

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held October 26, 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, Kenny Cates and Grant County Surveyor Jim Todd. Richard Cox and Pat Pinkerton were not in attendance.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the October 12, 2021 minutes as presented; seconded by Gordon Gough; motion carried 3-0.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Rogers Farm Drainage \$39,989.29 Wybrew Flanagan; \$55,111.04 in the fund

Drewry Simmons \$275.00 Hummel Creek; \$187,791.28 in the red

Gordon Gough made a motion to approve the claims as presented; seconded by Kenny Cates. Motion carried 3-0.

OLD BUSINESS:

Little Crane Pond – Approval of resolution

There is nothing new to report.

Hummel Creek - Obstruction

Mary Weesner informed the Board that she received an email from engineer Matt Mead and has given each member a copy (there is also a copy attached to the minutes in the Drainage Board office). Mark Bardsley stated that the email states that we are prepped to advertise, Mary stated that she has not received the advertisement from Matt Mead as of yet. Mark added that once we receive the information from Matt, we can then begin the bid process. Mark Bardsley asked Mary Weesner to contact the attorney, Joe Leone, to see if we can bid both accesses at the same time and report back to the Board. Jim Todd informed the Board that the permits we have gotten are for the longer access to the obstruction.

Sloderbeck – Relocation of drain and easement=continued

Wendell Cates is present before the Board regarding the relocation of the Sloderbeck Tile. He stated that he did not want to give up any right of ways by moving this tile, so they agreed to keep it on Mr. Storey's property and staying 75 feet from the west property line and then put the tile in; they will still have the 75 foot easement on the east side of the tile. Wendell added that he is not sure what to do when he gets onto John McAdams' ground because that easement will have to be changed slightly from the original because they are going out at a different angle. He stated that there is no need to change it in writing until it is completed. Mark Bardsley asked if this is okay with John McAdams; Mr. McAdams responded it was okay as long as they don't impose any right of ways on the little 2 acres that sticks out on 26th Street; Mark Bardsley explained to Mr. McAdams that by moving the tile to the east they are saving him from anything on his property line at all. Jim Todd added that Drainage Board attorney, Kyle Persinger said we will need a legal description for this. He feels that the Board should rescind their previous vote. Wendell Cates said that the old county tile that they are going around, Mr. Storey is going to leave it hooked up but, Wendell is cutting it off at the road where he is putting the new one on. Wendell added that he knows it is a 12" going under 26th street at .5 grade; they are putting in 15" on a .2 grade and it will have the same capacity. Mark Bardsley stated

that there needs to be a motion to rescind the previous motion on the Sloderbeck regarding this property. Kenny Cates made a motion to rescind the previous motion presented and to adopt the recommendation of the 75' from John McAdams line; this will be the center point. Adding that once we get the actual junction then we will proceed with the paperwork for the final bearing of where the ditch is. Seconded by Gordon Gough; motion carried 3-0.

NEW BUSINESS:

There is no new business to discuss.

OTHER BUSINESS:

Barren Creek – RE: Bidding – Brian Rayl

Brian Rayl of Rayl Engineering is present before the Board regarding the bidding of the Leach Prong, New Duling and the unnamed tributary of Barren Creek. Brian stated that Mary Weesner had put a letter in a packet from him regarding this process (one is attached to these minutes in the Drainage Board office). He stated that the bid that they had received was filled out incorrectly and cannot be accepted. The bidder had put the lump sum of all three projects onto the unnamed tributary instead of breaking it down. Brian asks that the bid be thrown out and move forward a quote with a minimum of 3 contractors. The New Duling is approximately 10,900 linear feet would be a quote for clearing and then an alternate quote for the dipping of mud and silt removal. The Leach Prong is 10,289 feet with a base quote for the clearing with an alternate quote for the dipping. Finally, the Unnamed tributary is 1,535 feet and would need a quote for clearing and then an alternate quote for the dipping of mud and silt removal. Brian added that this needs to go out to at least 3 contractors and there would not be a bond required. Mary Weesner asked Brian Rayl if there would still be the \$75.00 charge for the bid packets; Brian said that since it is a request for quotes, there is no fee for the packet.

