

GRANT COUNTY DRAINAGE BOARD

401 SOUTH ADAMS STREET
MARION, INDIANA 46953

The Grant County Drainage Board meeting was held August 25, 2020 in the Grant County Council Chambers. Mark Bardsley, Chairman, called the meeting to order at 11:00 a.m. Other members present were Gordon Gough, Kenny Cates, Richard Cox, Pat Pinkerton and Grant County Surveyor Jim Todd.

APPROVAL OF MINUTES:

Richard Cox made a motion to approve the August 11, 2020 minutes; seconded by Gordon Gough; motion carried 5-0.

APPROVAL OF CLAIMS:

Jim Todd presented the claims as follows:

Bragg Excavating \$3,665.00 Lugar Creek; \$162,222.91 in the fund
Right Of Way \$2,530.00 Weasel Creek; \$110,925.66 in the fund
Jacob Miller \$400.00 Little Crane Pond; \$42,210.36 in the fund
Grant County Treasurer \$55.00 Loan from GDIF to Maintenance
Enyeart Construction \$350.00 Massey Creek; \$25,258.77 in the fund
Enyeart Construction \$13,510.40 Massey Creek; \$25,258.77 in the fund
Middlesworth Excavating \$11,282.00 Potter Creek; \$8,237.89 in fund

Jim Todd informed the Board that there are six pieces of 20' x 24" plastic tile out there on the property that are left from the Potter Creek job; asking if the Highway Department could pick these up. There is a clear access with a lane off of State Road 13. Mark Bardsley said that he would ask David White of the Highway Department.

Kenny Cates made a motion to approve the above claims as presented and to borrow from the General Drain Improvement Fund to pay the Middlesworth Excavating claim; Seconded by Pat Pinkerton. Motion carried 5-0.

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

Drewry Simmons \$82.50 Hummel Creek; \$134,339.27 in the red
Christopher Burke \$370.00 Hummel Creek; \$134,339.27 in the red

Gordon Gough made a motion to approve the above claims as presented; seconded by Pat Pinkerton. Motion carried 4-0; Richard Cox abstained due to having land on the Hummel Creek water shed.

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

Irving Materials \$154.01 Matthews Ditch; \$23,284.45 in the fund
Enyeart Construction \$150.00 Taylor Creek; \$54,717.99 in the fund
John's Repair \$2,500.00 Matthews Ditch; \$23,284.45 in the fund
John's Repair \$2,300.00 Matthews Ditch; \$23,284.45 in the fund
John's Repair \$135.00 Matthews Ditch; \$23,284.45 in the fund

Gordon Gough made a motion to approve the above claims as presented; seconded by Richard Cox. Motion carried 4-0 with support. Kenny Cates abstaining due to land in the Matthews Ditch and Taylor Creek water sheds.

OLD BUSINESS:

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

Hummel Creek – Obstruction
Mark Bardsley will e-mail our attorney to see if there are any developments regarding this litigation.

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

Mr. Job Paduga is present before the Board today regarding his previous request to change the variance on Little Crane Pond so that he may install an in-ground pool. Mr. Paduga presented his case stating that he still feels that he needs a 25' easement. He also stated that there is another property with a fence in the easement; Jim Todd stated that when Gordon Gough, Pat Pinkerton and he went to look at the fence, it was noted that it is 12' in the easement. Jim added that when it comes time to work in the easement the land owner will be given a 72 hour notice to remove the fence at their expense. Mark Bardsley reminded the Board that at our last meeting the question was brought up on which took precedence, the Drainage Board or Marion Utilities. Jim Todd added that it was approved for a 40' easement for the west side. Jim stated that when the plat was drawn up the property line jumps over to the east side of the open ditch. When the plat was drawn up by Randall Miller Surveying, the ditch was left off of the plat; therefore that footage is short and is not what the Drainage Board approved. Jason Miller was present at the meeting four months, in 2007, earlier when it was approved for 40' from the west bank and then four months later he draws up the plat leaving the ditch off. Richard Cox asked which one takes precedence, the minutes or the plat; Jim responded that the plat was drawn wrong. Mr. Paduga stated that he has lived there for twelve years and never has had over flow or any other problem. Kenny Cates stated that the issue is that there is field tile and it has not been cleaned out in over 12 years. (Mr. Paduga...inaudible). Mark Bardsley asked if they allowed the land owners to construct their pool on the edge of our right of way, with the knowledge that there be a signed hold-harmless agreement, so that if we ever had to come through there; Kenny Cates stated that you would not be able to get an excavator through there. Kenny added that while he feels bad for the situation, he will not go less than the 40'; Gordon Gough added that he will not either. Mr. Paduga mentioned a retaining wall, but due to the masks and distance from recorder, he was inaudible.

