

GRANT COUNTY DRAINAGE BOARD

401 SOUTH ADAMS STREET

MARION, INDIANA 46953

The Grant County Drainage Board meeting was held May 14, 2019 in the Grant County Council Chambers. Mark Bardsley, Chairman, called the meeting to order at 11:02 a.m. Other members present were Gordon Gough, Kenny Cates, Richard Cox and Grant County Surveyor Jim Todd. Pat Pinkerton was not in attendance.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the April 30, 2019 minutes as presented. Seconded by Richard Cox; motion carried with support 3-0; Mark Bardsley abstained due to not being at the April 30th meeting.

APPROVAL OF CLAIMS:

Jim Todd presented the claims as follows:

Cates Brothers LLC \$950.46 Egbert Ditch; \$1,047.89 in the fund
L&W Cates Excavating \$609.36 Haw Run; \$421.35 in the fund
L&W Cates Excavating \$394.52 Sweetser Tile; \$12,235.01 in the fund
Enyeart Construction \$9,482.00 Goff Ditch of Lugar; \$126,055.65 in the fund
Enyeart Construction \$600.00 Little Black Creek; \$822.92 in the fund
Enyeart Construction \$5,400.00 Pressler of Lugar; \$126,055.65 in the fund
Grant County Treasurer \$66.48 Maintenance fund to GDIF - Repayment
Grant County Treasurer \$785.00 GDIF to Maintenance fund - Loan

Kenny Cates made a motion to pay the above claims as presented; Seconded by Gordon Gough. Motion carried with support 4-0.

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

Cates Brothers LLC \$810.00 Pipe Creek; \$99,862.93 in the fund

Cates Brothers LLC \$540.00 Sims Franklin; \$68,958.57 in the fund

Gordon Gough made a motion to approve the two above claims from Cates Brothers LLC as presented; Seconded by Richard Cox. Motion carried 3-0 with Kenny Cates abstaining due to having land in the Pipe Creek and Sims Franklin water sheds.

OLD BUSINESS:

Little Crane Pond – Approval of resolution

There is nothing new to report.

Hummel Creek

Jim Todd explained to the Board that he has spoken with Matt Mead from Christopher Burke Engineering; Mr. Mead informed Jim that he had two engineers (Andrew Miller and Jenny Leshney) out to look at the access to the obstruction of Hummel Creek to determine if they would have to remove a guardrail, put a tile in the side ditch and run it all the way back. The engineers informed Jim that in order to get this ready for a bid going the alternate route, it would be thousands of dollars; it would cost a few thousand just to get their opinion on what the estimate would cost. In order to get this ready for a bid, there is topographic work to be done.

Christopher Burke Engineering had their employees look at the wetlands and they can be an issue as well; we would be tearing up these wetlands to get back to the pipes when there is easy access right to it. Jim Todd added that the Board needs to vote in order to get the engineers estimate together. Mark Bardsley stated that this is the attorney's (Joe Leone) advisement, so that we may show to the judge. Kenny Cates asked who will be covering the cost of this, Mark informed Kenny that we still are. Jim Todd reiterated that the Board could go in thousands to get ready for a bid or go in a few thousand to get an estimate on what it would cost. The engineers stated that they have enough information to show that it is not feasible to go through the wetlands. Kenny Cates asked Mary

Weesner if the Board can possibly tax Mr. Ott once this is settled for the amount that has been spent; Mary informed Kenny that Mr. Ott does not have a lot of acreage on Hummel Creek, but our attorney said that it is a possibility that the Board may recoup costs that occurred after the judgement, such as engineering, attorney fees and permits. Gordon Gough questioned what kind of motion needs to be made; Mark Bardsley said that he would like it to contain "not to exceed" rather than an open-ended contract. Jim Todd is going to call Matt Mead and ask the price for an estimate, the Board needs an idea what they are spending. Jim Todd questions whether we could move out of the easement and use the driveway where Jose Perez used to live, but then, he added that we are opening ourselves up for damages from trucks, excavator, bulldozer etc. Mark Bardsley asked Jim Todd to get with Matt Mead to put together a "not to exceed" so that we do not have an open ended contract for our next meeting.

