

# GRANT COUNTY DRAINAGE BOARD

401 South Adams Street  
Marion, Indiana 46953

The Grant County Drainage Board meeting was held April 12, 2022 in the Grant County Council Chambers. Mark Bardsley, Chairman called the meeting to order at 11:08 a.m. Other members present were Vice-Chairman Gordon Gough, Richard Cox, Kenny Cates, Grant County First Deputy Surveyor Raymond Bair and Drainage Board Secretary, Mary Weesner. Pat Pinkerton was not in attendance.

## APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the March 29, 2022 minutes as presented. Seconded by Richard Cox, motion carried 4-0.

## APPROVAL OF CLAIMS:

Raymond Bair read the claims as follows:

Sullivan Excavating \$380.00 Lomax Ditch; \$38,221.85 in the fund  
L & W Cates Excavating \$747.50 Haw Run Tile; \$2,194.61 in the fund  
Grant County Treasurer \$7,258.49 GDIF to Maintenance  
Rayl Engineering \$650.00 Barren Creek; \$63,807.09 in the fund

Richard Cox made a motion to approve the above claims as presented; seconded by Gordon Gough. Motion carried, with support, 4-0.

### \*\*\*Kenny Cates to Abstain\*\*\*

Cook Excavating \$1,837.50 Taylor Creek; \$138,716.70 in the fund  
Cook Excavating \$1,715.00 Taylor Creek; \$138,716.70 in the fund  
Cook Excavating \$1,225.00 Taylor Creek; \$138,716.70 in the fund  
Cook Excavating \$1,347.59 Pipe Creek; \$154,542.03 in the fund

Gordon Gough made a motion to approve the above claims as presented; seconded by Richard Cox. Motion carried 3-0; Kenny Cates abstained due to having land in the Taylor Creek watershed.

## OLD BUSINESS:

### Little Crane Pond – Approval of resolution

There is nothing new to discuss

### Hummel Creek – Awarding of bid

Mark Bardsley stated that we are still under the sixty day extension given to us by Redman Excavating for the removal of the obstruction on Hummel Creek. Mark added that it was decided at the last meeting that the Board needs to make a decision on this date. The circumstances are as follows; The General Drain Improvement Fund has about \$175,000.00, minus the claim paid today for \$7,25840 and the bid is for \$225,000.00, making us about \$60,000.00 short. Mark added that as he understands it from the Auditor, there are a couple of different options. One option is to go for the loan, but that would contain interest, which we try to avoid. The other option would be a possible loan from the County General Fund that recognizes that it gets paid back, we can work with the Council. Mark Bardsley added that the one caveat is that they can preapprove the money and let us have it or they could go through in May until we can actually get the money. Mark added that we may possibly borrow the entire amount with no interest, knowing that we will pay it back. Mark Bardsley added that he has tried to bend over backwards to resolve this situation, now we have to do what we need to do. Drainage Board attorney, Joe Leone, is present today. Mark Bardsley asked what his opinion is regarding how the Drainage Board is handling this situation. Mr. Leone responded that he feels that once the money is in place, we can award the job for obstruction removal. If needed, there could possibly be another very short extension for a short period of time. Kenny Cates added that we have until June 1<sup>st</sup> for the fish spawn. Mark Bardsley added that as a Commissioner and the Drainage Board Chairman, he cannot legally sign the contract to award the job until we have the funds. Mark then asked the Board if they want to approve Mark Bardsley to work it out with the bank or the Council to secure the necessary financing. Kenny added that he is aware there is money at the bank in Swayzee, but the interest is either 4.5%-4.75%. Mark Bardsley stated that he would like to give Joe Leone until the end of the business day today (4pm) to give one last opportunity for Gary Ott to cooperate. Mark added that if the Council gives this help as an appropriation, then they have to advertise what the appropriations would be, but if they do it as a loan then Chairman/President can pre-approve that amount immediately. Kenny Cates added that this has been going on over 9 years and it has been 7 years since our judgement against Gary Ott, it has gone on long enough. Joe Leone added

that they are ultimately talking about a contingent award based on two things; one being the available funding for the full amount going through the easement or an agreement by the property owner to allow us the right of access to use his access road. Kenny Cates stated that at 4 pm today the Board will decide which way the obstruction is to be removed, awarding the contract to Redman Excavating. We will sign the agreement with Redman's once we have the financing in place. Mark Bardsley added that this could take a week or two before signing contract. Rhonda Redman stated that this concerns her. She added that if this goes on for two weeks, this will put them into the last week of April. If they are going to have to go in the long way, they will need to get the mats ordered; they will not order the mats until they have a signed contract. Rhonda stated that she does not know how long it is going to take for the mats to come in. If they have to wait two weeks before the contract is signed, there would be no guarantee to complete by the deadline, it could be two to three weeks with ideal weather. Kenny Cates made the motion to allow Gary Ott until 4pm today to agree to allowing entrance through his lane, if answer is no or there is no reply, Mark Bardsley, Chairman will seek the finances in order to sign the contract with Redman Excavating as soon as the money is in place; seconded by Gordon Gough. Motion carried 3-0 with Richard Cox abstaining due to having land in the Hummel Creek watershed.

### Solar Ordinance

Ryan Malott is attending via WebEx. Mark Bardsley asked Ryan if he would update the Board regarding what is coming to the Commissioners soon; Ryan's microphone is not working. Mark stated that the Area Plan Commission has recommended a particular plan and it is coming to the Commissioners. He added that the Commissioners will receive this next Monday, for procedural purposes, they will take the allotted time for the Commissioners review. The Commissioners will be looking at each paragraph within and making any recommendations back to the APC and then at some point send it back to them for their review and any recommendations they may have. Mark Bardsley added that it will come back to the Commissioners for final review after APC reviews the recommended changes. Ryan's mic is now working. Ryan stated that the ordinance was sent forward with a 7-1 vote. He added that this is an ordinance that was put together out of Adams county, a member of BZA took it upon himself to take Adams county ordinance and make it Grant county ordinance and forward on to the Commissioners.

## **NEW BUSINESS:**

Gordon Gough stated about chaining in and not burying the cables; they keep finding that they are burying them and not chaining them in. He said that they are just plowing them in, and we have an ordinance stating they are to be chained in. Kenny Cates added that instead of coming to the Drainage Board, they went to the County Highway Department. Mark Bardsley asked Ryan Malott if he is aware of this; asking if Area Plan has the authority to do the dinging or if it is to go through the Highway Department. Ryan responded saying if it has anything to do with right of way, he sends them to David White. Mark Bardsley added that maybe Drainage Board, Highway Department and Area Plan need to put their heads together to make sure that this is being enforced.

## **OTHER BUSINESS**

## **ADJOURN:**

Richard Cox made a motion to adjourn the meeting at 11:43 a.m.; seconded by Gordon Gough. Motion carried with support 4-0.

The next scheduled Drainage Board meeting to be held will be April 26, 2022 at 11:00 am and will be held in the Grant County Council Chambers.

Minutes recorded by:  
Mary R. Weesner  
Drainage Board Secretary

*The Grant County Drainage Board approves of the minutes for April 12, 2022 as presented:*

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Mark Bardsley

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Gordon Gough

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Richard Cox

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Kenny Cates

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

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Pat Pinkerton