

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held November 29, 2022 in the Grant County Council Chambers. Mark Bardsley, Chairman called the meeting to order at 11:04 a.m. Other members present were Vice-Chairman Gordon Gough, Kenny Cates, Richard Cox, Grant County Surveyor Jim Todd and Drainage Board Secretary, Mary Weesner. Pat Pinkerton was not in attendance.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the October 25, 2022 minutes as presented; seconded by Gordon Gough. Motion carried 3-0; Richard Cox abstained since he was not in attendance for the October 25, 2022 meeting.

Kenny Cates made a motion to approve the November 10, 2022 minutes as presented; seconded by Gordon Gough. Motion carried 3-0; Richard Cox abstained since he was not in attendance for the October 25, 2022 meeting.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Cut Above Tree Service \$9,600.00 Back Creek; \$102,376.20 in the fund
John's Repair Service \$8,772.50 Little Crane Pond; \$42,003.09
John's Repair Service \$25,450.00 Little Crane Pond; \$42,003.09
L&W Cates \$10,272.58 Cart Creek; \$27,538.22 in the fund
Grant County Treasurer \$945.00; Drains that need a loan from GDIF
Enyeart Construction \$7,000.00 Sweetser & Enoch Lee; \$70,211.68 in the fund
Enyeart Construction \$735.00 Sweetser & Enoch Lee; \$70,211.68 in the fund
Enyeart Construction \$732.50 Lugar Creek; \$190,549.18 in the fund
Enyeart Construction \$15,000.00 Lugar Creek; \$190,549.18 in the fund
Cook Excavating \$934.50 Ten Mile Ditch; \$6,987.08 in the fund
Cook Excavating \$1,440.00 Pipe Creek; \$137,092.44 in the fund
Cook Excavating \$830.00 Winger Ditch; \$14,364.04 in the fund
Cook Excavating \$1,158.00 Winger Ditch; \$14,364.04 in the fund
Peerless Printing \$73.45 Office Supplies; \$175.34 in the fund

Kenny Cates made a motion to approve the above claims as presented, excluding Back Creek claim; seconded by Gordon Gough. Motion carried, with support 4-0.

Richard Cox made a motion to approve the claim for Cut Above Tree Service for Back Creek; seconded by Kenny Cates. Motion carried 3-2 with Gordon Gough abstaining due to having land on the Back Creek watershed.

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

Chronicle Tribune \$17.34 Hummel Creek; \$223,779.38 in the red

Chronicle Tribune \$46.58 Hummel Creek; \$223,779.38 in the red

Drewry Simmons Vornehm \$1,540.00 Hummel Creek; \$223,779.38 in the red

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

OLD BUSINESS:

Little Crane Pond

There are no updates to report at this time.

Hummel Creek

There is nothing new to discuss

Solar Ordinance

Mark Bardsley stated that there is nothing to discuss at this time

NEW BUSINESS:

Crane Pond Ditch – Jared Purdom - Easement Issue

Jared Purdom is before the Board regarding an easement request for Crane Pond Ditch. Mr. Purdom began by stating that he has two lots with one on the county ditch and the one on the city maintained ditch. He is asking to move the easement from 75' to a 25' easement, where the two ditches meet in his backyard. Mr. Purdom added that the city ditch has a 25' easement and the county ditch has a 75' easement and is not sure why we need 75' into his yard to do anything with. He said that it is a big common sense issue that there is

an open field on the backside of both of his lots and he wants to know why work was done on the residential side to destroy his trees and property when the other side could have been as easily taken care of. Mr. Purdom added that there was \$43,000.00 in the maintenance fund, a bid went out originally to the Bragg's, the Bragg's came back with a \$50,000.00 bid and it was not accepted. They then went on to another one that was \$35,000.00 to \$40,000.00, that one was not accepted and they went to the contractor now for \$25,000.00, so there is another \$14,000.00 to put something down to get to the other side, clean that side out and then do what we need, but instead they wrecked his backyard and wrecked his trees. He stated that he had spoke to Wendell Cates about this face to face two months before it happened, and Mr. Cates had assured him that there was no chance that they would mess with his trees. He added that he was out of state when he received a phone call saying why are all of his trees coming down. He said that he came home to an absolute mess in his backyard. Jim Todd told the Board that he thought Wendell Cates was going to be in attendance. He added that Wendell is in support of this easement reduction. The reason the other side wasn't picked is because it's the path of least resistance; if you move to the other side then you are clearing a lot of trees and there is a fence line right in the other side of the other lots. Jim Todd said that they have a path now to bushhog and keep the brush down and an access path. Jim said that the 75' goes way into his yard and he wants to plant some pine trees for privacy. He said that he is not opposed to the 40' for this lot, Mr. Purdom said that it is 25' that he discussed with Wendell. Gordon Gough stated that he is against the 25' feet, Kenny Cates added that he is also against it. Gordon said that if he plants trees, then if there needs to be work done, they will have to deal with the trees. If trees should fall into the ditch, he said that Mr. Purdom would want the Drainage Board to clean the trees; Mr. Purdom said that he never would have thought to call the Drainage Board and that he would not be standing here right now if his yard hadn't been destroyed. Jim Todd told Mr. Purdom that we stayed out of his backyard. They did remove the tree line, but they leveled and seeded it, leaving a few small trees on the ditch bank and it would be many years for them to be a problem. Gordon Gough said that he bought the property knowing that there was a 75' easement and he would like to keep it at 75'. Mark Bardsley stated that in his initial discussion, he was under the impression that Wendell Cates was suggesting 40' and he is comfortable with that, but to bring it down to 25', our methods in what we can handle and what the city does with their ditches is entirely different as they can be almost right on top, as long as they go deep enough, and we have to dip and bush. Jim Todd added that he wishes Wendell was here today. Mr. Purdom said that they are doing the work within the 25' right now, they got an excavator through there and why they would need another 15' outside of

