

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held March 30, 2021 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, Pat Pinkerton, Kenny Cates, Richard Cox and Grant County Surveyor Jim Todd.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the March 9, 2021 minutes; seconded by Pat Pinkerton; motion carried 4-0; Richard Cox abstained as he was not in attendance at the March 9th meeting.

APPROVAL OF CLAIMS:

Jim Todd presented the claims as follows:

Marvin Corey III \$3,147.21 Lugar Creek; \$166,623.21 in the fund
Redman Excavating \$10,698.00 Matthews; \$9,747.37 in the fund
Redman Excavating \$1,638.00 Matthews; \$9,747.37 in the fund
Grant County Treasurer \$11,359.46; From GDIF to Maintenance Fund
Cook Excavating \$1,575.00 Pipe Creek; \$130,414.20 in the fund
Cook Excavating \$1,462.50 Pipe Creek; \$130,414.20 in the fund
Bragg Excavating \$989.68 Poe Drain; \$6,466.79 in the fund
Bragg Excavating \$5,503.95 Cleopas Haines; \$13,014.97 in the fund

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

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

Christopher Burke Engineering \$9,297.67 Hummel; \$159,467.63 in the red

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

OLD BUSINESS:

Little Crane Pond – Approval of resolution

There is nothing new to report.

Hummel Creek

There is nothing new to report.

NEW BUSINESS:

Back Creek – Spraying - \$100,544.73 in the fund

Jim Todd stated that there are areas of Back Creek that are clear, and he is asking the Board if they would like to put those areas on the spray program. He added that there is \$100,544.00 in the Back Creek maintenance fund. Jim reiterated that he is referring to just the areas that are and have been cleaned, such as Don Wright which is whom made this request for spraying. Jim Todd will look further into this request and report back to the Board.

Fadley & Owl – Oak Hill School property - \$53,917.17 in the fund

Jim Todd informed the Board that it was a good meeting with Eric Bragg of Bragg Excavating and himself. They discussed a lot of places where they need to do some digging to see what they have and where the 30" tile is and the 24" tile, also make sure that they are hooked up. Jim added that by the time they get in there and fix everything that has been let go, it could potentially lead to a \$10,000.00 bill; noting that there is \$53,917.00 in the maintenance fund and there will also be a spring collection added to this fund in the near future. He said that they may also need to make a cut in the road so that they can make sure that the tile under the road is connected. Kenny Cates showed Mark Bardsley a map of an area where there is an issue, when they were installing the solar panels, they put two cables directly through the 18" tile. The maintenance supervisor for Oak Hill School was present and is onboard with this. Jim Todd explained

that is was the storm drain that meets our tile about 20 feet north. He added that as these holes are opened, they can see what is going on, and make decisions; he would like to see a few manholes put in where the city's storm drain hits our tile.

Pipe Creek – 300 South; Chuck Godwin's property - \$130,414.20 in the fund

Jim Todd stated that Gordon Gough, Eric Bragg and himself met with Chuck Godwin. Chuck Godwin had already pulled out three trees and we do not need to clear cut a path through there. David White of the Grant County Highway Department said that he could not get all that out because it would take cables and chains to pull it out to the road. Eric Bragg wants to know since they are working on the road, could they waive his permit for being in the road. Bragg's will use a rubber tarp so that they do not tear up the road. The problem is that is a lot of dead trees there, but no guard rail; if you took all the trees out, someone could drive right off there and into the creek, which is deep. Jim added that they could cut the trees and leave the stumps a few feet high to act as a barrier. He stated that he thinks David White needs to put guard rails in there. Mark Bardsley agreed, adding that if we clean that out that David is going to have to put up guard rail. Gordon Gough made a motion to request that David White waive the permit fee and to allow Chuck Godwin to continue to keep his part cleaned. Seconded by Pat Pinkerton, motion carried 5-0. Mark Bardsley requested that Mary Weesner write a letter to David White, on his behalf, to waive permit fee.

