

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held August 27, 2024, in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:02 am. Other members present were Vice-Chairman Richard Cox, Gordon Gough, Kenny Cates, Pat Pinkerton, Grant County Surveyor Jim Todd and Drainage Board Secretary Mary Weesner.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the minutes from the August 13, 2024, meeting as presented. Motion was seconded by Richard, passing 4-0; Pat Pinkerton abstained as he was not in attendance at the August 13, 2024 meeting.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

John's Repair \$318.50 Sweetser Imp & Enoch Lee; \$38,753.23 in the fund

John's Repair \$6,189.50 Sweetser Imp & Enoch Lee; \$38,753.23 in the fund

John's Repair \$2,161.50 Sweetser Imp & Enoch Lee; \$38,753.23 in the fund

IMI Aggregates \$134.71 Sweetser Imp & Enoch Lee; \$38,753.23 in the fund

Newhouse Excavating \$16,310.30 Steelman Tile; \$18,247.48 in the fund

Newhouse Excavating \$69,659.86 Brumfield & Minnick; \$72,512.27 in the fund

Gordon Gough made a motion to approve the above claims as presented; seconded by Pat Pinkerton. Motion carried 5-0.

OLD BUSINESS:

Little Crane Pond – Approval of resolution

Mark Bardsley stated that he has just received an update from Pat Pinkerton that there is a meeting at noon to discuss this issue.

Roods Run Ditch - Joseph Zilka-Crossing Maintenance request 9271 E 450 N Van Buren

Jim Todd stated that he has the legal description. It does go south of the ditch, but the city limits does take in the crossing and runs into his yard to the north. Jim added that Mary Weesner has been looking into the ARPA fund and maybe we could spend some of the money on this issue because it is in the city limits. Mary Weesner informed the Board that after the allotted spraying for 2024 and 2025, there is still over \$80,000.00 of the ARPA funds available. Mark Bardsley added that from the Highway Department side of this is David White did some checking with the State and with county resources, it has never been dedicated. There is nothing on the state record of that road and nothing on the county records for that either. He added that from the Highway Department side of this issue, this is considered a private drive. Jim Todd stated that Rick Sullivan has given an estimate of \$4,500.00, adding that the pipe is good. Mark Bardsley asked Jim Todd to summarize the Indiana Code in this situation. Jim said that if it is a legally established crossing, the Board has the discretion to spend money on it. If there was a maintenance fund, it would come out of that fund, but there is no maintenance on it, it would have to come from the ARPA fund or the General Drain Improvement Fund. Mark Bardsley asked if we see something that falls in our jurisdiction that needs to get done, it seems like in the past we have used the General Drain Improvement Fund (GDIF) and then held a public hearing to raise the money for it. Jim Todd stated that years ago they tried to put Roods Run Ditch on maintenance, but the town and their attorney objected because they did not want to pay. Jim added that they then tried to have a maintenance on the town limits, but they objected to that because then we might bring in water when the town already has a water problem when it rains too hard. Kenny Cates asked about how much farmland is in this area; Jim Todd stated that there is about 2,000 acres. Richard Cox asked if we could use the ARPA money; Mark Bardsley responded

that we can use it on any water project that helps to alleviate water pressure. Mark added that Jim would need to put a request into the commissioners to use from the fund. Gordon Gough stated that like he said in the last meeting, he felt bad, and we need to help these people, but they bought the property the way it was and they want somebody else to pay the bill. He added that if we do this one, there will be others coming forward wanting us to fix their private crossings as well. Mrs. Zilka stated that until today, they did not know that they owned the crossing. The survey points that they recognized are that they are on the north side of that and therefore they did not know that they owned the crossing. Jim Todd added that the road and the property are still in the city limits, that would be one advantage if we did help them because we would be doing something that would help the town as well. Mark Bardsley asked the Zilkas if they would be willing to sign a hold harmless agreement that recognized that you did not have access or regress except through the help of the Drainage Board that states that you realize that you have a private crossing, and it would be your responsibility from this time forward; she said that they would be willing to do that. Richard Cox agreed adding that they know that emergency services cannot get across that crossing. Pat Pinkerton stated that he is a bit uncomfortable putting any money into a drain that does not have a maintenance fund. Kenny Cates stated his concern that there is no easement between the creek and the buildings that they built, Jim Todd agreed adding that it would take a mini excavator to take it out. Richard Cox made a motion that they assist these people with repairing their crossing out of the General Drain Improvement Fund and try to get maintenance set up. They would need to sign a hold harmless agreement stating that from this point forward it would be their responsibility to maintain. Motion was seconded by Pat Pinkerton. Gordon Gough asked what would happen if the landowners vote down a maintenance, then what? Mark Bardsley asked Jim Todd if there is a process where you can bump up a ditch maintenance a certain percentage without a public hearing; Jim stated 25%. Richard Cox stated that there is no rate. Mark suggested that we advertise at what we know we need, and we can always go down to hardly anything and start bumping it up from there. Pat Pinkerton feels that it would be a good idea to get someone to go out there and look at the ditch and give us an estimate to see what it is going to take; Jim responded that it would be outrageous for the entire

ditch, Pat stated that that is his whole point. Jim Todd stated that it will take about \$100,000.00 to do the ditch, but he can go out there and take a look at it. Most of it is grown up in brush and trees. The motion carried 4-1 with Gordon Gough voting no. Mark Bardsley said that Mary Weesner will get with the Drainage Board attorney to put together a hold harmless agreement.

