

**GRANT COUNTY DRAINAGE BOARD**  
**401 SOUTH ADAMS STREET**  
**MARION, INDIANA 46953**

Due to the Corona Virus quarantine, the Grant County Drainage Board meeting was held via WebEx April 28, 2020. Mark Bardsley, Chairman, called the meeting to order at 11:04 a.m. Other members present were Gordon Gough, Richard Cox, Pat Pinkerton, Kenny Cates, Grant County Surveyor Jim Todd and First Deputy Surveyor Raymond Bair.

**APPROVAL OF MINUTES:**

Kenny Cates made a motion to approve the April 14, 2020 minutes as presented; Seconded by Pat Pinkerton motion carried with support 5-0.

**APPROVAL OF CLAIMS:**

Jim Todd presented the claims as follows:

Taylor Well Drilling \$2,510.00 Berkhart & Swagger; \$6,862.61 in fund  
Detamore Farms \$430.75 Mathias of Roods Run; \$1,833.71 in fund  
Tom Holloway \$1,167.50 Cart Creek; \$29,561.01 in the fund  
CF Excavating \$624.00 Nesbitt Tile; \$6,531.31 in the fund  
CF Excavating \$411.20 Gossom Tile; \$37,908.53 in the fund  
John's Repair Service \$2,590.00 Barren Creek; \$60,978.08 in the fund  
Rayl Engineering \$275.00 Barren Creek; \$60,978.08 in the fund  
Byron Cook Excavating \$625.00 Potter Creek; \$21,594.83 in the fund  
Byron Cook Excavating \$1,364.00 Stoney Creek; \$14,905.85 in fund  
Byron Cook Excavating \$830.75 S. Prong Dry Fork; \$18,017.89 in fund  
Byron Cook Excavating \$923.50 King Kelly; \$35,170.70 in the fund

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

## **APPROVAL OF CLAIMS: (cont.)**

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

Drewry Simmons \$55.00 Hummel Creek; \$134,229.27 in the red

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

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

CF Excavating \$600.00 Pipe Creek; \$154,928.18 in the fund

Richard Cox made a motion to approve the above claim as presented; seconded by Pat Pinkerton. Motion carried, with support 4-0. Kenny Cates abstained due to having land in the Pipe Creek watershed.

## **OLD BUSINESS:**

Little Crane Pond – Approval of resolution  
There is nothing new to discuss.

Hummel Creek – Obstruction  
There is nothing new to discuss.

## **NEW BUSINESS:**

Big Deer Creek – Gary Turner, Wash out; \$18,155.24 in the fund  
Jim Todd informed the Board that he received a request via a letter from Gary Turner. Jim recommends that this be tabled today since Mr. Turner is unable to attend the Drainage Board meeting; he would also like the Board to read the letter that he received.

Drook Tile – Max Middlesworth, tile put in 1998; \$21,594.83 in the fund  
Baughman Tile Ohio (Newhouse Excavating installed in 1998  
\$15,778.00)

Jim Todd informed the Board that he had met with Max Middlesworth. He had been fixing tile, Mr. Middlesworth got to the Scott Winger's property there is a cut through the woods, they had replaced the tile in 1998 with heavy duty single wall 24" plastic tile. The tile was from Baughman Tile in Ohio and was installed by Newhouse excavating. Mr. Middlesworth had contacted Newhouse to come look at it and he was not interested in looking at it, saying that he put it in right. This tile is now collapsing right down the center of it. Mr. Middlesworth took out a 20' section. Jim Todd added that the guy from Ohio is coming to look at the situation to determine if the problem was the installation. Jim asked the Board if this is something that they may want to look at. Jim gave Mr. Middlesworth the approval to dig up more so that they can see how much of it is mashed. Mr. Middlesworth noticed that there was no gravel around the tile; after speaking with Mr. Newhouse, Mr. Newhouse informed Mr. Middlesworth that he did not think it was a requirement at the time of installation and he is sure that he put it in correctly. Richard Cox stated that we need to wait until Baughman Tile looks at it before deciding anything. Pat Pinkerton stated that if it was not bedded in stone, then it was not installed right. He feels that now, after 22 years, the pipe company nor the contractor will do anything about this. Jim Todd added that Max Middlesworth was disappointed that Newhouse would not even come to look at it. Gordon Gough asked if there was any money built up in the Drook Tile fund; Jim replied that there is \$21,594.83 in the fund at this time. Mark Bardsley stated that we will see what the tile company says and we will then go from there.

Doyle Ferguson – Bob Sparks, wants off ditch tax; \$50.70 in the red  
Brings in \$35,271.50 yearly with new rate

Jim Todd informed the Board that we previously had a hearing on the Doyle Ferguson to raise the rate per land owner's petition. Jim stated that Bob Sparks called him stating that he wants off of the Doyle Ferguson. Mr. Sparks has ten (10) acres. Mr. Turner had put in a new tile, they had asked Mr. Sparks to put in \$100.00 per acres for his 10 acres to go into the new tile; Mr. Sparks refused. He is saying that they have cut him off of the 4" and 6" tile and now his water is not draining. Jim Todd said that he called Harrold Turner and talked to him about it. Mr. Turner said that they hooked him back up, but he has a low spot and the water will not drain out of it at all. Jim stated that he explained to Mr. Sparks that he does not have the power to take him off of the assessment roll; Mr. Sparks replied that if they did not hook him back up that he was going to take a front end loader and he would open up his ground so that they would get more surface water. Richard Cox stated that it sounds like it is not the Drainage Board's problem since it is a mutual drain. Mark Bardsley agreed, adding that if it is private and a mutual drain, it would be a civil issue. Pat Pinkerton added that he is curious as to whether he can cut off the tile, but on the other hand, he refused to pay for the maintenance on the tile. Pat said that if Mr. Sparks opens up his land in order for the water to flow there, that would be another legal issue.