Pressler Ditch of Lugar Creek-Lisa Grosswiler/Mark Glessner-Dispute

Jim Todd told the Board that both parties are present today regarding a drainage dispute. Mark Glessner is before the Board stating that he needs to extend the three 8" tiles out more by fifty feet. There is an old worn out county tile that runs down through there. Jim Todd asked Mr. Glessner that if he is permitted to go through there, is he willing to level it out and seed it; Mr. Glessner stated that he would. Jim asked that Mr. Glessner put that in writing. Mr. Glessner stated this would be done at his own cost but would like to put it on maintenance sometime in the future.

Pressler Ditch of Lugar Creek (continued)

Lisa Grosswiler is now present before the Board. Ms. Grosswiler informed the Board that Mark Glessner does not own the property in question. She added that in the year 2017 Mark Glessner did not involve the Drainage Board when he removed all the vegetation and installed tile on the property that only measures 9" across. Ms. Grosswiler said that Mr. Glessner also did not involve the Drainage Board when he built an approximately 135' dam on the property line causing the water to collect on her property. She added that when it rains flood waters make the back part of her property inaccessible. Mr. Glessner did not involve the Drainage Board when he sent someone to criminally trespass on her property. Ms. Grosswiler stated that to her, it appears that the Drainage Board has been used by Mark Glessner to further harass her rather than mediate the situation. She does not understand why Mr. Glessner wants to incur any further damage to her property, adding that she is a landowner and Mr. Glessner is not. She stated that she would like to know what legal grounds the Drainage Board has to dictate to the Sheriff's office that who can't legally trespass on her property. She has begun to dig out the tile to repair the tile by hand and would like a variance for both a small pond alongside the easement and would like to build brick and mortar columns along the back of her property line as both a memorial to her mother and to (inaudible) Wilson. She added that any tile that is on the property line, she would like to add aggregate. She does not want anyone to work on her property as she stated she is fully capable of doing this herself. Ms. Grosswiler added that her late mother's memory is there, and she does not want anyone digging her up but her. She informed the Board that she formally has worked construction and masonry and can do this work herself, adding that she has access to a backhoe. Jim Todd stated to Ms. Grosswiler that if she is willing to fix it like Mr. Glessner needs, then they can assure the Board that it will be fixed right. He said that they looked at the corner back there and a pond could be put in the easement as long as they have room. Jim said that the northeast corner, the high ground, it is really nice there because if they ever had to work on that tile they would never be in the northwest corner. Mark Glessner asked Jim what he is talking about; Jim Todd explained that she would like to have an area for a memorial. Ms. Grosswiler responded by saying that she would like it to go across

the entire back of her property. She would like to put in several 7' memorial columns across the back of her property. Mr. Glessner stated that he does not care what she does there as long as she does not block the flow of water. He added that he would prefer it if this was an open ditch as it was before. Mark Bardsley stated asked how we are going to work with the two entities to keep the water flowing. There are three tiles going across plus a county tile. Jim Todd explained that Ms. Grosswiler did not know that the property was going to be split out the way that it was, it would have been better had it been road front property. Mr. Glessner insisted that he has spoken with Ms. Grosswiler before; she explained that he has talked to Tammy, her roommate, not her. Mark Bardsley confirmed that Ms. Grosswiler is willing to put what needs to be put on her property. Kenny Cates added that is Ms. Grosswiler is willing, they could get an outside contractor to come in and get it off of her property before she builds a fence. Ms. Grosswiler informed Kenny that no one is to dig up her mother but her and that she also wants aggregate added since there is none on that tile. She stated once again that she does not want anyone on her property, and she does not want to have to come back before the Drainage Board again. Kenny informed her that there is a 75' drainage easement on either side of this tile; Jim Todd stated that the surveyor who surveyed this property did not record the county easement or inform her of a drainage easement. Mark Bardsley summarized that we have a landowner that has "sacred ground" due to the disbursement of remains on her property which happens to be on the right of way of the county. Mark added that they have to make sure to have water flowing through our tile in that general area. We have two options; either we allow Ms. Grosswiler to do this or by action of the Board bring in an engineer to move that water so that it is not affecting the sacred area. Mark Bardsley added that what will happen is that the Board will decide and if Mr. Glessner and Ms. Grosswiler do not like it then they have recourse to go over to the circuit court and appeal. Kenny Cates stated that he thinks we just need to get an outside contractor because he does not feel like either of them will get along. Mark Bardsley asked Ms. Grosswiler regarding an outside contractor, if they express the significance of this area for you; would you be willing to work with an expert on this; she responded that if they wanted to give direction, that would be fine, but she is fully capable of doing the work herself and does not wish for anyone else on her ground. Jim Todd asked Mr. Glessner

