

# GRANT COUNTY DRAINAGE BOARD

401 South Adams Street  
Marion, Indiana 46953

The Grant County Drainage Board meeting was held December 27, 2022 in the Grant County Council Chambers. Mark Bardsley, Chairman called the meeting to order at 11:03 a.m. Other members present were Vice-Chairman Gordon Gough, Kenny Cates, Richard Cox, Pat Pinkerton, and Drainage Board Secretary, Mary Weesner.

## **APPROVAL OF MINUTES:**

Kenny Cates made a motion to approve the December 13, 2022 minutes as presented; seconded by Richard Cox. Motion carried 5-0.

## **APPROVAL OF CLAIMS:**

Mary Weesner read the claims as follows:

Grant County Treasurer \$3,399.76; Loan payment from maintenance to GDIF  
Grant County Treasurer \$1,603.92; Loan from GDIF to maintenance  
Spitzer Herriman (Kyle Persinger) \$3,200.00 Legal services; \$5,000.00 in the fund

*\*\*\*Note\*\*\* This claim was pre-approved by Commissioner Bardsley and turned into the Auditor's office on December 15, 2022 so that it will be paid out of the 2022 fund and not 2023 fund.*

IMI Aggregates \$9,789.80 Barren Creek; \$94,446.49 in the fund

IMI Aggregates \$3,652.26 Barren Creek; \$94,446.49 in the fund

Tom's Excavating \$1,190.00 Unthank; \$776.34 in the red

Cates Brothers \$1,375.00 Sims & Franklin; \$24,343.44 in the fund

Wells County Auditor \$338.74 Outbound Joint Fall Collection

Wabash County Auditor \$1,118.35 Outbound Joint Fall Collection

Blackford County Auditor \$1,337.61 Outbound Joint Fall Collection

Howard County Auditor \$1,423.32 Outbound Joint Fall Collection

Huntington County Auditor \$202.63 Outbound Joint Fall Collection

Enyeart Construction \$14,360.00 Lugar Creek; \$195,850.23 in the fund

Enyeart Construction \$4,200.00 Lugar Creek; \$195,850.23 in the fund

Mark Bardsley stated that regarding the one that was pre-approved for Spitzer Herriman that we would need a separate motion for this claim since it has technically been paid. Gordon Gough made a motion to approve the

Spitzer Herriman claim as presented. Seconded by Richard Cox; motion carried 5-0.

Kenny Cates made a motion to approve all other claims mentioned above; seconded by Gordon Gough. Motion carried, with support, 5-0.

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

Cates Brothers \$1,575.00 Pipe Creek; \$144,222.38 in the fund

Cates Brothers \$775.00 Pipe Creek; \$144,222.38 in the fund

Cates Brothers \$1,225.00 Pipe Creek; \$144,222.38 in the fund

Richard Cox made a motion to approve the above claims as presented; seconded by Pat Pinkerton. Motion carried 4-0 with Kenny Cates abstaining due to owning land in the Pipe Creek watershed.

**OLD BUSINESS:**

Little Crane Pond

There are no updates to report at this time.

Hummel Creek

Mary Weesner informed the Board that she has requested the final invoice from attorney Drewry Simmons and Vornehm; Mark Bardsley stated that once we receive the final invoice, Mary will give the total that is needed to the Commissioners who will then approach the County Council for a request to replenish the General Drain Improvement Fund.

Solar Ordinance

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

**NEW BUSINESS:**

Milner Moon -Mark Hasting-Vacation of drain discussion

Mark Hasting is present before the Board stating that he has the signatures, equaling 100% of the benefited acreage in favor of vacating the maintenance on the Milner Moon. He added that some of the water shed was going in another direction and the rest will be addressed in the near future. Mr. Hasting stated that there is about \$26,000.00 in the maintenance fund at the

current time. Mark Bardsley said that he had received a call this morning, some initial back and forth. Mark Bardsley asked Mary Weesner if we needed to advertise, Mary replied that we do have to advertise and hold a public hearing even though there is 100% acreage on the petition, per Indiana code. She stated that she could schedule a hearing date at this time. Gordon Gough stated that he is in the water shed and would like to know what can be done about the funds that has been collected, about \$26,000.00. Steve Comer is also present regarding the vacation. He stated that it is supposedly going in a different direction and there have been different tiles added to replace part of the main. Mr. Comer added that if they are not using it anymore as a county tile, then why is it taxed. Kenny Cates asked Mr. Comer if they need any of the maintenance money from the fund to do this; he said yes, Richard Cox asked Mr. Hasting how many landowners besides himself and the Comers. Mr. Hasting responded that there is Steve Comer and his mother, and the Whitehead family; that is 100% of tillable ground. Mr. Hasting added that Scott Rogers does have a small portion and there are two homesteads that drain through the Whitehead farm. He added that when he and Gordon Gough put in a new tile, they took that water and sent it directly to Deer Creek, therefore, that water is no longer going through the Milner Moon. Mark Bardsley suggested that Gordon Gough and himself talk to the attorney to determine the percentage due to the landowners and make sure that the Board conforms to state laws. Gordon Gough stated that the Milner Moon was not working anyway and that is why they put the new outlet in. Mr. Hasting stated that if they take the Milner Moon off of maintenance that they should be entitled to the funds. He also wanted to know what would happen to the funds otherwise; Mark Bardsley stated that this is their money and he is under the assumption that this money would go back to the landowners, this is another question for our attorney. Mark then asked the Board if we should schedule a hearing date or wait until we have the necessary answers; Kenny Cates asked if there is a way to stop the collection this spring. Kenny Cates recommended turning a bill in for work that needs to be done; Richard Cox agreed. Mark Hasting asked the Board if Steve Comer is going to rework the Milner Moon Ditch starting at the headwall, and there is \$26,000.00 and there will be an additional \$6,000.00, so there will be over \$30,000.00 in the Milner Moon maintenance fund; if Mr. Comer is able to utilize those funds, it would have to remain a county tile. Mark Bardsley stated that as long as we have not vacated this tile, it is still a county tile and qualifies for the work. Mark added that he hopes to have answers and better information after meeting with the attorney for our next Drainage Board meeting.

