

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held April 26, 2022 in the Grant County Council Chambers. Mark Bardsley, Chairman called the meeting to order at 11:02 a.m. Other members present were Vice-Chairman Gordon Gough, Pat Pinkerton, Kenny Cates, Grant County Surveyor Jim Todd and Drainage Board Secretary, Mary Weesner. Richard Cox was not in attendance.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the April 12, 2022 minutes as presented. Seconded by Gordon Gough, motion carried 3-0 with Pat Pinkerton abstaining due to not being present at the April 12th meeting.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Redman Excavating \$17,038.00 New Duling of Barren; \$63,157.09 in the fund
Johns Repair Service \$5,900.00 Ludlum of Lugar; \$209,269.32 in the fund
Johns Repair Service \$1,320.00 Ludlum of Lugar; \$209,269.32 in the fund
Johns Repair Service \$980.00 Ludlum of Lugar; \$209,269.32 in the fund
Johns Repair Service \$1,280.00 Aaron Newby; \$14,492.53 in the fund
Johns Repair Service \$717.50 Aaron Newby; \$14,492.53 in the fund
Chuck's Sewer & Drain \$1,500.00 Stoebe Drain; To be paid out of GDIF
Cook Excavating \$7,815.00 Pipe Creek; \$152,704.53 in the fund
Nolan Holloway-Farm \$388.66 Cart Creek; \$28,180.23 in the fund
Nolan Holloway-Farm \$452.30 Cart Creek; \$28,180.23 in the fund
Drewry Simmons \$5,250.00 Hummel Creek; \$209,350.36 in the red
Christopher Burke \$2,088.00 Hummel Creek; \$209,350.36 in the red

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

*****Gordon Gough to abstain*****

Matt Carey \$2,696.00 Powers Drain; \$55,184.55 in the fund
Matt Carey \$300.00 Powers Drain; \$55,184.55 in the fund

Kenny Cates made a motion to approve the above claims as presented; seconded by Pat Pinkerton. Motion carried, 3-0 with support, Gordon Gough abstained due to having land in the Powers Drain watershed.

OLD BUSINESS:

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

Hummel Creek

Mark Bardsley informed the Board that the obstruction has been removed. Mark also stated that our attorney is working to determine our final cost factor is to move us from this particular litigation. Mark Bardsley stated that the question has already been asked as to how soon we hold a public hearing to put Hummel Creek on maintenance. Mary Weesner stated that she could be ready for a June 14, 2022 public hearing date. She added that the assessment roll is complete. Jim Todd stated that he would hate to rush into this, and that July would be better for him; he just wants to assure that everything is in order. Kenny Cates suggested \$30.00 or \$40.00 per acre; Jim said that there is a lot of farm land and that he would rather send out notices to hear from the farmers and that he would talk to some of them to see their idea as to what they want to spend. Jim Todd stated that he was thinking \$5.00 to \$10.00 per acre. He added that there are a lot of log jams out there and that everybody on the end, there are three prongs that will be tributaries, and they are wanting to dredge those out so that the tiles work better. Pat Pinkerton stated that the Board has plenty of time to determine a rate; Jim agreed. Mary Weesner informed the Board that there are 4,693 acres and 150 home sites. Jim Todd stated that \$50.00 per home site is about the average. Jim Todd said that he would like to write a letter and invite some of the landowners that have larger acreage to discuss what they would like to see the rate set at. Mark Bardsley agrees with Jim.

Solar Ordinance – Wendell Cates & Terome Gough would like to discuss the solar ordinance. Ryan Malott is attending via WebEx. Wendell Cates stated to the Board that quite a few of them were at the Commissioners meeting the other day, adding that the thing that concerns them is there are a lot of private mains going across people's property that we have never gotten easements for. Wendell added that if we go and put solar panels in, they will not have control of their outlet pipes or their surface water shed. Mark Bardsley stated that it has always been a private working agreement and he wonders what it would do to ask some of these major private tile owners if they would like to put them into the county's inventory. Jim Todd informed

Mark that according to the Indiana Code, the drain must be in good working order before being adopted and holding a public hearing in order to make them a county drain. Jim added that it is going to be a nightmare and it will take everyone that knows what drainage is out there coming to the meetings. He added that each one will be unique and different. Wendell Cates stated that there are a lot of farmers that do not know where their mains go to. He stated that back then an 8" main was pretty big and now they upgrade them every time that they are put in. Wendell worries that there are a lot of 8" mains out there that will get destroyed or they won't be able to get to them to work on them. He added that he has a 12" that is crossing Metal Source that he is very concerned about, and it is a private tile. Wendell asked the Drainage Board for their support for the farmers. Mark Bardsley stated that they have a developing check list that if everything is not met, they cannot get past the Drainage Board until all the criteria is met. Mark added that the challenge that we have is that they need to either incorporate those private lines into our inventory or the 90% or so that we are still questioning has to be covered under the Economic Development Agreement that says you will, if any private lines, any mutual lines that is cut, has to be repaired with equal or greater than it was before. Kenny Cates added that we have a 75' easement on the county tiles but a lot of these are not parallel to a fence line.

Terome Gough approached the Board stating the he feels that this is potentially the most impactful to the agricultural community, negative impact. Terome added that he contacted Mark Thornburg at Indiana Farm Bureau who is General Council and the Director of Legal Affairs for Farm Bureau. He asked Mr. Thornburg the question "if his neighbor puts in a solar farm across his main, what recourse does he have?" and was told that after-the-fact, you have very little. Terome was advised by Mr. Thornburg to get the Grant County Drainage Board and the Commissioners to get pro-active. Jim Todd asked if the Drainage Board could acquire a mutual drainage easement across the solar panel's property as part of the agreement. Pat Pinkerton added that he was under the understanding that if you had a mutual drain, or any kind of private drain in use, then you have a prescriptive easement; but that is not defined in any particular way. Terome Gough spoke of property rights, stating those that are opposing the solar farms are pushing it pretty hard and he feels that the agricultural community has some rights as well, adding that now is the time to stand up for our rights. Mark Bardsley stated that they are in no hurry to move through what will eventually be the ordinance, they are utilizing all of the time that is prescribed to us, just for this reason, to listen to different items.