Swartz Ditch – revised plans

Sandra Endlich from Ecodyne is present before the Board with revised plans for pipelines in the Swartz Ditch. Ms. Endlich stated that the last time she was before the Board they had agreed to put the culvert under the pipe to lower the ditch so that there will still be flow. She went on to explain that the way it works with the mat is that the mat will be laid in place, the culvert will be put in place and the mat will be put in place and the culvert goes through the mat. The ditch will actually be below the pipe. Ms. Endlich added that the way it is designed the box culvert won't work; the elliptical piping would be embedded into the mat. In addition, the pipeline company won't approve an elliptical with a large concrete culvert due to the weight of it. Ms. Endlich said that they would be monitoring this project, at minimum, once a year. If the county feels that it needs an additional inspection, they will do that as well, to make sure that it is holding up the way it should. She added that they are doing everything they can to get the pipeline protected this year. Gordon Gough stated that he does not like the option. Ms. Endlich said that she understands, but the original project with no culverts underneath there is a lot of sediment, pushing that

water over, not only in the pipeline, but into the farmer's fields. She added that if they go back and do the original design, it is going to be improved by taking out the sediment that is there. Kenny Cates asked if it is three pipes, she informed Kenny that it is and it is not that wide to put anything bigger in there. Jim Todd asked if the banks and rip rap will be protected; she said it would. Jim Todd added that at some time it would be dug out and the pipes that are there will be utilized. Gordon Gough asked Ms. Endlich who would be responsible for keeping these three pipes clear of obstruction; she said it would be the pipeline company will maintain it. She stated that they could go back to the original plan with no culverts underneath. Gordon said that they could go to the original plan and put it down and that would solve the problem; Ms. Endlich stated that they cannot do that, Gordon wants her to tell him why they can't. She responded that they can't just go in and lower it like that, there is not enough space, you can't just go in there and saw it and lower it, basically they have to trench out for a long distance, and she has done the math in the office and it is not physically possible. Gordon Gough replied that it is physically possible; they just don't want to spend the money. Gordon told her that when they put the pipeline from the pumping station at 500 or 600 E, they went to Richmond with it, when they went to the open ditches, they come in and went down to the bottom and back up. Ms. Endlich said that is how it was originally, they did not put it in exposed. With erosion to that waterway is what caused it to be exposed; adding that it is only exposed on the one side, where the erosion is happening? Kenny Cates said that he is concerned that if they want to come along and want to dip this ditch and they run into the pipeline. Gordon added that it was a problem when they dug out Back Creek several years ago. She asked that if the Board is not going to accept, she needs a letter stating that you oppose to protect the pipeline. Gordon Gough asked when this pipeline was put in; she stated it was 1947. Richard Cox asked about going back to the original plan to let them cover it and go on and do the mat without these pipe under it; Jim Todd feels that the pipe are necessary for the future of the ditch. Adding that the pipes will be used at some time, we just need to maintain and keep it clean.

Mark Bardsley asked Ms. Endlich if the gas company would put in writing that they will care for the pipe; she responded that they can put them in writing with the inspection report as well. She added that there is a lot of pipe in Grant County and the pipeline company would like to have a good relationship with the Drainage Board, including herself. Mark added that this company has been very congenial; the Drainage Board has asked them to add on, and they did. Richard Cox stated that they are doing everything that the Board has asked of them; Gordon Gough replied everything but the elliptical pipe. Mark Bardsley stated that technically that would be considered a private crossing, belonging to that entity and they have to care for it. Mark added that we could push that if we had to with state law but if they are willingly going to put it on paper that they're going to care for it. Richard Cox made a motion to allow them to proceed with this project with the updated plans of installing the three pipes underneath as long as we get an agreement from the panhandle company that they will maintain these pipes once they are put in to use. Seconded by Gordon Gough, under protest. Motion carried 3-0 with Kenny Cates abstaining.

NEW BUSINESS:

Steelman Tile – John Fetrow– Benefited acreage

Jim Todd showed the Board a map of the area in question. He informed the Board that this was put on maintenance last year and there is 303 acres with a \$150.00 home site that he has determined has been a mistake through the Surveyors office. Mr. Fetrow home site does not benefit at all. Jim added that this ground is not flat like a lot of the head walls, and he is questioning 20 acres. Mr. Fetrow would like an adjustment on his assessment. Jim added that there is a grass waterway where the property drops in fairly fast and doesn't benefit to the tile in the land owners opinion. Jim Todd added that it figures to be ten acres. On the back side there is a dike and the water runs right around and into the ditch. Jim added that he has already paid his taxes and the \$150.00 home site should be credited to him next year. Mr. Fetrow would like to have the

home site removed from his assessment and also the ten acres that drain immediately in. The tile only is on assessment. Richard Cox asked Jim if there is a problem there, why take him out; Jim responded that we will be spending money there.

