

# GRANT COUNTY DRAINAGE BOARD

401 SOUTH ADAMS STREET  
MARION, INDIANA 46953

The Grant County Drainage Board meeting was held August 11, 2020 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, Richard Cox, Pat Pinkerton and Grant County Surveyor Jim Todd.

## **APPROVAL OF MINUTES:**

Kenny Cates made a motion to approve the July 28, 2020 minutes; seconded by Richard Cox; motion carried 4-0; Pat Pinkerton abstained due to no being in attendance at the July 28<sup>th</sup> meeting.

## **APPROVAL OF CLAIMS:**

Jim Todd presented the claims as follows:

Robert Embree \$106.42 New Roods Run; \$3,407.85 in the fund  
Baughman Tile \$6,592.52 Potter Creek; \$16,048.76 in the fund  
LaFontaine Gravel \$370.65 Potter Creek; \$16,048.76 in the fund  
LaFontaine Gravel \$850.80 Potter Creek; \$16,048.76 in the fund  
Kenny Cates made a motion to approve the above claims as read; seconded by Richard Cox. Motion carried with support 5-0.

Mark Bardsley asked Jim Todd about the claim for Robert Embree; asking if this is on the section that we did not replace; Jim responded stating this is where the tile was put in years ago by the Highway Department and they had cut a tile off. Jim added that Mr. Embree had found where it was cut off and it is the obligation of the Drainage Board to hook it back up. Mark asked Jim whether it was the Drainage Board's obligation or the Highway Department's. Richard Cox stated that we paid for the tile and Highway

Department took care of the installation. Mark Bardsley stated that his thoughts are that the Highway Department pay this and take the responsibility; he will take the invoice to David White of the Grant County Highway Department.

Richard Cox made a motion to remove the claim for Robert Embree from the list of claims so that it may be given to Grant County Highway Department. Seconded by Gordon Gough, motion carried 5-0.

Gordon Gough made a motion to pay the remaining three claims as presented; seconded by Richard Cox. Motion carried 5-0.

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

John's Repair Service \$3,665.00 Matthews Ditch; \$27,258.45 in fund

Gordon Gough made a motion to approve the above claims as presented; seconded by Pat Pinkerton. Motion carried 4-0 with support. Kenny Cates abstaining due to land in the Matthews Ditch water shed.

**OLD BUSINESS:**

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

Hummel Creek – Obstruction

Mary Weesner handed out to the Board a copy of the report sent via e-mail from Drainage Board attorney Joseph Leone regarding The removal of the obstruction in Hummel Creek. Mark Bardsley stated that we are just waiting on the judge to rule. He added that if the judge rules in the Drainage Board's favor, it is his intention to get on the removal right away. Gordon Gough asked about what would happen if he did not pay this, Mark stated that we would have to put a lien on his property.

Little Crane Pond-Job & Holly Paduga-Variance request,  
2607 West Ticonderoga

Mr. Job Paduga is present before the Board today requesting a change in variance. Jim Todd has presented to the Board photos that mark a 40' easement and a 30' easement. Jim added that Mr. Paduga has a letter from Bragg Excavating; each Board member was given a copy of the letter. This letter states that, in Mr. Bragg's opinion, that 25' is enough room to get a machine through there and dredge or brush the creek. Adding, this section of the creek is so shallow that a small excavator could do it. Gordon Gough and Kenny Cates both stated that they have not changed their minds in denying this variance. Mark Bardsley asked Jim Todd where would they make an access, Jim replied that on either side of Kem Road and they still have 75' on the east side to work as well. Jim added that at Chapel, Redman Excavating had gone in and did some maintenance work on the ditch. Kenny Cates stated that if a land owner puts up a shed or a fence on the easement, it can be removed, but an in-ground pool cannot. Mark Bardsley asked that if a concrete structure goes in there, how much compaction is there with this rolling through, putting pressure on a concrete wall; Jim responded that this is very dry and sandy soil, Pat Pinkerton stated it would depend on how wet it is. Mr. Paduga is present and is showing photos to the Board. He stated that Mr. Bragg told him that he would have to have a retaining wall and he cannot move the pool closer to the house due to his walk-out basement. Mr. Paduga stated that if he could get a 30' easement, that would work. Richard Cox stated that he could agree for the 30' easement. Mark Bardsley stated that he would need a Hold-Harmless agreement to be signed by Mr. Paduga. Gordon Gough stated that the dirt will need to be hauled out of the easement and that the land owner should have to pay for the hauling out of the dirt. Mr. Paduga responded that when he bought the property that he was told that the easement starts from the property line on the other side of the creek. Pat Pinkerton stated that the way this is platted the 40' easement starts at the property line on the other side of the ditch. Pat Pinkerton said that he feels that the Drainage

Board attorney needs to take a look at the plat, if the plat was approved by the Drainage Board, and then they have reduced the easement. Pat added that in fairness, we need to check on this. Mark Bardsley asked, for the record, what we need Kyle Persinger to look at; Pat responded he would like to know what takes precedence, the drainage easement or the plat. He added that this is no longer just a drainage board easement; any utility crew could go back there. Mark Bardsley stated that it seems that the Drainage Board is at a stalemate in regards to taking any action and they need to speak with the attorney to find out what takes precedence.

**NEW BUSINESS:**

There is no new business to discuss.

**OTHER BUSINESS:**

It was noted that neither the Drainage Board nor the Surveyor should make any recommendations or suggestion regarding excavators or contractors.

Jim Todd said that we can hand out a list of contractors.

**ADJOURN:**

Kenny Cates made a motion to adjourn the meeting at 11:49 am; seconded by Pat Pinkerton. Motion carried with support 5-0.

The next scheduled Drainage Board meeting to be held will be August 25, 2020 at 11:00 am and will be held in the Grant County Council Chambers.

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