where is property flooded the other day. Jim added that we need to get David White out there as he is the only answer. Mark Bardsley stated that he has reached out to David and asked him to contact Mr. Chance. Mark will make a secondary contact with David White.

### Big Deer Creek

Jim Todd informed the Board that Don Wright has a half mile easement on Deer Creek that he would like to be put on the spray program. Jim add that the last time we mowed it, thorns and locust trees are growing up in there. So, he added, we either need to keep it mowed or it needs sprayed because they are growing in our easement. Jim recommended that we use some of the ARPA fund towards the spray program; Mark Bardsley agreed. Gordon Gough stated that we do not mow right of ways. Raymond Bair said that Gordon Gough had a request to spray a half mile as well, same as Don Wright, but Godon was going to pay for it out of his own pocket. He suggested that the Board allow Don Wright's half mile and Gordon Gough's half mile. Mark Bardsley said that he did not have a problem with that but feels that this item should be tabled until the May 14<sup>th</sup> meeting.

## **OTHER BUSINESS:**

Lomax - Sarah Miller; discussion regarding tree removal

Sarah Miller is before the Board and stated that she lives on Joshua Drive of Village Homes. She would like to discuss what occurred on April 17<sup>th</sup> at 11:00 am concerning the Lomax Ditch. There were trees that were growing for ten years that came down within minutes, with no warning to the residents. She said they took down the wall and now they can see Meijer again. Ms. Miller said that she watched the April 9<sup>th</sup> Drainage Board meeting. She is concerned for plant life and how it was done. She is also concerned about what this has done for her property value, she does agree that the ditch needs to be maintained. She inquired about the actual location of the Lomax Ditch. Jim Todd told her that he read the minutes from the vacation hearing for the Lomax Ditch, and they stated that after the work was completed the vacation would be determined at a later date. The easement exists where the mound of dirt stops the Lomax. There is an immediate channel right behind that to the west and Jim feels that it is either that one or the next one over, but they are all in the drainage easement. He explained to her that the easement stops at the slope by her fence. Jim said that he realizes that she is missing her trees, and it would be nice if the trees were planted on the other side. You have to keep the brush out of that ditch or what you have is quite a few holding ponds connected to a swamp and if the swamp is not maintained, you will have water in your streets and your back door. Jim Todd added that he does have a concern that the 38<sup>th</sup> Street pipe needs to be bigger so does the Valley Avenue pipe. Greg Batie is now before the Board. Mr. Batie stated that while watching the April 9<sup>th</sup> meeting, it talked about removing the beavers and it was agreed that is what was causing the problem. He added that the easement goes up into his back yard, Jim Todd stated that it does not, he has pulled the plat. Mr. Batie said by looking at the map, it has been relocated to the east side and there is some overflow from the south. He said in the video that that there was talk of removing the beaver dams only from the east side, there was not supposed to be any work done on the west side. The neighborhood, not the county is supposed to maintain the trees. Mr. Batie wants clarification on who is responsible for what. He added that the maps show that the Lomax has been relocated to the east side. As a homeowner, he paid extra money for the lots because of the beautification and habitat and now they have no trees blocking all the semi-trucks that are lined up at Meijer. He would like to know what could be done for beautification in that area. Jim Todd told Mr. Batie that the drainage easement existed, and they were not going to be on his property. Sarah Miller stated that she was not notified, and these trees were at least ten feet tall and that she has 4 children playing in the yard and they need to make sure that they are safe. Jim Todd informed her that it is the west ditch that comes down and drains the tile that drains the farm ground. The other one is part of the Lomax too because it is draining the central area, the