Mr. John Fetrow is before the Board regarding his acreage. He stated that there are two completely separate drains that run into that ditch. He added there is the tile that is underground and there is the grass waterway that is above ground. Mr. Fetrow stated that the 80 acres that he owns benefits from the grass waterway; it runs quick, goes down the waterway and into a water basin that drains into the ditch. Everybody else upstream benefits from the tile. He stated that while the tile is on his property, it is not befitting him in anyway. Kenny Cates stated that he still has run off; Mr. Fetrow stated that the run off goes to the other side of Troy Avenue and south of Shildmeyer. Jim Todd is going to review the water shed and check the acreage. He feels that he will deduct this from the Steelman Tile since he does not benefit. Mr. Fetrow stated that his grandfather put that waterway in long before the tile was put in. Gordon Gough asked when the tile was put in, Jim Todd told him 1893. Jim Todd added that as soon as the money is available, he has some bad breaks in the grass water way. He wants to keep it mowed and maintained, it is dangerous right now. The Board agrees. Mr. Fetrow added that there are craters that are four feet in diameter and four feet deep. Gordon questions if we are going to fix this, why he should be taken out of the watershed. Mr. Fetrow said it is all about fairness and who benefits from it. Mr. Fetrow said he could just fill up the holes and plug up the dam, then what. Gordon responded he have a little lake. Mark Bardsley asked the Board if they wanted to take action on the house now and the rest on advisement; Jim Todd stated yes and he will refigure the acreage. Kenny Cates made a motion to take the home site off and the rest will be taken under advisement. Seconded by Richard Cox; motion carried with support 4-0.

Hollis Daughtery – Brad Atkins– Drainage issues

Brad Atkins is present today before the Board. Jim Todd informed the Board that he has been working with Mr. Atkins and the problem is that the owner that owns Dollar Lake in Upland (Jim shows the Board a map of the area) and lives in Indianapolis. This is on maintenance for a \$1.00 per acre. We have work scheduled to do some work on an erosion spot. Jim added that there is \$4,522.33 currently in the maintenance fund. Mr. Atkins is requesting a nuisance trapper; they have located at least three beaver dams that we need to give permission for him to use our drainage easement. Jim added that he has sent letters out to the other land owners that we would be in our easement doing this work. Mr. Atkins property is on the south end of this, but when the lake backs up from the beavers to the north, it is backing water up to this property. Jim added that he has a 1908 tile that starts and runs around. The state highway built this pond to drain the state road. The old tile came down and run through the low ground that is Mr. Atkins and outlets just off the property. The previous owner dug a pond without any notice of the tile, when he found the tile; he went to the property line and mashed it shut because he did not want people's water coming on him. Mr. Atkins would like to find this old tile that was laid on old oak boards and quick sand and open it up to make a small open channel across. Jim Todd added that there is elevation where he could lower this pond and that will lower the water table of this pasture land. Jim said that the first question is to allow him to dig up this old tile that is no longer servicing him or anybody else. Richard Cox questioned who owns this land; Jim told him Mr. Atkins owns it all. Secondly, Jim Todd added that the Mr. Atkins also needs to approval to allow him to come in with his own backhoe and take the beaver dams out. And then he also has a nuisance trapper from Sheridan that can get us an estimate for trapping the beavers. Mr. Atkins told the Board that he has spoken to a nuisance trapper. He added that for a thirty day period, they will keep coming back and checking; that would be \$100.00 to begin the job and then \$75.00 per beaver trapped. Another option is for \$500.00, this is good until January 1st. Mr. Atkins added that they will keep coming back and checking and there would be no

additional cost per beaver. Kenny Cates stated that he feels it is cheaper to spend the \$500.00 for a year warranty than to spend \$100.00 and \$75.00 per beaver. Jim Todd informed the Board that this drain only collects \$1,070.00 per year, but there is \$4,522.33 in the fund at this time. There is a pipe that has collapsed that will need to be removed in the future, Jim Todd showed the Board on the map. Kenny Cates made a motion to hire the nuisance trapper for \$500.00 until January 1, 2020, permission to work in the drainage easement to remove the beaver dam and to open up the old tile where Mr. Atkins deems necessary, on his property. Seconded by Gordon Gough; motion carried with support 4-0.

Cart Creek Tile – Greg McIlwain property-woods

Jim Todd stated that the tile skirts the woods and Andy Rickner is doing some tile work on this. Jim added that there is \$32,000.00 in the maintenance fund at this time. Jim would like approval to clear the woods back forty feet so that they can keep the tree roots out of the tile. Gordon Gough asked Jim what the cost is to clear the woods back; Jim stated that he does not have a price at this time. Jim would like approval today and if the price comes in good, he can go ahead and have them take care of it. Richard Cox stated that because it is in the easement, Jim does not need permission. Jim Todd told Richard that he wanted to run this by the Board. Richard Cox made a motion to allow Mr. Rickner to fix the tile at the present time and then come back with a price for the tree removal; seconded by Gordon Gough. Motion carried with support 4-0.

OTHER BUSINESS:

There is no other business to discuss

ADJOURN:

Kenny Cates made a motion to adjourn at 12:13 p.m.; Seconded by Richard Cox; motion carried with support 4-0.

The next scheduled Drainage Board meeting to be held will be
May 28, 2019 at 11:00 am

Minutes recorded by Mary R. Weesner

MINUTES APPROVED:

MARK BARDSLEY

GORDON GOUGH

RICHARD COX

KENNY CATES

*****ABSENT*****

PAT PINKERTON