

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street

Marion, Indiana 46953

The Grant County Drainage Board meeting was held April 11, 2023 in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:00 am. Other members present were Vice-Chairman Gordon Gough, Kenny Cates, and Grant County Surveyor Jim Todd. Pat Pinkerton, Richard Cox, and Drainage Board secretary Mary Weesner were not in attendance.

APPROVAL OF MINUTES:

Mark Bardsley stated that the approval of minutes will be tabled until next meeting.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Bragg Excavating \$7,246.00 Black Creek; \$195,383.70 in the fund
Bragg Excavating \$11,258.88 Black Creek; \$195,383.70 in the fund
Cook Excavating \$1,330.00 Pipe Creek; \$159,390.08 in the fund
Cook Excavating \$2,660.00 Pipe Creek; \$159,390.08 in the fund
Cook Excavating \$2,605.00 Pipe Creek; \$159,390.08 in the fund

Kenny Cates made a motion to approve the claims as presented; seconded by Gordon Gough. Motion carried 3-0.

OLD BUSINESS:

Cart Creek

Jim Todd informed the Board that there is a fence there and a power pole there. Jim added that they have met with the utilities and that the power pole has been saved but there is a hole there. He said that Mitch Cook stated that it is about a 400' stretch with a 15" tile and Mitch had talked about down-sizing the tile. Jim Todd said that he had talked to Wendell Cates this morning and that while Wendell does not have water on this end, he does have a vested interest because he is taxed to the north. Jim Todd stated

that he is opposed to it being any smaller than the current 15" tile because it does shed off of the field north of State Road 18 and he does not want the side ditches on either side of the road restricted. He added that if we move the tile over and tap into the catch basin and then run it out away from the fence, it would be around 400'. He said that Cook Excavating has an estimate of around \$11,000.00 and there is \$17,472.74 in the maintenance fund. He has asked that Wendall Cates take a look at it and then give Jim his opinion, therefor, Jim would like to put this on hold for now. He said that they probably need to get Bragg Excavating to come and wash out the utilities because they need to connect to that riser and bring out away from the fence. Kenny Cates asked Jim when they would be able to do this; Jim Todd responded that Mitch Cook is ready to do this anytime, but the problem is with I&M Power, they want to cut the fence and raise the pole with a machine and have Mitch work underneath it. He added that Mitch did not want to do that because if anything went wrong, he is under the power line; it needs to be moved out.

Little Crane Pond

There is nothing new to discuss

NEW BUSINESS:

There is nothing new to discuss

OTHER BUSINESS:

Spray Program

Chadd Baker of Right of Way Management is present today to discuss the spray program with the Board. Mr. Baker stated that when we began the spray program in 2020, he and Raymond Bair have been forming a long term plan. After three years of spraying, Mr. Baker said that it is time to reevaluate the ditches. He added that he has drove around and looked at everything that Right of Way has done and to do a quick inspection to see if they can rotate some things out. There are potentially eleven ditches that can be put on a year or two on the rotation. Mr. Baker recommended that in the year 2024 he would go back on or it could go to 2025. He

added that there are some that he thinks need to be hit again and then some that are being worked on need to be held off and put in another year's rotation. Raymond Bair stated that he would like to do Barren Creek, but they don't have the funds to spray Barren Creek, adding that there is still a prong on Barren Creek that they still have to cut and dredge. Raymond said that he sent Mr. Baker a list of the ditches and he added the dates. He reviewed a list that he gave the Board, this list states the amount charged per foot for the ditches that we are going to do this year. Raymond said that for Taylor Creek Chadd put 28¢ where he wrote "again please" because he had taken it off and this is down towards Jim Todd's area where the thistle is real bad; Chadd was willing to take Taylor Creek of this year but due to Jim's request, they added that back on. Taylor Creek is on it again for the first section out south of the sewer plant. Kenny Cates said regarding Max Faust, it is all grown up back there and Kenny would like to know if he is still objecting since he does not have cattle now; Jim stated that he did not know and that he did not want it dredge while the cattle were there; but Jim hasn't talked to him lately. Raymond Bair added that when it comes to cleaning up the ditch if it has a lot of dead stuff, you have a lot of stuff to chase, you need to cut and collect while it is still alive since it all sticks together better. Chadd stated that they are under the budget this year since dropping footage and there can be ones introduced. Raymond added that regarding Barren Creek, Chadd had numbers there but he wrote "no \$" because there is no money in the account. Chadd Baker said that due to the increase in chemical cost, there will be a 1¢ per foot increase for spraying, which comes out to about \$52.00 per mile. He added that is for all the counties, not just Grant County. Gordon Gough stated that he noticed that Grassy Fork, Little Creek and Little Deer Creek is not on the list to be sprayed this year and he would like to see it sprayed every year; Chadd said that he understands but they are trying to stretch the dollar as far as they can. Raymond Bair asked Gordon if he would like it back on if there is money in the fund, adding that they could add it today if the Board approves, Gordon said that he would like it back on. Gordon Gough stated to the Board that if there is enough money in Grassy Fork, Little Creek and Little Deer Creek, he would like those put back on the spray list. Mark Bardsley reiterated that the 2023 column on the list is Chadd's recommendation with the addition of Grassy Fork, Little Creek and Little Deer Creek. Kenny Cates made a motion to accept the spray

program list as presented, adding Grassy Fork, Little Creek and Little Deer Creek for the 2023 year; seconded by Gordon Gough. Motion carried 3-0. Chadd Baker stated that he will begin Grant County in the first to middle of June.