The other one goes out around the pond drains the parking lot and keeps it separated from the big pond and outlets close to 38<sup>th</sup> Street. Jim added that the reason for that is to keep all the contaminants out of the other water. There is the little peninsula that also needs to be dredged some day and if the Drainage Board doesn't do it, someone will need to. The peninsula is so small that the muskrats are working from both sides. Jim Todd informed him that they are paying \$20.00 per homesite, which is in discussion to raise that rate, \$50.00 is the average homesite assessment, to generate more money. Ultimately, the Drainage Board did not vacate that easement through there and it is still the responsibility to keep it open and you cannot dig out an open ditch if there are trees there, and that is why the trees were cut down. Mr. Batie stated that the trees were not down in the ditch, Jim told him that they were in the easement, they did not cut anything down that was not in the easement. Tiffany Flitton stated that there was a tree five feet from Ms. Miller's fence that was cut down and her children were playing outside, and Ms. Miller videotaped it all. She showed maps that she has on a tri-board showing what she believes is the water flow. She added that this ditch has never had any flooding or beaver dams down there. Ms. Flitton stated that a farmer went to a neighbor's house 5 or 6 houses down and asked permission to enter her yard, she added that he can go to a neighbor's house to ask permission but not notify the people that had children playing in their backyard that they were going to take down 10 to 15 foot trees. She said that she understands that they cannot magically grow their trees back and how do we know where the Lomax is and where it is going. She asked if there was ever a drainage study done to see that this would actually alleviate it. Ms. Flitton said that their ditch dries out every time even with the beaver dams. Lucy Hughes is now before the Drainage Board stating that there was a tractor cleaning up the debris and as she was watching him, he cleared out a small space of debris that was floating in the water and left behind eight times as much as he cleared out, he did not finish the job; Jim Todd responded to her stating that with all the anger that was directed at him, they pulled off of the job. He added that they did not want to make a big deal right now. Mrs. Hughes said that she did not talk to him, Jim said some did to his crew. She asked whether an engineer was ever consulted; Jim stated that if they want to spend their money on engineer to study it, the Board can. Jim Todd informed her that everything that was done, they may not realize it, but it helped the drainage. Mark Bardsley stated that aesthetically, it is not pretty when you go through this process, but this process is to eliminate any type of blockage. He added that to answer the other question, the right of way, our easement, was never vacated. It has always been stated that by this Board, it has to stay in county control because of the agricultural land to the south, it has to flow. Mrs. Hughes complained about the debris that is there, Jim Todd said that the Board can authorize a contractor to come out and pick up sticks; if there are more willow trees that need cut down on that outer line. Kenny Cates said that they are going to have to raise the rate out there on homesites because they are not paying enough at \$20.00 per homesite. Ms. Flitton wants to know when that rate was

assessed; Jim informed her that it has been on an assessment for a long time. She wants to know about the new homes only being assessed at \$5.00; Jim informed her that has been corrected already and their assessment will go to the \$20.00 homesite. Mark Bardsley said that he would encourage that the next step be to work with Bob Tippey to develop a dialog with Meijer and see if they have any inclination to do that and then they can follow up after they get with Meijer. They need to discuss grass and low types that won't inhibit the water flow. Jim Todd added that there is a lot more brushing and dredging that needs to be done. Mr. Batie wants the landowners to be notified any time that there is work being done in the easement; Mark responded that the protocol would be to notify the homeowner's association and then they can share that information with the affected parcels. Doug Kingseed is now before the Board, and he gave the Board pictures of the outlets (attached to these minutes in the Drainage Board office). He stated that once the trees were dropped and the beaver dams were out, they were able to lower the water table 20" so that allows the field tile to empty. He agrees that there are more trees that need to come down to keep the water moving.

#### Dry Fork Peterson Casey/South Prong & White Branch - Public Hearing

Jim Todd informed the Board that currently, there is no maintenance on this watershed. He added that there was a reconstruction about 1984 and at the time nobody wanted to put maintenance on it. There is now a plan to maintain this and put it at \$7.00 per acre, \$50.00 homesite and a minimum \$25.00 minimum with a four year collection shut off cap. The watershed consists of 4,059 acres with three acres objecting (Mrs. William Thatcher), adding that the Drainage Board has read her objection letter. This maintenance would take care of all the open ditches and their branches. With the proposed rate, it would generate \$30,650.00 yearly. Once the money start collecting, they can start brushing. Some of this watershed has been kept clean and sprayed towards the end. Jim added that he talked to Drainage Board attorney Kyle Persinger to see if the airport has to pay into the maintenance, they just have a few acres south on their property that drains across State Road 37.

