

# GRANT COUNTY DRAINAGE BOARD

401 South Adams Street  
Marion, Indiana 46953

The Grant County Drainage Board meeting was held December 28, 2021 in the Grant County Council Chambers. Mark Bardsley, Chairman, called the meeting to order at 11:03 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 December 14, 2021 minutes as presented; seconded by Richard Cox; motion carried 5-0.

## APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Blackford Co. Treasurer \$2,128.99; Fall Joint Drain Collections  
Wells Co. Treasurer \$287.49; Fall Joint Drain Collections  
Huntington Co. Treasurer \$540.22; Fall Joint Drain Collections  
Howard Co. Treasurer \$1,562.29; Fall Joint Drain Collections  
Wabash Co. Treasurer \$1,273.98; Fall Joint Drain Collections  
Grant Co. Treasurer \$2,750.50; Loan; GDIF to Maintenance  
Grant Co. Treasurer \$2,713.08; Repayment; Maintenance to GDIF  
Spitzer Herriman \$1,000.00 Legal Services; \$4,920.00 in Legal Fund  
John's Repair \$3,382.00 Carey Tile/Brushy Run; \$5,418.55 in the fund

Pat Pinkerton made a motion to accept the claims as present; seconded by Gordon Gough. Motion carried 5-0.

**\*\*\*Richard Cox to abstain\*\*\***

Drewry Simmons \$27.50 Hummel Creek; \$191,201.78 in the red

Gordon Gough made a motion to approve the above claim as presented; seconded by Kenny Cates. Motion carried, with support, 4-1 with Richard Cox abstaining due to having land in the Hummel Creek watershed.

**OLD BUSINESS:**

Little Crane Pond – Approval of resolution  
There is nothing new to discuss

Hummel Creek – Bidding process

Mark Bardsley stated that he would like to invite Drainage Board attorney, Joe Leone, to join the opening of the bids on January 11, 2022 in case we have any legal questions that may need answered. Mark added that, at Mr. Leone's discretion, we could have Mr. Ott's attorney present as well.

**Solar Ordinance**

Ryan Malott, Director of Area Plan, is attending via WebEx. Mark Bardsley asked the Board if they had any other items that they would like to see introduced required by the Drainage Board into the ordinance. Kenny Cates stated that somebody will have to probe the tile if they are going to put a solar panel in. He added that if the tile does not go straight, they will not be able to build their solar panels straight; Mark Bardsley said that if they are talking about probing, they mean assessed ditch/tile areas, Kenny agreed since the tile may not go straight, also noting the drainage easement of 75'. Kenny Cates added that another issue would be is that where some of these tiles have washed and you go in to get the grade, you may have to go 75' on one side to get cover. Pat Pinkerton asked if the Drainage Board has any say when it is regarding a mutual drain; Mark Bardsley stated that is when Area

Plan and the Commissioners Economic Development need to agree with each other and come in and say that any breaks on mutual tiles will need to be repaired equal to or better than what was there. Ryan Malott stated that one of the things that he has spoken to the solar companies and was told that it is standard that if they should get in to the tiles, they will fix or replace them, adding that this is a common problem that they are aware of. Ryan added that there will be a vegetation plan put together. Kenny Cates stated that he is concerned due to an instance in southern Indiana where a hail storm went through and busted up solar panels and the solar panel company walked away and left it up to the farmer to clean the mess up; Ryan Malott informed that in the ordinance if it falls into a nuisance type stage, Area Plan can give them up to 365 days, as long as they give Area Plan a plan of correction. Ryan added that if they do not correct the problem, part of their decommissioning plan would actually pursue a performance bond in place to remove the farm itself, assuring the Board that those protection will be in place before their project would even start. Mark Bardsley stated that he applauds Ryan's work, adding that he has stated that this is coming and got out in front of it. We are still on a deadline because once the legislature in Indianapolis sits down, they are threatening to develop a statewide solar wind ordinance and it will be less restrictive than what we are talking about.

## **NEW BUSINESS:**

Cassius Smith Discussion of private crossing and relocation on ditch  
Regarding putting in a 7/8 of a mile horse racetrack.

Jim Todd stated that he has recently talked to the owner, James Yoder and Jorge Camacho and they gave him an end area opening for a location that he pointed out to. Since then, without coming to the Drainage Board like Jim had told him that he needed to, he put a container in the creek. Jim added that after looking at it this morning, it is not big enough. Mr. Yoder's contractor is present before the Board today. Jim added that the