Hummel Creek

Ryan Malott, Director of Area Plan is present today per Kenny Cate's request. A map was passed around to the Board. Jim Todd noted that the new parcel is high-lighted in orange. Mark Bardsley stated that he is hoping that Ryan can bring the Board up to date because we are having this alleged survey markings while there is items going on with the survey, the Board's concern has been that the judicial finding still benefits the Drainage Board and it carries no matter what happens with the breaking up of the parcels. Mark asked if Area Plan can give the Board an update of what has happened. Brenda Harrison of Area Plan stated that this was brought into Area Plan October of 2022 and she immediately went to Ryan because she knew of the issue concerning the Drainage Board and Gary Ott of Bocock Land Development. They immediately sent an email to Mark Bardsley and then did the split; she approved it on the 6th of October 2022 and that was the last that she had heard anything on it. Mark Bardsley stated that the breaking up of parcels technically has nothing to do with the Drainage Board. Jim Todd added that time after time, the Board told Mr. Ott that our easement stopped about 100' down from the obstruction, from there on, it is a natural creek. This is landlocked and if he does not pay his ditch assessment as court ordered, then he can give the parcel to the county. This parcel would be of no use to the county since it is landlocked. Kenny Cates added that he is concerned because it should never have been approved by Area Plan before it came to the Drainage Board because we have a judgement against Gary Ott. Ryan told Kenny that the first thing he did was go to Mark Bardsley; Mark responded stating that ultimately, we have our easement right of way and if Mr. Ott decides that he is not going to pay his taxes, we will file on the parent tract. Jim Todd informed the Board that there are not stakes defining this property, it is just on paper. Mark added that we have a signed court order and we won. He added that he does not think that Area Plan is responsible to the Drainage Board unless there is a question on our right of way. He does recommend that, since we have had litigation with this

particular situation, we can advise Area Plan that any type of work on this area be flagged so that the Drainage Board knows about it. Mark added that technically we need to authorize the President to send a letter to Area Plan regarding this area that has been litigated and if there is any more movement on it the Drainage Board needs to know before any action is taken. Mark Bardsley asked Ryan Malott how long, when someone comes to Area Plan, do they have before Area Plan has to respond to them; Brenda Harrison said about two to three days before she does anything. Ryan said that there is no set time, basically, they will act in a timely fashion.

Solar Ordinance

Myron Brankle is present before the Board regarding the solar ordinance. He stated that a few months ago they put a six month moratorium on draft #4 of the solar project by a unanimous vote, he is wanting to know where the Board stands on that. Mark Bardsley said that it was not a unanimous vote; Mr. Brankle agreed by stating that it was unanimous except for Mark's vote. Mr. Brankle asked if Mark just overlooked them and go on; Mark responded to him stating that the Drainage Board does not have the authority to do a moratorium, only the commissioners do. Mr. Brankle then said that Mark just ignored that then, Mark corrected him stating that he shared this with the commissioners, and they did not act on it. Mr. Brankle questioned Mark whether it was three commissioners; Mark said that is correct. Mr. Brankle said that they voted on draft #4 and just left the Drainage Board out; Mark Bardsley told Mr. Brankle again that he passed on the Drainage Board's desire and the commissioners did not act on it. Mr. Brankle then questioned why the commissioners did not act on it and whether or not it was important; Mark told him that the executive has the authority to enact or not to enact and they did not. Mr. Brankle became argumentative and then he informed Mark that he just got two emails, these last heavy rains in Ohio caused solar farms to flood. He said that he could forward the emails to him if he wants. He added that with draft #4 that the solar companies can do the same thing without any responsibility to the drainage tile; Mark stated that is not true. Mark Bardsley told Mr. Brankle that in draft #4 the Drainage Board approved what is going to be put in on farm, if it is not approved then it would have to go back to Area Plan until the Drainage Board is satisfied. He then asked Mark what requirements

that the Drainage Board has set. Mark informed him of the following: No solar equipment within the maximum drain easement, on any assessed drain all ground transmission lines must be chained in, any mutual drains or private tile damage by installation and/or installation equipment will be repaired equal to or better than the existing infrastructure, the company field representative has to have a clear ground walk through with the surveyor or representative, sign off acknowledgement by company agent that everything is correct, and water retention plan needs Drainage Board sign-off before it is approved. Mark added that there would be a public hearing to make sure we do not have mutual drains that go through that property. Mr. Brankle continued to argue about draft #4 and that there is no drainage protection.

ADJOURN:

Kenny Cates made a motion to adjourn the meeting at 12:00 pm; seconded by Gordon Gough. Motion carried 3-0.

The next scheduled Drainage Board meeting to be held will be April 25, 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 April 11, 2023 as presented:

Mark Bardsley

Gordon Gough

*****Not Present*****

Richard Cox

Kenny Cates

*****Not Present*****

Pat Pinkerton