Lomax Ditch – discussion of rate

Jim Todd passed around the current and projected rate for the Board's review and told them they do not have to decide right away. He has called Wells County, and they have a flat rate of 3 ½ times. Jim added that Howard County has a hard surface run-off rate. Pat Pinkerton asked Jim Todd if there is any kind of credit given for retention ponds; Raymond Bair said no. Mark Bardsley stated that if we have areas that are being inadequately assessed because of hard surface, he feels that it behooves the Board to review it. Mark asked that the Board have a recommendation at the next meeting. Pat Pinkerton added that one thing that we need to know is that if we go with commercial being 3 times what the farm ground is, what would that raise the final assessment to?

Pat Pinkerton had to excuse himself from the meeting at 11:42am
There was a discussion as to who owns the land that the buildings are on; Jim Todd said that he would research this and get back with them. Mark Bardsley informed the Board that the north section is Meijer Stores Limited, and the section below that is University Marketplace LLC; that is where Hobby Lobby and Kohl's is located. He added that everything behind it is a part of the association and everything to the north is Meijer Stores Limited.

NEW BUSINESS

Lugar Creek & Tributaries –Jerry Soultz-maintenance request;
\$136,157.28 in the fund

Jim Todd stated that Mr. Soultz has some trees down across the ditch and he had Riddle Tree Service to come look at this. An estimate along with pictures of the area from Riddle Tree Service, which is attached to these minutes in the Drainage Board office, is for \$3,500.00. The stuff would be put on Mr. Soultz' property and disposed of by Riddle. Jim passed around the estimate that has the

pictures attached for the Board to review. Gordon Gough asked Jim if this is on the spray program, Jim stated that Mr. Soultz has requested that we do not spray through there. Richard Cox moved that that the Board allow Mr. Soultz to proceed with this project, spending up to \$3,500.00, to clear the trees out of this ditch, seconded by Gordon Gough. Motion carried unanimously 4-0.

Mathias Tile of Roods Run – Brandon Satterthwaite-Situation
discussion fix/rate; \$1,949.80 in the fund

Jim Todd had passed a map around to the Board of the area in question. He showed them where the old tile was located. He added that it is \$1.47 per acre, he tried to look back on old records and it has not been on maintenance since the 1960's. This watershed is 256 acres. The gentleman that is here, it runs between his property, he is not on an assessment. It is Roods Run in his back yard, and he has not been on an assessment because he really does not benefit but the 256 acres come through there. There is \$1,949.80 in the maintenance fund. Andy Rickner has been out to look at it and it's completely bad from the county road all the way to the open ditch. The surface water comes down to a surface pipe down to close by the corner. Jim Todd stated that he only has one estimate to reroute it and it is for \$9,770.00 for all new to the yard is for \$9,190.00. Kenny Cates asked Jim if they will have to cut the road, Raymond Bair said that the Highway Department said that they will take care of the road. Jim asked the landowner, Brandon Satterthwaite, how many bad places there are in his yard; Mr. Satterthwaite stated that there is just one area right now and that it is not sinkholes, it is just holding water. He had pictures that were passed around to the Board, showing the area holding water. There is a tree around 7' from the tile and Kenny Cates stated that they need to take that tree out. Mr. Satterthwaite stated that he had talked to Andy Rickner and Andy told him that two trees would need to come out and that he would want to reroute the tile back to the creek, but Mr. Satterthwaite stated that the estimate from Andy Rickner does not include the removal of the trees. Mark Bardsley stated that state law lets them say if there is a water problem that is affecting someone downstream, the Board would have jurisdiction. Mark added that if we put in that redirected line, that benefits the 256 acres to the north and would not affect Mr. Satterthwaite, questioning if we would even need to raise an

assessment. Richard Cox stated that there is no money for redoing the line, bringing up the ARPA fund. Mark said that would benefit everyone on the water shed and would get Mr. Satterthwaite out of the water business on his property and he can take care of it after we abandon the easement. Richard Cox asked what it is like further to the north; Jim Todd said that he thinks it is bad. Raymond Bair said that if you try to charge them to cover the \$10,000.00 they are going to get reactions. Jim Todd recommend that this item for tabled so that they can do some talking and research. Raymond added that they could run a router to get it open so that it is not standing in water; Mr. Satterthwaite said that he would rather run a camera up first to see if it is flat or just roots. Raymond said that he could go downstream and dig down with a shovel to see if it is open, make that water go to that tile. Mark Bardsley asked if there are any objections to trying to alleviate the water from his property. Raymond said that this could cause a worse problem than he has now, can he run it to the side ditch? Mr. Satterthwaite stated no, that would be a long stretch. Mark Bardsley said that we will bring this back up at our next meeting in two weeks.

OTHER BUSINESS:

Middlefork

Jim Todd showed Mark Bardsley a letter that he has written to the Madison County Drainage Board Chairman regarding the waiving of their rights on the Middlefork watershed, and that he would like Mark to read it. Jim added that this letter is per Indiana Drainage Code; he will also send a map along with the letter. Jim Todd said that they have 30 days to issue a response, if we do not get a response then we can proceed with our own Board taking care of it. Mark Bardsley consented to allowing Jim Todd to send the letter to Madison County.

Ratliff Tile

Kenny Cates stated that Scott Rogers got that tile in ½ from Chism's Corner that goes over to the Powell farm for Dave Devore.

ADJOURN:

Kenny Cates made a motion to adjourn the meeting at 12:17 pm; seconded by Richard Cox. Motion carried with support, 4-0.

The next scheduled Drainage Board meeting to be held will be September 10, 2024, 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 August 27, 2024, as presented:

Mark Bardsley

Richard Cox

Gordon Gough

Kenny Cates

Pat Pinkerton