Lugar Creek - Harry Pearson & Jerry Soultz; \$138,930.98 in the fund  
Isaiah Wall Branch

Jim Todd informed the Board that Bragg Excavating got the job on the Isaiah Wall Branch. Jim added that when he met Eric Bragg at the site, Jerry Soultz was there as well. Jim said that when they bid this job out, Mr. Soultz was not in favor of doing anything on his property, but Jim talked him into cutting the light brush off for 900 feet and lightly dipping out the bottom. This is a small open ditch and it will not take much money. Jim Todd informed the Board that

there is \$138,000.00 in the maintenance fund. They are going to remove a couple of dead trees in the Soultz woods and shape the ground back in a couple of places. When the job was quoted out, Mr. Soultz did not want any work done on his property, but when he found out that Bragg Excavating was doing the work, he agreed to the work. This will take a few hours longer than what was quoted, but it will improve the job greatly. Mark Bardsley asked Jim if he knew how much the extra work will be; Jim replied that he did not know exactly, but it is only a three foot bottom. Jim added that Bragg's now has a cutting machine for their equipment now. Jim Todd feels that the extra cost will be minimal. Richard Cox stated that he is ok with consent for the extra work, the Board agreed, no motion necessary.

Barren Creek - Lee Holloway-Request for fall 2020 work; \$60,978.08 in the fund. Brings in \$43,485.85 yearly

Jim Todd stated that Lee Holloway has requested about ½ mile of Barren Creek that was left off. It is old trees in a grass strip that is between Mr. Holloway and a neighbor, and we will do that this fall.

Harrison Ditch – Jerald Huston-4023 E 1100 S, Fairmount

Jim Todd said that Jerald Huston called him complaining about the quality of the work done by Redman Excavating. There is an area that Mr. Huston kept landscaped and rip rap was placed to keep the bank from sliding in. Redman's said that they could come back if needed. Jim asked Gordon Gough if he would go look to see what he thinks. Mr. Huston is threatening to sue, stating that they dug the ditch too deep and the whole bank will slide in by the road. Brian Rayl, our engineer, is going to go look at it as well. His opinion is that if you pull the whole bank back then you would need to add guard rail. Raymond Bair went to the location and took pictures; these pictures were sent to the Drainage Board members prior to this meeting for their review. Raymond explained that the whole stretch in that area is about 520 feet long and in numerous locations, the bank is sliding back in to the ditch. In Raymond's

opinion, that bank could be laid back and that the rock is not necessary, but there is a concern about it being too close to the road. Pat Pinkerton stated that is a steep bank, with or without rip rap. Richard Cox feels that we need to wait until Rayl Engineering takes a look at it and see what they think. Raymond Bair added that there are trees just south of this location and that there are dead ones and a couple that have been cut but have not been pulled out.

Little Black Creek – Jerry Hodge-10051 E 500 N-Log Jam; \$282.24 in the fund, brings in \$4,935.18 yearly.

Jim Todd informed the Board that Jerry Hodge called him stating that he has another log jam in the same location that we cleaned one out of last year. Jim added that there is only \$282.00 in the Little Black Creek maintenance fund. Jim told Mr. Hodge that he would look at it; it brings in \$4,935.00 annually. Little Black Creek is only \$1.00 per acre with a \$5.00 minimum. Jim Todd stated that he already has one other request from Kent McCracken to work on his property and this will be a few thousand dollars. He said that \$1.00 per acre just isn't enough to maintain this water shed; Jim said that it probably needs to be \$5.00 per acre with a home site rate. Gordon Gough asked Jim if Little Black Creek was the ditch that had the reconstruction but never was billed by the Auditor office years ago; Jim said that it was.

## **OTHER BUSINESS:**

Jim Todd informed Kenny Cates that he talked to Mark Glessner the other day. Mr. Glessner has a new land owner that farms out at 100 N and 600 E. The guy is putting fill dirt in the back of his property and Jim informed Mr. Glessner that there is nothing that the Drainage Board can do since there is no drainage easement and is a private matter; the Drainage Board has no jurisdiction.

**ADJOURN:**

Kenny Cates made a motion to adjourn the meeting at 11:56 am; seconded by Pat Pinkerton. Motion carried with support 5-0.

The next scheduled Drainage Board meeting to be held will be May 12, 2020 at 11:00 am

Minutes recorded by Mary R. Weesner

*Minutes approved:*

---

MARK BARDSLEY

---

GORDON GOUGH

---

RICHARD COX

---

KENNY CATES

---

PAT PINKERTON