

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held February 28, 2023 in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:00 a.m. Other members present were Vice-Chairman Gordon Gough, Kenny Cates via WebEx, Pat Pinkerton, 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 via WebEx to approve the February 14, 2023 minutes as presented; seconded by Gordon Gough. Motion carried 4-0 with Kenny Cates voting via WebEx.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

John's Repair Service \$1,470.00 Little Crane Pond; \$7,995.66 in the fund

Gordon Gough made a motion to approve the above claim as presented. Seconded by Pat Pinkerton; motion carried 4-0, with Kenny Cates voting via WebEx.

OLD BUSINESS:

Little Crane Pond

Mark Bardsley added that the utility attorney was on vacation but should be back this week and he will try to talk with him.

Solar Ordinance

Mark Bardsley stated that he has been reviewing the Board's requirements and he plans to bring it back before the Board to ensure we are all in agreement.

Pond Ordinance

Mark Bardsley said that there are still some issues with this regarding the "less than an acre" and still needs some discussion

Sims Franklin Kenny Cates mentioned the topic of the Sims Franklin stating that Phil Gentis' watershed, over by Steve Berry's house, on Phil Gentis, there is rip rap that got underneath the bridge. Mr. Gentis made calls and ended with the Grant County Highway Department and talked to the #2 man there. Kenny added that Redman Excavating was supposed to remove this when he was working over by Swayzee and it was not done; Kenny is inquiring as to why it was not done. Jim Todd told Kenny Cates that he believes that Redman had forgot about it. Jim added that we were going to pay Redman's time and material to clean under bridge and fix that water that runs in on the west side that is causing erosion, maybe a rock chute or something needs to go in there. Raymond Bair said that the last time he had talked to Redman, Redman was going to give him a diagram of the structure he is wanting to put in and the price on it.

NEW BUSINESS

Milner Moon Gordon Gough had brought it to the Board's attention that a date needs to be set for a vacation hearing in the Milner Moon. Jim Todd informed the Board that he has talked to Drainage Board attorney, Kyle Persinger and that he is researching this issue regarding the remaining maintenance money in the fund. Raymond Bair stated that from what he has read of the Indiana Code, he found where it mentions reimbursement but could not find where it mentioned refund. The code talks of it going into the General Drain Improvement Fund, not the individuals. Gordon Gough said that the landowners are ready and then the money that is in the fund needs to be distributed to the people that paid it. Mark Bardsley stated that he feels that we have to give it back to the landowners.

OTHER BUSINESS

Lumbo Drain – Public hearing

Mark Bardsley stated that Kenny Cates may listen and speak about the Lumbo Drain, but when it comes to the final vote, he may not vote since he is attending via WebEx. Jim Todd informed the Board that the Lumbo Tile (534) is situated in Sims Township, Sections 10, 11, 13, and 14. The current maintenance is \$1.50 per acre with a \$1.50 per home and a minimum of \$5.00. Due to the increased cost of maintaining this drain, the Grant County Drainage Board would like the drain assessed at \$15.00 per acre with a \$50.00 per home site and a \$15.00 minimum for a four year collection. Jim added that at the current rate it only brings in \$1,939.69 per year while the proposed rate would bring in \$21,008.25 annually. He said that this tile was installed in the year 1891 and varies from sizes 24", 22", 18", 12" and a 10" on the end which is a total of 17,530 feet in length. Jim Todd added that we have only received one letter of objection and it was from Mark Linna, out of the 24 homesites and the 1,320.55 acres, the objection is 4.17% of homesites and .06% of benefited acres objecting to the proposed rate. The proposed rate is enough to keep this tile band-aided and keep it working for everybody. To replace this drain could cost up to, or more than \$400,000.00. Jim Todd informed the public that

