

# GRANT COUNTY DRAINAGE BOARD

## 401 SOUTH ADAMS STREET

### MARION, INDIANA 46953

The Grant County Drainage Board meeting was held November 27, 2018 in the Grant County Council Chambers. Mark Bardsley, Chairman, called the meeting to order at 11:01 a.m. Other members present were Gordon Gough, Kenny Cates, Pat Pinkerton, Richard Cox, Grant County Surveyor, Jim Todd and Contract Deputy Surveyor Don Wimmer.

#### **APPROVAL OF MINUTES:**

Kenny Cates made a motion to approve the November 13, 2018 minutes as presented. Seconded by Gordon Gough; motion carried 4-0 with Richard Cox abstaining due to not being in attendance at the November 13<sup>th</sup> meeting.

#### **APPROVAL OF CLAIMS:**

Jim Todd presented the claims as follows:

Titus Trucking & Excavating \$2,685.00 Lugar Creek; \$107,972.37 in the fund  
Titus Trucking & Excavating \$3,100.00 Lugar Creek; \$107,972.37 in the fund  
Peerless Printing \$141.63 Office Supplies; \$142.03 in the fund  
Bragg Excavating \$4,650.00 South Marion Peterson; \$52.29 in the red

Pat Pinkerton made a motion to approve the above claims as presented; seconded by Richard Cox. Motion carried with support 5-0.

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

Chronicle Tribune \$31.65 Echelbarger & Zirkle; \$306.23 in the red

Gordon Gough made a motion to approve the above claim as presented; seconded by Richard Cox. Motion carried with support 4-0 with Kenny Cates abstaining due to owning land in the Echelbarger & Zirkle water shed.

*\*\*\*Richard Cox to abstain*

Drewry Simmons Vornehm \$3,170.00 Hummel Creek; \$88,467.12 in the red

Gordon Gough made a motion to approve the above claim as presented; seconded by Pat Pinkerton. Motion carried with support 4-0 with Richard Cox abstaining due to owning land in the Hummel Creek water shed.

## **OLD BUSINESS:**

Little Crane Pond – Approval of resolution

There is nothing new to report

Hummel Creek

Mark Bardsley informed the Board that action has been filed with the Courts regarding Hummel Creek with hopes to see this resolved so that we may get the obstruction cleared out.

## **NEW BUSINESS:**

There was no new business

## **OTHER BUSINESS:**

Taylor Creek – Public Hearing

Mr. Don Wimmer will be the Contract Deputy Surveyor regarding Taylor Creek because Grant County Surveyor Jim Todd owns land on Taylor Creek. Don Wimmer, has read the Surveyor Report for Taylor Creek. The current rate is \$1.00 per acre, \$1.00 per lot and 50¢ per additional lot, with a minimum of \$5.00. The proposed rate is \$5.00 per acre with a \$50.00 home site and a minimum of \$50.00 for an eight year collection. Pat Pinkerton asked what the current rate brings in per year versus the proposed rate; Mr. Wimmer informed Pat it currently brings in \$10,897.88 and the proposed could bring in \$72,149.50 annually. He added that Taylor Creek maintenance fund is in the red by \$31,260.34, which is about half of the annual collections at the proposed rate.

Mark Bardsley stated that Indiana State law requires the Drainage board cannot allow individual drains to be in the red. Therefore, the Board is compelled by State law to raise money so that the maintenance fund is in the black. It would take three years with the current rate to bring this water shed out of the red. Gordon Gough stated that there are 419 home sites, 7,981 acres 55 commercial sites and 59 parcels within Taylor Creek. He added, for the record, that only 5 people with home sites objected to the proposed rate and only 81 total acres consisting of 7 land owners. Pat Pinkerton asked if there is an estimated amount for the work that needs to be done on Taylor Creek. Jim Todd stated that work has not been done on the stream in over 40 years, adding that he does not feel that they will need to cut all the trees or make an access path through all of it, but it will need to go to at least County Road 100 north and then make sure we can fix the rest of it. Jim added that they have done some erosion work with rip rap when it first was put on maintenance. There is a big slide by Mark Glessner where it came off the hill on Mark's property north of the railroad tracks, but no money has been spent downstream for years. Taylor Creek has been collecting so that they can drain the treatment plant area. Kenny Cates added that there was 4 feet of sludge at the sewer treatment plant. Kenny added that he would like to see the shut off at a four year collection rather than an eight year collection. Pat Pinkerton asked how long the ditch is; Jim Todd responded that he did not have the exact answer, but he would guess about 5 miles. Mark Bardsley asked if the work done in 1952 was cleaning or a reconstruction; Jim answered stating that he thinks it was a reconstruction. Mark Bardsley opened the floor for the public hearing.