Unthank – Mic Roush: \$19,184.76 in the maintenance fund

Mic Roush stated that last summer he came before the Drainage Board and applied for approval to extend the Unthank Drain across County Road 100 N to an adjoining property owner. Mic added that he was told that he needed to get a permit to cut the road for crossing 100 N. He said that he went to the Highway County garage and paid \$75.00 for a permit on August 5, 2021. He later got a phone call from the superintendent's secretary that said that it would have to be bored. Mr. Roush is wanting to know who will bear that expense and has yet to get an answer from the Highway Department. Jim Todd stated that he doesn't think he should have paid for a permit and that it should have been paid through the drainage maintenance fund. Jim added that the tile goes under 100 N and swings around to the fence line that Mr. Roush shares with an adjoining landowner. Jim said that he feels that the cost should be paid by the County Highway Department. Gordon Gough added that it is very expensive to bore; Mic agreed. Jim Todd informed the Board that there is a surface pipe there as well and Mr. Roush is wanting to make sure that they will drain too, including surface water. Mark Bardsley would like to schedule a time that Mic and Chad Roush, David White, Jim Todd, and himself could have a sit down to discuss what we are going to do about this.

Chaining Ordinance – Gordon Gough

Gordon Gough stated that he went to the County Highway Department regarding a cover letter that states "Please note that your exact location has been bored (inaudible)..." Gordon said that he thought we were open trench every roadside according to our trenching ordinance. Mark Bardsley stated that he has read that and that if we have a deficiency in our ordinance, we need to tweak it so that it says what we wanted it to. Mark added that we need to make sure that this 2017 ordinance actually says what we want it to, if needed, we can make an amendment, get it through the Drainage Board and then on to the Commissioners so that they can adopt it. Mark Bardsley said that he would like the Board to read through this ordinance, since we all have a copy and make sure it says what we want it to. If it does not, we need to high-light it and bring it up at our next meeting. Gordon Gough also stated that they are supposed to notify the farmers, but they have not. Mark said that he thought we had that in the ordinance; Kenny Cates said that they are probably notifying the owners of the properties, they may even live out of state, and nobody is notifying the ones that are out farming the fields. Mark also noticed as he was just scanning the ordinance; did we even put in a fine? It is not defined as to what the fine is.

NEW BUSINESS:

Cart Creek – Jim Todd–Maintenance issue; \$28,180.23 in the fund

Jim Todd informed the Board that Wendell Cates is present to discuss Cart Creek, but there is also an issue with the business that makes racing fuel across from the ethanol plant. There is a power pole right on the tile, he added that Mitch Cook tried to bypass it at one time, but it is almost right on their fence. Jim would like this investigated; he has talked to Matt Stover who is in charge of the place. Jim Todd added that he would like to get an estimate to bring that tile out, adding that Wendell would probably know about how close it is to that fence. Jim informed the Board that there is \$28,180.23 in the maintenance fund for Cart Creek. Wendell Cates stated that he does not have any drainage issues in this area, but the tile is no good. This area is a 15" clay tile that is 9,000 to 10,000 feet from the outlet. Mark Bardsley stated that even if we started on the far south end and started fixing it with regular tile, we would be headed in the right direction; Jim agreed, adding that he would not go under 18" right now. Wendell Cates stated that when Omni was there, they put in a 24" crossing and there was an open ditch that went to the railroad where it then turned and went towards the I&M. The railroad came in and put in a 24" driveway in there, laying it on top of the silt rather than putting in down in the bottom of the creek. At that time, Mr. Buroker talked to I&M and they were not worried about the water situation at that time; so that pipe never got removed. Jim Todd said that the open ditch that was running north and south was a county easement, but that one was east and west, not a county easement. He added that he looked at Wendell's pictures and he is in favor of doing what needs to be done to help this situation; Wendell said that where he wants to put the manhole is 3,000 from the creek. He is asking the Board if he can replace 150' to 180' of the 24" on the south side of 250 N and there is a high pressure 8" gas line there that sits almost on top of the 24" tile. When it reaches 250 N, he would like to put in a 5' riser pipe that would have four 24" pipes crisscrossing. Wendell added that Holloway is wanting to put in a 12" tile east and Wendell would like to put in an 18" tile in there to get underneath the gas line. He added that the cross is a \$3,000.00 item and he is asking if this is his and Mr. Holloways responsibility or would it fall under the county tile for maintenance. Jim Todd stated that the junction box is going to be right on the existing tile and help everything and he feels that the maintenance fund could be used. Wendell stated that the entire project could cost \$8,000.00, maybe less. Kenny Cates made a motion to allow up to \$9,000.00 to put in a junction box on Cart Creek. Seconded by Gordon Gough; motion carried 4-0. Jim Todd asked Wendell if this will collect surface water; Wendell said that it will.

OTHER BUSINESS

There is no other business to discuss.

ADJOURN:

Kenny Cates made a motion to adjourn the meeting at 12:07 p.m.; seconded by Pat Pinkerton. Motion carried with support 4-0.

The next scheduled Drainage Board meeting to be held will be May 10, 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 26, 2022 as presented:

Mark Bardsley

Gordon Gough

ABSENT

Richard Cox

Kenny Cates

Pat Pinkerton