exactly what he is wanting to do; Mr. Glessner stated that he wants to dig them up and extend the tile from here to there, about fifty feet. Kenny Cates stated that he would like an outside contractor to do the work and that Jim Todd should supervise. Jim Todd told Kenny that she has experience in masonry and foundation work and that he would feel comfortable with Ms. Grosswiler doing the work since she does have the background. Mark Bardsley stated that he feels the Board needs to bring someone in to see what needs to be done and if Ms. Grosswiler can do the job per the specs, that would be fine with him; Richard Cox agreed. Mr. Glessner asked her if she would be able to keep it on grade and whether she even knew what grade means; she responded that she knows what grade is. Mr. Glessner's response was inaudible. Mark Bardsley stated that the Board is trying to discuss this; Mr. Glessner interrupted stating that he just wants it done right. Mark Bardsley explained that is what they are discussing. He feels that if they have an engineer come in, under the direction of Jim Todd, if Ms. Grosswiler can handle the requirements of the engineer, the Board is all for that. Kenny Cates added that this needs to be done in the near future and feels that we just need to have someone come in and get this off of her property, stating that Mr. Glessner would pay for it. Gordon Gough asked Mr. Glessner what happens if after this work is all done and Ms. Grosswiler plants trees and shrubs over the tile. Ms. Grosswiler said that she knows what an easement is and does not understand why Gordon is accusing her of something she has not done. Gordon stated that he was bringing up something that happened a few times in the past. Mr. Glessner stated that he would rather fill this with aggregate if that is acceptable by the Board. Ms. Grosswiler does not understand why he has not done this prior to now, he has had the property since 2017, prior to her living there. Kenny Cates suggested that Jim Todd engineer this deal and it does not matter who he gets for a contractor, send the bill to Mr. Glessner and let's get this done as soon as the ground gets dry, adding that she can do whatever she wants to do as long as she does not disturb the tile. Jim Todd suggested Eric Bragg, the Board agreed. Ms. Grosswiler stated that she does not understand why they won't just let her do something that is on her property. She does not want anyone on her property, she likes her privacy, Richard Cox informed her that it wouldn't take long. Mark Bardsley assured her that they have no intention of violating her privacy.

She asked why the Sheriff office advised her that she cannot press charges. Jim Todd said that he received a phone call from the Sheriff Department asking about it. Jim said that he explained the trespass law stating that if you are going to be in the easement you have to call them or send them a letter before entering the easement. Jim said that they are waiting to hear a decision from the Drainage Board. Mark Bardsley said that they need to decide whether they will use a third party or allow Ms. Grosswiler to do the work under the Board's specifications. Kenny Cates said that he would rather have a third party, there would be too much mayhem and chaos, Gordon Gough agreed. Richard Cox stated that we allow other people to do their own work. Mark Glessner said that he would rather have a third party. Pat Pinkerton agreed with Richard and he has no problem allowing her to do the work. Richard Cox made a motion to allow Lisa Grosswiler to do the work on her property to fix this tile with Mark Glessner supplying the tile to repair it. This is to be under Jim Todd's supervision. Seconded by Pat Pinkerton; motion carried 3-2 with Kenny Cates and Gordon Gough voting nay. Mark Bardsley added that if there are any problems the Board will put a stop work order on it. Mr. Glessner stated that he will not pay for everything, just the tile. Jim Todd told Ms. Grosswiler that when it is time to put the pond in, she needs to come back with her design.

Robb Tile – Discussion - \$68,979.92 in the fund

Mark Bardsley tabled Robb Tile discussion until next meeting since the Health Department need the board room for Covid vaccines.

OTHER BUSINESS:

There is no other business to discuss

ADJOURN:

Gordon Gough made a motion to adjourn the meeting at 12:06 p.m.; seconded by Richard Cox. Motion carried with support 5-0.

The next scheduled Drainage Board meeting to be held will be April 13, 2021 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