Max Edgington 72686 W 200 S, Swayzee, Indiana

Mr. Edgington is present reminding the Board that he was at the previous meeting for the Echelbarger & Zirkle public hearing. He is questioning the \$50.00 home site charge on both since he pays into both water sheds. He also noted that on Taylor Creek he is being charged for 1.36 acres, which is correct, but he is still being assessed for \$50.00. But on the Zirkle ditch, it is added to that. He is questioning the assessment. Jim Todd explained to Mr. Edgington that the Echelbarger & Zirkle has a home site rate of \$50.00. Jim added that this was discussed at the previous Drainage Board meeting, to lower the minimum on Taylor Creek to possibly \$10.00.

Larry Floyd 2748 S 600 W, Marion, Indiana

Mr. Floyd stated that his property is on the corner of 100 South and County Road 13. He stated that he is being charged \$50.00 for drainage and another \$50.00 for the home site, asking if this is correct. Jim Todd informed him that the \$50.00 home site rate is on the Echelbarger & Zirkle ditch and on Taylor Creek, he will only be charged for the benefiting acreage at \$5.00 per acre, adding that he will be paying two ditch taxes. Mr. Floyd stated that he did not know that there was a ditch right there on the corner because water stands in there 90% of the time. When there is a hard rain, it will bubble up right at the intersection. Kenny Cates stated that this is the Echelbarger & Zirkle ditch, Jim Todd agreed. Jim added that we just had a hearing on the Zirkle ditch, raising the rate. They have just paid out \$3,000.00 to Mark Glessner, dipped and brushed and did the rest on his own. The Echelbarger has an outlet now where it has been hindered on the out flow. Kenny Cates stated that this tile is in bad shape, Jim agreed. Jim Todd added that if the money builds up in this fund, Jim added that it would be a good idea if the land owners would turn in requests to be released from the headwall at least to County Road 13; this would be the first phase that money would be spent on. Mark Bardsley added that the objective is not to penalize people that are on multiple ditches.

Kim Jones 956 S 900 W, Converse, Indiana

Ms. Jones informed the Board that she and her family have a couple parcels on Taylor Creek. Mrs. Jones stated that she agrees that they need ditching and drainage, but when they came and did the small portion it was very disturbing to her because they tore down all the trees around the creek. She understands that some of the trees do need to go but not all. She is now concerned about the butterflies, animals and birds since this is a refuge for them. She has land that was inherited, having 150 acres, over 40 of which are wooded. If these trees are taken out, it would be devastating for wildlife. Richard Cox asked whether they cleared both sides; Jim Todd responded yes. Kenny Cates explained the 75 foot easement to Mrs. Jones, stating that they can come down the ditch and clean 75 feet on each side. Kenny added that if the trees are going to fall in or there are ash trees, etc. these need to come out. She asked Kenny why they took oak trees and other trees that were not falling in; he replied that the equipment had to be pulled in there. Kenny Cates added

that Charlie Pence and John Enyeart did a good job and that he has not heard of any complaints from land owners. He added that the problem with this ditch is that when Jim got involved with this, there was 18" of water in the town ditch, but since they have gotten this ditch cleaned out, the water is coming out of the town of Swayzee now. Kenny added that the tile coming out of the sewer plant was under mud. Jim Todd added that as a land owner, Jim Todd stated that he knows there is a lot of fall through there and he knows that his neighbor to the north, Mr. Bishir, does not want the clear cut path on his property. Jim added that they can try to work around them. But sometimes it is hard to drop a 60' tree without enough room to move the equipment around; sometimes it just can't be helped. Kenny Cates stated that it has been a very long time since there has been work done; Jim Todd stated at least 40-50 years ago. Kenny added that the creek needs to be opened up to allow the water to get away. Mrs. Jones understands that there is a need to remove some trees; she just doesn't want them all taken out.

