

# GRANT COUNTY DRAINAGE BOARD

401 South Adams Street  
Marion, Indiana 46953

The Grant County Drainage Board meeting was held May 14, 2024, in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:03 am. Other members present were Vice-Chairman Richard Cox, Gordon Gough, Kenny Cates. 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 minutes from the April 30, 2024, meeting as presented; seconded by Richard Cox. Motion carried 4-0.

## APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Chronicle Tribune \$57.13 Dry Fork Peterson Casey; \$30.60 in the red

Chronicle Tribune \$57.13 South Prong of Dry Fork; \$3,863.53 in the fund

John's Repair Service \$15,000.00 Sweetser Improvement; \$113,582.14 in the fund

Bragg Excavating \$2,427.00 Gillespie & Thomas Thompson; \$960.06 in the fund

Bragg Excavating \$1,438.00 John Woods Tile; \$405.18 in the fund

Gordon Gough made a motion to approve the claims listed above; seconded by Kenny Cates. Motion carried 4-0.

\*\*\*Kenny Cates to Abstain\*\*\*

Cook Excavating \$420.00 Pipe Creek; \$131,160.54 in the fund

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Cook Excavating \$1365.00 Pipe Creek; \$131,160.54 in the fund

Cook Excavating \$525.00 Taylor Creek; \$262,751.31 in the fund

Cook Excavating \$840.00 Taylor Creek; \$262,751.31 in the fund

Bragg Excavating \$15,367.00 Pipe Creek; \$131,160.54 in the fund

Richard Cox made a motion to approve the claims listed above; seconded by Gordon Gough. Motion carried 3-0, with Kenny Cates abstaining due to having land in the Taylor Creek and Pipe Creek watersheds.

\*\*\*Gordon Gough to Abstain\*\*\*

Bragg Excavating \$1,874.00 Back Creek; \$89,777.54 in the fund

Kenny Cates made a motion to approve the claims listed above; seconded by Richard Cox. Motion carried 3-0, with Gordon Gough abstaining due to having land in the Back Creek watershed.

## **OLD BUSINESS:**

Little Crane Pond – Approval of resolution

Sims Franklin – John Needler – Maintenance

John Needler is present before the Board regarding the Sims Franklin Ditch. Jim Todd passed an aerial around for the Board to view, circling the area in question. Mr. Needler promises to keep this open on his quarter mile section. He stated that there is some concern regarding whether something should happen to him, who would maintain it; Mr. Needler pointed to his son Joshua before passing a letter to each Board member consisting of a promise to maintain this area (a copy is attached to these minutes in the Drainage Board office). He said that it has been over twenty years since it has been dredged. He added that he has personally walked this ditch and pulled out debris from tornadoes and such, including trees when they fall. Mr. Needler does not feel that chemicals should be sprayed over watersheds, adding that his son Josh will maintain the ditch. Mark Bardsley told the Board that they would just need to make an agreement per his May 14, 2024, letter that he will maintain his parcels of the Sims Franklin Ditch, the agreement would be between the John Needler and Joshua Needler and the Grant County Drainage Board to assume the responsibility as long as the parcels remain the property of the Needler family. Kenny Cates stated that he will go along with Mr. Needler maintaining his part of the watershed, but Kenny said that it would need to be agreed that we can go in there and clean out by the bridge. Mr. Needler responded that he would be okay with that. Jim Todd asked if it is in the highway right of way; Mr. Needler stated about 20' off, by the bend. Jim said that he would go out there and take a look at it. Kenny Cates stated that as long as they keep that open through there; if something happens and they fail to take care of it, then it reverts to the Drainage Board to take care of it. Jim informed Mr. Needler that, per the Indiana Drainage Code, there would need to be a 10 day letter, then after that, they can get in there on his property and remove the blockage and charge him a ditch tax. Kenny said that someone needs to tell the guy that sprays to go out around that house, Raymond Bair stated that he has already told the sprayer. Richard Cox made a motion to accept the agreement that was presented by John Needler and Joshua Needler to the Grant County Drainage Board for them to maintain and take care of this portion of the ditch for as long as they own the property. Seconded by Kenny Cates; motion carried, with support 4-0.

## Solar Set Back - Discussion

Mark Bardsley stated that the discussion will continue regarding the verbiage to send to the Commissioners regarding the resolution from the Grant County Drainage Board for the amendment of the Grant County ordinance #7 of 2022 regarding the solar ordinance for the solar energy systems. The Board has voted on this matter previously, but Mark wanted to make sure that the Board was pleased with the wording. He read the proposed ordinance for the record as follows:

Whereas the Grant County Drainage Board respectfully requests that the Grant County Board of Commissioner to amend Grant County Ordinance #7-2022 an ordinance authorizing the regulating of solar energy systems;

Whereas a setback for Grant County regulated drains was not included in any draft or ordinance regard solar development, but a setback is factored for Grant County roads and nonparticipating landowners;

Whereas future encroachments could further diminish protection for flow of lateral drains and mutual private drains;

Whereas spreading of soils in landowners' fields outside of the state easement could be of benefit to the landowners with their permission;

Whereas future access to regulated drains for construction and maintenance will be larger equipment requiring additional workspace.

Now, therefore be it resolved, that the Grant County Drainage Board respectfully requests that the Grant County Commissioners amend Grant County Ordinance #7-2022 to include a to include a 150-foot setback on all regulated drains involved in a minor or major solar project on each side (that being top of bank or center of the tile, total width of 300 feet).

Kenny Cates made a motion to approve and pass Resolution 1-2024 of Grant County Ordinance #7-2022 to be forwarded on to the Commissioners; seconded by Gordon Gough. Motion carried 4-0.

Resolution 1-2024 was passed and adopted on this 14<sup>th</sup> day of May 2024. Mark Bardsley added that they are in the 6 month moratorium, and they would like to get the amendments prepared and done so that when the moratorium comes off, it will be a functioning thing.

## **NEW BUSINESS**

### Big Deer Creek – Don Wright – Spray Program Request

Don Wright is before the Board regarding the spraying of a portion of Big Deer Creek on his property. He informed the Board that Big Deer Creek goes through is property from 650 S to 700 S going through the woods where there are trees growing through the ditch bank. Mr. Wright is requesting that the ditch bank and the right of way be sprayed. He understands that there is a current spray project

that this job could be added to. Kenny Cates stated that he would rather spray than mow. Mark Bardsley asked if this can be added to our list this year so that we may use the AARPA funds; Jim Todd responded that it can be added to the spraying this year. Mark added that we need to get this added to the request so that it may go before the Commissioners because the Commissioners have to release the AARPA funds in order to get that money. After a brief discussion Richard Cox made a motion to add Don Wright's acreage to the spray program as well as Gordon Gough's acreage to the spray program. Seconded by Kenny Cates; motion carried 3-0 with Gordon Gough abstaining.

\*Mark Bardsley had to exit the meeting; Richard Cox took over chair of the meeting.

Don Wright went on to ask the Board about two log jams on Big Deer Creek; he passed a map to the Board to show the location. Jim Todd requested that Mary Weesner contact Eric Bragg of Bragg Excavating for removal of the log jams.

**OTHER BUSINESS:**

There is no other business to discuss.

**ADJOURN:**

Kenny Cates made a motion to adjourn the meeting at 11:47 am; seconded by Gordon Gough. Motion carried with support, 3-0.

The next scheduled Drainage Board meeting to be held will be May 28, 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 May 14, 2024, as presented:*

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**Mark Bardsley**

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**Richard Cox**

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**Gordon Gough**

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**Kenny Cates**

**\*\*\*Absent\*\*\***

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**Pat Pinkerton**