Mark Bardsley stated that he feels, at this point, that they are still at an impasse and that the 40' is the minimum we need and nobody agreed to allow him to build in our right of way. Richard Cox agreed. Mark added that the Drainage Board will not be able to grant the reduction. Mr. Paduga's response was inaudible.

NEW BUSINESS:

Sweetser Improvement & Enoch Lee-Eric Neal-Maintenance request

Mr. Neal is present before the Board; he has brought pictures of what he has done. Mr. Neal stated that he has already spent about \$5,000.00. Jim Todd stated that he ran out there before the meeting to see what is going on. Jim added that Mr. Neal has been 20 years trying to get a new pipe put in. Jim went on to explain that at the bend; on his side has very little capacity. This culvert is located east of 1100 E, on 300 N. There was a public hearing to raise the rate and the land owners are waiting for the money to build up in order to brush and dredge. Jim Todd added that it wouldn't hurt for the Highway Department to put a culvert in the road on the old bottom. This is the only way Mr. Neal would get some relief. Once there is money in the fund, the Board will take quotes. Jim Todd added that there is an old farm crossing that needs to be removed that is on his property and has been there for years; it is backing up the water. Mark Bardsley has sent out an e-mail to David White of the Grant County Highway Department.

Sloderbeck Tile Jason Smoker-request to move easement

Jason Smoker is present before the Board today, giving the Board a set of plans that he has. He informed the Board that he owns the property that is behind Stock and Field (previously Big R). He added that sometime around 2013 or 2014 Wendell Cates and himself was before the Board. Mr. Smoker had proposed to put in a building so Mr. Cates re-routed the tile around the property; Mr. Cates only benefits from the tile now. A survey had been done by Don

Wimmer where he showed where the inlet was at the time. Mr. Smoker does not have the information as to where the tile was moved to. He believes that the survey was done prior to 2014 since it does not show where the inlet is currently; Mr. Smoker has marked it on the map himself to show the Board. He stated that he is present today, not to ask to move the tile, but to add a structure in the northwest corner, but where he wants to put concrete down for a parking lot is in the legal easement. He added that he needs to do some drainage work on the north edge of his property. Mr. Smoker said that no one else is hooked into this tile but his property. There is nothing wrong with the tile and he does not have any drainage issues. Richard Cox said that it sounds like Mr. Smoker wants up to abandon this; Mr. Smoker said maybe adjacent to the property line, for about 120'. He wants to put in concrete and a fence. Richard recommended that the Board go to his property line on 25th and vacate the rest of it; Jim Todd informed him that would require a vacation hearing. Jim added that since he is the only owner on the tile, they need to consult the attorney. Mark Bardsley will contact Drainage Board attorney, Kyle Persinger. Mr. Smoker is asking permission to put his concrete down. Richard Cox made a motion to allow Mr. Smoker to work in our easement by changing part of it to a parking lot with either concrete or asphalt, his choice and check in to see what it takes to vacate the tile; seconded by Pat Pinkerton. Motion carried with support 5-0.

OTHER BUSINESS:

Potter Creek – Public Hearing

Jim Todd read the Surveyor Report and the only objection for Potter Creek. He informed the Board that the current rate for Potter Creek is \$1.50 per acre with a minimum of \$5.00 for a four year collection. The petitioner is requesting \$10.00 per acre with a minimum of \$25.00 for a four year collection due to the increased cost of maintenance. Mark Bardsley opened the meeting for the public to speak for or against the rate increase for Potter Creek. A lady spoke and was inaudible; Jim Todd replied to her that a lot of this

tile is in very bad shape and rather than make repairs to breaks every year, they would like to start replacing the old tile. Richard Cox explained how the maintenance fund works. This lady was for the maintenance amount proposed, just needed to understand how it works. Donald Rennaker spoke to the Board, asking what they are planning to do. Jim Todd explained that this is a plan to fix the bad parts and keep the tile running. He stated that he thinks that the tile going out to State Road 13 has already been replaced. Kenny Cates stated that Gary Drook wanted to drain on State Road 13 and there was not money in the fund. Mr. Drook put a riser in on State Road 13 on his own and then it went to the east side of SR13. Jim Todd added that even though they have a private tile, they will pay maintenance on Potter Creek since the water will out let there. Kenny Cates added that this tile was put in 1900 and as the funds are available, the bad spots will be fixed.