#### Dave Thomas

Mr. Thomas lives in Tipton but has land in Grant County on Taylor Creek. Mr. Thomas is before the Board questioning what could have been done differently 50 years ago. Kenny Cates replied that they would have kept a path through there 75' wide so they could get through and dip the creek instead of going through and cut all the trees. This problem should have been handled years ago, the town of Swayzee has had a terrible water problem and the work that has now been done has helped them considerably. Mr. Thomas asked what could be done for the next 50 years; Kenny said to maintain this so that they can get an excavator through. Mr. Thomas said that the Board may want to consider a special permit for building a house; Don Wimmer informed him that would actually be the Area Plan Department for any building permits since they approve all permits and splits for home sites.

#### Cheryl Thomas 709 Willow Branch, Tipton, Indiana

Mrs. Thomas asked how long the Drainage Board has existed; Jim Todd informed her that it began in 1965. She informed the Board that three years ago she spent \$15,000.00 on ditching and she wants to know what she did wrong. Kenny Cates asked her if it is an open ditch or tile; she stated it is a tile and she also cleared trees. She is on the Grant Howard ditch. Jim Todd informed her that Howard County is getting ready to start working on the

Grant Howard Ditch. They do not charge a home site charge, but have a \$25.00 minimum. Richard Cox informed her that unless someone complains, they do not know that there is a problem. Kenny Cates told her that the fund does not have the money to do all the work yet, but the fund will build up then the money will be there.

David Devore

Mr. Devore stated that he is in favor of the rate increase for Taylor Creek.

Gayle Prather 206 Barr Court, Tipton, Indiana

Mrs. Prather is in front of the Board about her inherited farm ground and is questioning the fact the her tenants have done some clearing and ditching and wonders if there can be any credit given for work that has been done. Jim Todd told her that there is nothing in the drainage code regarding compensation for land owners keeping their ditches clean. Mark Bardsley informed her that at one point the Board used to have an agreement that the work would be done and the Board would reimburse, but the State Board of Accounts got after us for doing that. She asked if the Board could pay this back anyways, Richard Cox intervened and told her that they have to follow the State rules. Kenny Cates added that they are going to need money to spray Taylor Creek to keep this brush down, in ten years from now the job would be a lot easier and cheaper if it does not get overgrown.

Steve Winger 13170 E 400 N Converse, Indiana

He asked the Board if the Taylor Creek assessment will cover the Grant Howard ditch; Jim Todd informed him that this does not cover Grant Howard, it has a fund of its own. He asked Jim if he needs his part done that would be through Howard County and not Grant County, Jim told him that is correct. Jim said that he has talked to Greg Lake, Deputy Surveyor of Howard County, months ago and they have plans to clean out the Grant Howard ditch. Mr. Winger asked about the eight year collection; he wonders if the work gets done will they stop the collection; Jim Todd told him that it is consensus of the Board to make this a four year collection and not an eight year collection. Mr. Winger said that would help a lot, Richard Cox let him know if they keep using the money the ditch will keep collecting.

*Public portion of the hearing is now closed.*

Richard Cox asked how this can be worded so that the public does not get with a double hit with the \$50.00 minimum; Jim Todd said that they need to change the rate on Taylor Creek to a minimum of \$10.00 but still leave the home sites at \$50.00. Mark Bardsley reiterated that the minimum would be \$10.00 instead of the \$50.00 that was proposed.

Gordon Gough made a motion to change the rate on Taylor Creek to \$5.00 per acre, \$50.00 home site and a \$10.00 minimum for a four year collection; seconded by Richard Cox. Motion carried 4-0 with Kenny Cates abstaining due to land on the Taylor Creek watershed.

#### Taylor Creek

John Chapel had requested to be on the agenda to speak regarding work that has been done on Taylor Creek; Mr. Chapel was not present. Item not discussed.

### **ADJOURN:**

Richard Cox made a motion to adjourn at 12:04 p.m.; Seconded by Pat Pinkerton; motion carried with support 5-0.

The next scheduled Drainage Board meeting to be held will be December 11, 2018 at 11:00 am

Minutes recorded by Mary R. Weesner

**MINUTES APPROVED:**

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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