storage container will not work; it is already falling in. Dan Zap of DLZ Construction is present before the Board. Mr. Zap stated that the container is not falling in, but it is bowed. Jim asked him if this container was meant to be temporary; Mr. Zap replied that it is up to the Board. Jim said that this will not work, it does not have an end area opening. Jim added that they measured both bridges. Mr. Zap stated that with flow, a 5" tile is twice as big as a 4". The container is on a 2.5 foot per hundred slopes, where the creek is on a 6" per hundred fall and there is a lot of fall right there. He has left the old tile in and they are putting in a 30" overflow, 18" above. He reviewed a map with the Board that he had drawn up, explaining the water flow. He stated that they changed the natural flow because it was curving meandered. Jim Todd stated that the Board can be no part of this and has no jurisdictions regarding changing the flow, that would be up to DNR. Kenny Cates asked about the container in the creek, Mr. Zap stated that it is 3/8" all steel metal container that is turned upside-down and has bars underneath, holding it. He added that in the middle where it bows, they had back filled and compacted but it bowed in 18" in one part of the center. He stated that if the Board would prefer something else, but he does have it bonded if something should go wrong with it in the future. He has had David White out there and they are going to take all the brush out of there and Dave is going to put rip rap down to the bridge and sow grass. He added that everything that has been disturbed will be banked. He stated that the majority of the trees removed were dead ash trees. Pat Pinkerton stated that he has a concern regarding a 9' in diameter pipe coming under the road, then the cross sectional area is a whole lot bigger and Mr. Zap is undersized in a couple areas, Mr. Zap stated that due to fall, this should flow fine. It is 700 feet from the track to the road all the rest will run down around the curve. There were several conversations going on for a bit and all were inaudible. Richard Cox asked what the container measures; Mr. Zap stated that it is 7' tall and 7' wide, a square box. Pat Pinkerton clarified that we have a 49 square foot crossing, but Jorge Camacho had said that they needed 75 square foot, Jim Todd stated that was at another location on the ditch. Jim recommends

that the Board table this and see what happens; since they did not get preapproval from the Drainage Board as Jim Todd told them to do, they may have to take it out and put in another crossing. Mr. Zap stated that there is a 9' in diameter coming in from the north; Pat Pinkerton told him that he is looking at more than a 10' in diameter pipe; Jim Todd agreed saying it would need to be even bigger downstream. Jim asked that when they go to put in the other crossing, he come before the Board and let them know exactly what he is planning on doing, they will put the other one on hold for a wait and see, therefore, not making any decision today; Mr. Zap agreed, he will return with figures and pictures. Jim Todd informed him that their main concern is the erosion that could occur at the crossing and the square footage of the opening. Gordon Gough stated that since this is a private crossing, they would need permission and they would be responsible for repairs. Kenny Cates added that it is a county drain, but the crossing would be private.

## **OTHER BUSINESS:**

### Lomax Ditch – Beaver Dam 3823 Shadowbrook Drive

Jim Todd informed the Board that he walked the Lomax and that there are two beaver dams out there. Jim showed the Board pictures. These dams are in the ditch, east of the retaining pond. Jim reviewed the pictures and noted that this ditch is really high and holding water. He added that previously he has had Sullivan's come out to remove beaver dams; and all the trees are dying where it is flooded behind Meijer's. Jim Todd stated that we will need to get a nuisance trapper out there from the maintenance fund. There are large 4x8 foot Styrofoam panels that have blown into the ditch. Jim said that they would need a mini excavator to reach the beaver dams. Jim will get a hold of Rick Sullivan regarding the removal of two beaver dams, Gordon Gough added that this will do no good until the beavers are removed. Mark Bardsley stated they could develop a letter to send to the homeowner's association stating that we could clear the dams

from the ditch itself, but they will be responsible to trap the beavers from their property and have them removed, or they will come right back. Jim Todd added that Wendell Cates is planning to dig out the Lomax Ditch and has previous Board permission.

### Agenda

Mark Bardsley stated that, in review, the Board had made a motion at one point for the policy of adding issues to the agenda. Mark asked the Board if they would still want to maintain the cut-off time. Kenny Cates said that it is nice if Mary Weesner sends the agenda on Monday. Jim Todd feels that if a farmer comes into a meeting wanting to talk to the Board and is not on the agenda, we still want him to be able to talk. Pat Pinkerton said that he would rather know about issues before walking into the meeting. Mark Bardsley added that if the issues were known before the meeting and finding out information whereas if they could ask the proper questions beforehand. Richard Cox feels that we need to be consistent and have the cut-off at one week; Pat agreed stating that he had a hard time following Mr. Zap and had he known before the meeting, he could have been more prepared and understood the issue better.

### Robert Dunn Issue

Mark Bardsley said that this is not a regulated drain, but Jim Todd has been working with David White. David has been out to the property and now has a recommendation and will see if Mr. Dunn will agree.

### Drain Maintenance List

Mary Weesner gave the Board a revised drain maintenance list explaining that she accidentally printed it with collection fee information; Mark Bardsley stated that he actually prefers the list with the fees.

## **ADJOURN:**

Kenny Cates made a motion to adjourn the meeting at 12:37 p.m.; seconded by Richard Cox. Motion carried with support 5-0.

The next scheduled Drainage Board meeting to be held will be January 11, 2022 at 11:00 am and will be held in the Grant County Council Chambers.

Minutes recorded by:  
Mary R. Weesner  
Drainage Board Secretary

## ***Minutes approved:***

---

**Mark Bardsley**

---

**Gordon Gough**

---

**Richard Cox**

---

**Kenny Cates**

---

**Pat Pinkerton**