### Sweetser Improvement – Nick Manwell- Private Crossing

Nick Manwell approached the Board. He stated that he has purchased a farm and the Sweetser Improvement Ditch runs through the middle of this farm. He added that for ease of getting his equipment in and out he would like to put a pipe in the ditch so that he may make a bridge across. Mr. Manwell said that he has talked to Grant County Surveyor Jim Todd and that Jim told him that this pipe is big enough. The Board reviewed the location on a map. Mr. Manwell stated that the pipe is 11 feet in diameter and 30 feet long. Commissioner Steve Wright asked Mr. Manwell how he sees about the rating for load bearing regarding this pipe; Mr. Manwell responded that it is ¼" steel and that he is still doing research for this. He added that County Surveyor Jim Todd has already been out to the sight. Kenny Cates made a motion to allow Mr. Manwell to work in our easement, at his own expense. Seconded by Richard Cox, motion carried 5-0.

### New Duling Ditch – Leonard Hampton – Damage complaint

Mark stated, for the record, that Redman Excavating worked outside of our easement and destroyed some property and Mr. Hampton is looking for compensation. Gordon Gough pointed out that Mr. Hampton is not present and therefore, this topic will be tabled.

### Lumbo Tile – Set hearing date

Kenny Cates stated that this tile is from 1896 and has been broken for years. Mark Bardsley clarified that it is currently collecting \$1.50 per acre, \$1.50 per homesite with a minimum of \$5.00. Mary Weesner informed the Board that, per Ron Cates, they would like to collect \$15.00 per acre but did not request a homesite or minimum. Mark read the petition for a public hearing. The Board discussed the homesite rate, deciding on \$50.00 per homesite and a \$15.00 for a minimum rate; this would be a four year collection. Mary Weesner stated that the earliest possible date for a hearing would be February 28, 2023. The new rate will not collect until 2024 since the deadline for 2023 would have passed by the time the remonstrance time concludes. Gordon Gough made a motion to hold a public hearing for the Lumbo Tile on February 28, 2023. The advertised rates are \$15.00 per acre, \$50.00 per homesite, and \$15.00 for the minimum rate. Motion was seconded by Pat Pinkerton; motion carried 5-0.

## **OTHER BUSINESS:**

### Pond Regulations – Ryan Malott

Ryan Malott, Area Plan Director, is present via WebEx. He wants to see what the Board's thoughts are since the last meeting as far as pond regulations for anything an acre or less. Ryan added that anything over an acre has to go through Soil and Water Conservation District for a Rule 5, but there are zero regulations for anything less than an acre. He added that when they are putting in some of the smaller ponds, the Health Department and the Drainage Board and Area Plan, no one is monitoring these as far as how close they are putting them next to septic systems, going over regulated tile, nothing is being seen. Kenny Cates stated, regarding fences in our easement, if we need down the creek, they take the fence out or we take it out for them. Mark Bardsley added that anything in our easement, we have the right to remove in order to do the job, and that is state law. But, he added, if we reaffirm it with a local ordinance so that folks understand. Pat Pinkerton questioned if this would affect storm water retention ponds and if this is just going to be in the county or will it also affect the city. Mark Bardsley stated that the Board's jurisdiction is the county, not the city. Ryan Malott agreed, adding that this would be the Area Plan jurisdiction only. This is not something that is mandated, but a lot of counties have it. Mark said that we need an ordinance that will state that if you have anything less than an acre, you will need Drainage Board approval and a permit from Area Plan. Mark Bardsley asked the Board if they want to be the strong arm or allow Area Plan to have that authority; Kenny Cates said that he wants them to contact the Drainage Board so that we know what is going on. Mark verified that the Board wants to approve water retention and distribution and then we would expect Area Plan to enforce if too close. Pat Pinkerton stated that if it is not a legal drain, he doesn't know if the Board has much authority, Mark Bardsley added that if there is an overflow, it will come to our ditch eventually. Mark reiterated that the Board wants to have the authority to approve their water flow and we want Area Plan to have the authority to watch for the septic system, whether they are too close to the road and property lines. He asked Ryan if he wants to develop this and the Board can adopt. Ryan replied that since it will be an attached amendment and he would bring it to the Board so that they may tweak it and then he will take it to the Area Plan Commission to put forward for a recommendation to the Commissioners.

## **ADJOURN:**

Kenny Cates made a motion to adjourn the meeting at 12:04 p.m.; seconded by Gordon Gough. Motion carried 5-0.

The next scheduled Drainage Board meeting to be held will be January 10, 2023 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 December 27, 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

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Pat Pinkerton