as this money collects it will only be spent where it is directed by the landowners. He said that the outlet tile needs to be bigger than a 24", it has been overloaded for years. Pat Pinkerton asked Jim how much work needs to be done on this tile and does he have an estimate; Jim responded that other than it is breaking down where it gets close to the headwall, we have not spent a lot of money on it. Jim inquired from Mary Weesner as to how much has been spent over the years. Mary told Jim that the last time money was spent on the Lumbo was in June of 2021, that amount was \$354.50 paid out to Middlesworth Farms for tile repair. Before that are as follows: \$290.00 in July 2018 and \$451.75 in January 2018, also paid out to Middlesworth Farms, then \$640.00 paid out to Hunt's Drainage in February 2016 and \$530.00 for tile repair from Hunt's Drainage in March 2014 and then \$201.70 in June 2011 for Rogers Farm Drainage. Kenny Cates stated that it will take a 36" for the first mile of this tile then they could drop down to a 30". Mark Bardsley opened the meeting to the public to speak. Ron Cates is before the Board. Ron stated that for a 100 year old tile, it is not too bad, but he would like to accumulate some money because this tile will need replaced. Charlie Weaver is now before the Board. He stated that he is not against or for the proposed rate, but he needs some questions answered before being for this new rate. Mr. Weaver asked if they are talking about just the main trunk of the Lumbo; Jim Todd stated that it is just the main trunk. Mr. Weaver then inquired if they are accumulating the money to replace the tile or for repairs; Mark Bardsley assured him that the money that is collected for the Lumbo belongs to them and no one else, mark added that the money is used strictly for the Lumbo. Jim Todd informed him that the maintenance fund is monitored by the State Board of Accounts regularly and that Mary Weesner keeps track of the funds and there is no way that someone on another ditch can spend your money. Mark Bardsley stated that anything they do on their own acreage would be considered a private tile. Jim gave Mr. Weaver a watershed map. Mr. Weaver stated that anything that will help the ground and move the water, he is all for it. Jim explained that the maintenance fund will cover if someone taps into the main. Gordon Gough made a motion to approve the proposed rate of \$15.00 per acre, \$50.00 homesite, and a minimum of \$15.00 with a four year collection shut-off. Motion was seconded by Pat Pinkerton; motion carried 3-0 (Kenny Cates had to abstain due to the inability to vote for a rate increase via WebEx).

NEW BUSINESS:

There is no new business to discuss

OTHER BUSINESS:

Pond Ordinance

Ryan Malott, Director of Area Plan is present via WebEx. Ryan asked if the Board has gotten anything done towards this ordinance. He added that Raymond Bair gave him some input. Mark Bardsley stated that he really does not have anything at this time.

Raymond Bair asked the Board if they had any thoughts on the ordinance. Kenny Cates ask that Raymond send him his input on the pond ordinance. Jim Todd stated that he does not want any pond to back up on a neighbor and it needs to have a good out flow. He added that it cannot discharge the water to one spot where it never has been before. Jim asked Ryan what the setback is from the property line; Ryan answered that it is 50' but that number is up for negotiation. Kenny added that one thing that he would like to see is if it does come to Area Plan to build a pond, he would like to see the surveyor, or the Drainage Board notified before it is approved. Ryan said that is already in, but it also includes notifying the Health Department to ensure that we are not getting too close to a septic and septic fields. Pat Pinkerton asked Ryan about the setback and what can go in it, such as a dam and the backside of a dam, can they go in the setback. Kenny Cates added that if it is close to the road there needs to be some kind of restraint to keep people from getting into it, Ryan agreed by adding that anything that is close to the road and there is a 50' setback, would require some kind of guard rails which would include the Highway Department. Mark Bardsley asked Ryan if the Drainage Board completes a check list before it goes to Area Plan for approval; Ryan told Mark that Area Plan would get a site plan for the Drainage Board, but if it is an acre or more, then it will require a Rule 5 from the USDA for the soil and erosion certification. Mark Bardsley stated that if the Board can come up with a check list and the APC does the setbacks; he does want to make sure that they do not come too close to the ditch, Ryan informed Mark that it is 75', unless the Drainage Board give them a variance. Jim Todd stated that he will not be in favor of any variance that is under 75'. Mark Bardsley said that if they are breaking the drainage code, we can lean on them to stop the work until there is compliance, but that APC should be the strong arm.

ADJOURN:

Kenny Cates, via WebEx, made a motion to adjourn the meeting at 11:39 a.m.; seconded by Gordon Gough. Motion carried 4-0 with Kenny Cates voting via WebEx.

The next scheduled Drainage Board meeting to be held will be March 14, 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 February 28, 2023 as presented:

Mark Bardsley

Gordon Gough

Not Present

Richard Cox

Kenny Cates

Pat Pinkerton