that; Richard Cox added so that they can spread the dirt. Mr. Purdom told Richard that the dirt has been moved to Wendell's field. Jim Todd informed the Board that they hauled the dirt off since it was going to be too much to landscape it, that would be more costly than just hauling it out and putting it in the farm field that it came from. Richard Cox stated that if they are doing that then 25' would be good enough. Jim said that if he does get the 25' easement, he would want to plant his pine trees back from that and then when they grow, they would not be in the 25'. Mr. Purdom said that the whole point of this is that he does not want to sell his property and he has no doubt that he will outlive every single person on the Drainage Board and he believes that his trees a little more important, he added that the reason they bought the house was because of the backyard. Jim Todd added that Wendell Cates had approved the path, stating that Wendell wants to keep this path clear and brushed hogged for future access. Raymond Bair stated that from his understanding after talking with Wendell, Wendell was okay with 40 feet. Mark Bardsley stated that we let Job Paduga have a 35', Jim stated that he thinks it was 30', Mark added that we do not want to change the precedence that we have set and whatever amount was given to Mr. Paduga should be given to Mr. Purdom. Kenny Cates said that he wants to give 40' while Richard Cox agreed with the 30'. Mark Bardsley added that since the Board is at a dead lock, we will need to wait until Pat Pinkerton is present for the tie breaker. Mark informed Mr. Purdom that we will bring this issue up at our next meeting when the fifth member is present.

Jocinah Creek – Steve Smith – Tile repair & replacement

Jim Todd explained that Mr. Steve Smith is on the end of Jocinah Creek just before Fox Acres. There is an old county tile across, and he has run horses in here before. This tile has been fixed numerous times over the years, adding that there is \$14,000.00 in the maintenance fund. Mr. Smith is present today with some estimates that he has gotten from some contractors to replace this clay tile that was put in in 1987. Jim stated that his records show there is 12", 15" and 18". Mark Bardsley has a drawing in front of him and this is just south of county road 600 North. The Fox Acres Farm outlets on Mr. Smith's property. Mr. Smith passed the estimates that he received to the Board to view. The estimates are as follows:

Keith Sullivan Excavating for 10" \$12,500.00

Bragg Excavating for 10" tile \$8,201.00 -or- 12" tile is \$9,281.00

Dave's Excavating for 10" \$19,749.62 -or- 12" tile is \$22,249.62

*These estimates are attached to the minutes in the Drainage Board office. Mr. Smith stated that he has had Bragg's do work for him before and would like for Bragg's to do this work as well.

There is a hole about every 10' in the tile and due to the condition of the tile, it is one of the reasons that he had to get rid of some horses. Jim Todd added that this drains to the west and that the money has traditionally been spent on the open ditch down in the area of Charles McIllwain's farm. Jim passed around the watershed map for the Board to view. He added that it will bring in \$1,200.00 in the fall. Richard Cox made a motion that the Board go with the Bragg Excavating quote for this job; seconded by Gordon Gough. Gordon pointed out that if it is not a 12" tile but a 10" tile, it will be less than the amount quoted. Jim responded stating the on the quote it states that if it's a 10' tile it will be \$8,201.00 and if it is a 12" tile it would be \$9,281.00. Richard Cox added that eventually they will need to go all the way to the pond it would be better to put a 12" in, Jim Todd agreed. The Board voted 4-0.