Brad Winger spoke to the Board stating that his outlet is an 18" tile and it is undersized and in poor shape. He estimates that he only has about 12" of coverage in many spots. It is washed out and not in good shape. Quite a bit of Mr. Winger's statements were inaudible. Jim Todd said that once the monies are available, repairs can begin, but the work needs to be requested by the land owners. Mr. Winger is in favor of the proposed amount of \$10.00 per acre.

Mr. Rennaker stated that initially he was against the proposed rate because that is a lot of money, but (inaudible). Jim Todd stated that they need to pull the obstructions out and maintain the ditch. Meeting is closed to the public.

Gordon Gough asked about the objection. It was explained that Mr. Young (the objection) is on a fixed income. Jim Todd explained that he has spoken with Max Middlesworth (the petitioner) about the rate and if needed, Mr. Middlesworth would be ok with \$7.50 per acre. Richard Cox explained the 4 year collection and how that works. Pat Pinkerton said that the land owners could come forward in the future and petition to lower the rate once the work has been completed. Jim Todd stated that it will take a couple of years to get this ditch in good shape. Kenny Cates made a motion to approve the proposed rate of \$10.00 per acre with a \$25.00

minimum for a four year collection. Seconded by Richard Cox; motion carried, with support, 5-0.

Mark Bardsley informed the public that this collection will begin in the spring of 202. Mark went on to tell them that in the future, they as a group, may petition the Board to lower the rate.

Little Black Creek – Unauthorized ditch spraying

Mark Bardsley stated that we have a bill for \$350.00 for ditch bank spray that was not authorized. There are two other people in line for maintenance before Jack Green. Jim Todd said that he informed Mr. Green that there were two other people ahead of him using maintenance fund money for Little Black Creek. Jim went on to state that when he told Mr. Green this, he was going to come to a meeting to discuss with the Board. Mr. Green did not show up for the meeting and then the Drainage Board office received the invoice for the spraying for Mr. Green. This spraying was not authorized by the Board. Jim Todd explained that Little Black Creek is only at \$1.00 per acre collection rate and the land owners keep the money spent. Richard Cox reminded the Board that they got a reconstruction and did not pay anything on it. Jim added that Mr. Green asked to be on the agenda to talk to the Board, but did not show up. Mark Bardsley agreed that he should have had Board permission before having the spraying done. Mark added that there is only \$2,600.00 in the Little Black fund at the present time, if we run it into the hole, then the Board can call for their own public hearing. Jim Todd stated that they are waiting on the money to build up a bit so that they can take care of Kent McCracken and another land owner has made a request. Richard Cox said that if they do not want to raise the maintenance rate, then they will just have to wait to have the maintenance work done until the funds are available.

Potter Creek

In other business, Jim Todd asked Mark Bardsley to show David White of the Grant County Highway Department the problem with side ditch on the west side of the road. This had been plowed out

by a previous farmer and the water is running to the east. Mr. Rennaker would like the side ditch put back on the west side to keep the water from running across the road when it rains.

Pipe Creek

Jim Pence has had a request for over a year to work on Pipe Creek. The banks are washed in straight up and down. Jim added that Mitch Cook met Mr. Pence on site the other day and then Jim met with Mitch. The stone could be extra and billed directly to us. The \$3,000.00 will be pretty close and Jim Todd told them to go ahead and fix it. It could be more but you really don't know until you get in there and start working. Big Pipe Creek has a really good fund with over \$100,000.00. The Board consents to allow Mitch Cook to work on Pipe Creek.

ADJOURN:

Pat Pinkerton made a motion to adjourn the meeting at 12:34 pm; seconded by Kenny Cates. Motion carried with support 5-0.

The next scheduled Drainage Board meeting to be held will be September 8, 2020 at 11:00 am and will be held in the Grant County Council Chambers.

Minutes recorded by Mary R. Weesner

Minutes approved:

MARK BARDSLEY

GORDON GOUGH

RICHARD COX

KENNY CATES

PAT PINKERTON