Mark Bardsley opened the public comment portion of the hearing. Wayne Smock is before the Board regarding the maintenance assessment for Dry Fork Peterson Casey/South Prong & White Branch. Mr. Smock stated that they have 820 acres in the watershed. He added that they are in agreement for a maximum of \$5.00 per acre instead of the \$7.00. Steve Pyle is now before the Board. He stated that he agrees with Wayne Smock regarding the rate of \$5.00 per acre, adding that \$7.00 per acre would be a little excessive. William Thatcher approached the Board stating that he has received notices for both the Dry Fork Peterson Casey/South Prong & White Branch the South Prong of Dry Fork and is on a fixed income and that nothing of his drains into these drains, that he has a septic tank and leach field. Wendell Cates in now before the Board stating that he is fine with \$5.00 per acre. Jim Todd gave the recommendation that the Board go with the \$5.00 per

acre rate. Kenny Cates made the motion to set the rate at \$5.00 per acre, \$50.00 homesite and a minimum \$25.00 minimum with a four year collection shut off cap. Motion was seconded by Richard Cox, motion carried 5-0.

### South Prong of Dry Fork Public Hearing

Jim Todd informed the Board that the current maintenance assessment on the South Prong of Dry Fork is \$1.25 per acre with a minimum of \$5.00 per parcel and is on a four year collection. Due to the cost of maintaining the water shed, the Board has been petitioned to raise the rate to \$25.00 per acre, \$100.00 homesite rate and a minimum of \$50.00 for a four year collection, this rate would bring in \$22,135.00 annually. Jim added that there were 165 acres object to the proposed rate out of 885 acres in the watershed. Mr. Steve Pyle objected to the rate recommending \$7.00 per acre rate. Mr. William Thatcher also objected, he is the bearer of \$100.00 homesite rate, there are twelve homesites in the watershed. The old rate generates \$1,197.00 yearly and this is a really old tile. The last time this tile broke down, it was on Brian Cate's, he did fix the break and did not turn a bill into the Drainage Board office to be paid. Steve Pyle approached, stating that he has live there his entire life and this started out as a 20" clay tile long ago, Jim Todd said that his index card states it was an 1887 tile. Mr. Pyle added that over the years, south of State Road 22, the man got tired of digging up the whole tile and he had asked permission to, as they collapsed, pull them out; that still did not relieve the pressure going through there and as it backs up, they end up with surface water. He added that over the years, he has dug many of those tiles out and put new 20" back in there. But, as time went on, they had to put in 24" tile because they could not get 20" anymore. Mr. Pyle stated that he feels the amount for maintenance that is being asked for is over kill and he would feel that \$7.00 per acre is a fair amount, but he'd like to see it at \$5.00. He added that all that needs to do is to bring the 24" tile back as we have major failures. William Thatcher came before the Board stating that he agrees with Mr. Pyle regarding the \$7.00 per acre but feels the requested amount for homesites is excessive and should be put at \$50.00 per homesite. Jim Todd agreed with Mr. Thatcher and recommended that the homesite rate should be at \$50.00. Kenny Cates made the motion to set the rate at \$7.00 per acre, \$50.00 homesite and a minimum \$50.00 minimum with a four year collection shut off cap. Motion was seconded by Richard Cox, motion carried 5-0.

### Solar Ordinance

Mark Bardsley stated that after an on-site visit with a local farmer, he had demonstrations and visualizations of what we need to be concerned about as a Drainage Board. He talked with a representative from the Farm Bureau, while we cannot do anything about 75' top of bank easement issue, we can discuss and seek a setback from our maintained ditches. He added that our dialog would be of a



recommendation that would go to the Commissioners while they are still in the moratorium phase that we would recommend 150' setback from the center of the tile and/or top of bank. This would be a setback, not a change in easement access. Kenny Cates made a motion that this would go to the Commissioners; seconded by Gordon Gough. Mark Bardsley told Kenny that he has that right, but they really need to formalize a statement. Gordon Gough reiterated that this setback is just regarding solar. Mark agreed, adding that we would ask in the ordinance that would give us 150' setback on each side. Pat Pinkerton asked if that could apply to any development, why just solar? Mark responded that we are dealing with the solar issue, we can develop that and send it on for any other ordinance. The motion was carried 5-0. Mark Bardsley said that they would bring this back in a couple of weeks and get this ready for a recommendation to the Commissioners.

**ADJOURN:**

Kenny Cates made a motion to adjourn the meeting at 12:46 pm; seconded by Pat Pinkerton. Motion carried with support, 5-0.


The next scheduled Drainage Board meeting to be held will be May 14, 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 April 30, 2024, as presented:*

  
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Mark Bardsley

  
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Richard Cox

  
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Gordon Gough

  
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Kenny Cates

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Pat Pinkerton