Middlefork – Steve Comer – Crossing

Mr. Steve Comer is present today to ask permission to build a crossing through Middlefork Ditch. The Board viewed a map of the area in question. Jim Todd stated that there has been some interest in putting Middlefork on maintenance as it is one of the few that are not assessing a maintenance. Jim added that this would require a joint board as it is in multiple counties. He added that Mr. Comer would like to dip out the northern end of the Middlefork, north of the campground and at his own expense, maybe the Board could give him permission today. Mr. Comer stated that if he did this project, it would be from 600 W to 100 S. Gordon Gough made a motion that the Board allow Mr. Comer to put the crossing in and work upstream on his property, at his expense. Motion was seconded by Kenny Cates; motion carried 4-0.

OTHER BUSINESS:

Hummel Creek – Public Hearing

Mark Bardsley opened the public hearing for Hummel Creek stating that the Board has read the written objections. Jim Todd informed the public and Board that this ditch was made a legal county ditch through the court system in the year 1879. Jim added that this is one of a few ditches that a maintenance assessment has never been applied. A request was presented a few years ago, but we were in litigation regarding an obstruction site off of Bocock. We could not charge a maintenance and work on the ditch to only bring more water down to the obstruction without flooding people. There are 4,689 acres in the Hummel Creek watershed with 159 homesites. He added that the plan for today is to put this watershed on an annual maintenance

with a lower rate, adding that a lot of our ditches have a higher rate than being petitioned today. The rate being sought is \$5.00 per acre, \$50.00 per homesite, \$50.00 per commercial site with a minimum of \$10.00 per parcel for a four year shutoff. Jim Todd explained that with a four year collection, if money is being spent out of the maintenance fund every year, then it will be a continuous collection. This would periodically shut off once the four year cap is met, once money is spent out of that, it will start collecting again. Jim stated that he had read all of the objections that were submitted and said that some people had some good points. Out of 159 homesites, only 5 homesites objected to the assessment, which is only 3.14% of the homes. Out of the 4,689 acres, only 124 acres objected, which is 2.67% of the total acreage. It appears that a lot of people are in favor of this assessment. Jim Todd went on to explain that the money would start collecting next year with tax time and then in the fall next year, the first thing that we would do is start taking out log jams and obstructions the stream. This collection will also take care of the tributaries which the upper end will need dredged eventually to free up any farm tile that would need drainage. Jim added that with this lower assessment, it will take longer for the money to accumulate every year. Is this rate passes today, letters will be sent out to everybody from the Surveyor's office on behalf of the Drainage Board that we will be inspecting the ditch and making a list of the problems. Mark Bardsley informed the public that the obstruction that was being taken care of through a legal matter will not be assessed to them. Richard Cox asked about the debt that has been accrued in the litigation process and how will we be able to recoup this; Mark informed him that we would have to absorb that cost. Jim Todd told him that this came out of the General Drain Improvement Fund and is now lost money. He added that we are trying to recoup some of this lost money through the owner. Mark said that in the future we may be able to ask the County Council for some of that money that we can put back in the General Drain Improvement Fund. Mark Bardsley opened the floor for public discussion. First to approach the Board is Brian King referring to the percentage of the objections based on acreage, he stated the he and his brothers own about 10% of that acreage and they all object to this. He stated that for seventy years, or more, there has been no maintenance and it has been working fine and he is perplexed as to why now, when there are no flooding or issues. He is inquiring as to how many complaints the Board has had regarding flooding along Hummel Creek. Jim Todd responded that the people close to the obstruction. A couple years before the obstruction was noticed, the Board received a request from landowners that were requesting maintenance of the creek. Jim added that the upper end farm ground does drain pretty good and that is why they are only requesting \$5.00 per acre. Jim recommended they could ask for \$3.00 per acre instead but it would take longer for the money to

build up before a whole lot can be done. Mr. King asked if there has been any studies on the amount of water being restricted by the log jams, Jim Todd informed him that they have done some engineering by Christopher Burke Engineering in order to figure out about the three pipes that were holding back water, which have now been cleared from the watershed. Jim added that there has not been any engineering study done on the ditch itself. If Hummel is put on maintenance and Mr. King requests an engineering study, it would probably be about \$60,000.00 for the engineers. Mr. King does not want a study, he wants to justify this being put on maintenance. Mr. King then asked if there has been issues with the water flow since the obstruction has been removed, Jim Todd said that the only people that did call were the people by the pipes. Jim said to his knowledge the water does not jump the banks and flood the farms. Jim Todd said that the first thing that needs to be done is to go in and remove all the dead trees; this does not affect him as this is on the lower end. He added that the Indiana Drainage Code was developed in 1965 to put everybody that is in the watershed as joint owners and put money into a fund. Jim explained that Mary Weesner is the Drainage Board secretary and she keeps track of the fund. When there is a problem, Jim will look at the problem and come up with a way to fix the problem and then bring that to the Board. Jim Todd asked Mr. King what he would be willing to pay, Mr. King told him as little as possible. Richard Cox added that the Board could do nothing, don't put it on maintenance. Kenny Cates added that \$5.00 per acre is cheap and there is going to be trees that are going to need to be worked on through there and that is going to take money. Richard stated that he understands Mr. King, who is a neighbor of his, up where they are there isn't any trees there. Kenny Cates added that the people below are having water problems. Jim Todd explained to Mr. King that it is not the Drainage Board doesn't automatically put ditches on maintenance, it takes the landowners actions. There was a petition that was carried by Jerry Losure and the Hix's, it was turned in shortly before we seen the obstruction, the Board did not act on it until the obstruction was removed. Todd Spencer came before the Board stating that he is here representing his mother, as it is her property, she has 34 acres. Mr. Spencer asked the Board about the tributaries since they are way north, he also asked if the 75' easement is for Hummel Creek only, or does it include the tributaries. Jim Todd answered stating that after research, this is for Hummel Creek and tributaries because otherwise the people in the tributaries would be paying a ditch tax and if they want something done, they would have to pay another tax; so the Board does have the right to include the tributaries. Jim added that there is a 75' easement on the tributaries as well as Hummel Creek. Mr. Spencer has a private drain and he has the right to do what he wants to it. This tributary is from 550 N going south, north of 550 N is not part of the ditch

tax system. Gordon Gough asked Mr. Spencer if he is for or against the proposed maintenance assessment; Mr. Spencer said that he is actually against it because he has already spent thousands of dollars cleaning out their whole area. Kenny Cates said that once it all gets cleaned out, they want to put Hummel Creek on the spray program to be sprayed.

Jim Todd asked Mr. Brankle what his opinion is and if his water gets away okay, Mr. Brankle stated that his water gets away right now, but there are log jams all through that area, adding that Gary Ott is responsible for a lot of that. He added that it is terribly full of brush and it needs to be put on maintenance. Mr. Brankle said that he supports the \$5.00 per acre because it needs to be brushed and sprayed and there are areas that need to be dipped out. He said it is not completely backed up and understands what Mr. King said, he is sitting on the top end dumping down water. Mr. Brankle asked a gentleman named Tom what his opinion is; Tom stated that \$5.00 is not very much. Richard Cox stated that eventually it is going to back up to those on the top end. Richard Cox stated that he is on the Drainage Board but also on this ditch so he cannot vote on this. Richard added that he is for the \$5.00 assessment. Richard said that eventually it is going to back up on them and their tiles are not going to work. He agrees that he does not like paying to clean out down by Bocoock Road, but you have to start some place.

Mr. Keith Brakel is before the Board. He stated that he does not know a lot about ditch maintenance but, he is in favor of paying his portion to get that cleaned up. A farmer came in a couple years ago and cleaned up by where he is, but it is already filling in with a lot of silt and brush. He feels that this needs to be taken care of and sprayed.

Joe Miller stood before the Board stating that he does not have any problems with the creek itself other than when it rains. He feels that there is a restriction with the property going up the hill. Mark Bardsley added that if there is water going over the road, the Highway Department needs to be notified. Mark asked Mr. Miller if he is pro or con for the proposed assessment, Mr. Miller said that whatever it takes to fix it.

Mark Bardsley asked if anyone else would like to speak regarding the maintenance assessment, but no one else got up to speak, so Mark closed the floor to public comment portion of the public hearing. Kenny Cates said that he is for the advertised amount as there is cleaning and stuff down there that needs to be done and a lesser amount would not help; Jim Todd added that it will still be a slow process at this rate. He added that hopefully next fall they can get some of the major logs out of the way and when the money builds up, they can work on the branches. Kenny Cates made a motion to approve the proposed assessment on Hummel Creek for the amount of \$5.00 per acre, \$50.00 home site, \$50.00 commercial site with a minimum of \$10.00 for a

four year cap shut off. Seconded by Gordon Gough; motion carried 3-0 with Richard Cox abstaining since he has land on the Hummel Creek watershed. Mr. Brankle stated that he bought the property across the road, it is 80 acres and is not on the assessment roll and needs to be added; Jim Todd stated that the notice may have went out to the previous owner and that his office will look into it.

In regard to the issue of Little Crane Pond with Mr. Jared Purdom, the Board is discussing again. Jim Todd said that if they can get by with 30 feet, Richard Cox said 35 feet and Kenny Cates said that he is okay with 40 feet. Jim stated that we should discuss this when Pat Pinkerton is here.

ADJOURN:

Richard Cox made a motion to adjourn the meeting at 12:13 p.m.; seconded by Kenny Cates. Motion carried 4-0.

The next scheduled Drainage Board meeting to be held will be December 13, 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 has approved the minutes for November 29, 2022 as presented:

Mark Bardsley

Gordon Gough

Richard Cox

Kenny Cates

ABSENT

Pat Pinkerton