Jim Todd asked Brian about extending the deadline, feeling that this would generate more interest. Brian stated that we will extend the deadline. Mark Bardsley said that the Board needs to reject the previous bid first, since it was incorrectly submitted and then vote on whether to rebid or do quotes. Gordon Gough made a motion to reject and throw out the bid from Redman Excavating for the New Duling, Leach Prong and the Unnamed; seconded by Mark Bardsley. Motion carried 3-0.

Kenny Cates stated a concern due to the fact that Mary Weesner called 12-14 contractors and only 2 had an interest and only one submitting a bid, adding that he does not understand the lack of interest in the bidding. Mary informed Kenny that she was told by many of the contractors that they did not have enough employees to complete the job requested. Mark Bardsley asked Brian Rayl if, regarding the bid packets, if they are not the winning bid, do we refund the packet purchase price, Brian stated that we do not. Brian said that in order to go to quotes, they would need to contact at least 3 contractors and also, there would be no bond requirement. Brian Rayl said that he would like trees down on the ground by March 31, 2022. Quotes need to be turned into the Drainage Board secretary Monday, November 8, 2021 at 4:00 pm in a sealed envelope.

Kenny Cates made a motion to accept quotes for New Duling, Leach Prong and the unnamed tributaries on Tuesday, November 09, 2021, trees to be down to the ground by March 31, 2022. Quotes will be received in sealed envelopes in the Drainage Board office no later than 4 pm on Monday, November 8, 2021. Seconded by Gordon Gough; motion carried 3-0.

Crane Pond Tile – Wendell Cates - Drainage Concerns

Wendell Cates is before the Board about the junk yard coming to town at 13th Street and Buffalo. He stated that at the south end of this property there is a 24" county tile with a 75' easement on both sides. Wendell said that he wanted to make the Board aware that he has asked the man from the junk yard to come up with a storm plan. He added that there are 12 acres in the county and 10 acres

in the city and he does not want the guy to approach the city and give them a 10 acre storm plan and then go to the county and give them a 12 acre storm plan; Wendell feels that the guy needs to come in with a 22 acre storm plan so that the county and the city are on the same page. Mark Bardsley asked Wendell for the actual address on this location, Wendell did not have that. Jim Todd stated that it is the old Greenline Manufacturing plant; adding that their engineer needs to have plans to hold the water back from the 10 acres and the 12 acres. Jim Todd agreed adding that we need the 75' easement going into that property in order to protect that tile. Mark Bardsley asked Wendell Cates if that goes through the Board of Public Works, Wendell responded that the county was already an i-3 (Industrial 3) and the city was at an i-1 and he needed them both to be an i-3 to get this project started. The guy first went through Marion Area Plan and city council; Wendell stated that he has attended all the meetings and stated on the record that the county tile needs to be protected; that is also why he is stating on the record at this Drainage Board meeting that he wants to protect the county tile. Jim added that it is already overloaded and that they need some engineering design to hold this water back. Mark Bardsley stated that he feels that we need to develop a letter to the Board of Public Works and the Marion Utilities indicating that we will not approve a 12 acre water retention program, the Board will only entertain a 22 acre water retention program that the city will adopt as well. Wendell has talked to Pat Pinkerton several times regarding this matter. Mark Bardsley informed Wendell that the Board will formulate a letter and get it out to the Board of Public Works as well as the Marion Utilities so that they understand where we are coming from. Mark added that the Board should not authorize or approve a 12 acre water retention when we are discussing 22 acres worth of water.

Potter Creek

Jim Todd informed the Board that he has talked to the gentleman that requested this work and showed the Board pictures. They had started down stream and took it down too deep; they are hauling

that dirt off and told them that they would come back, it could take a year because they were waiting about a year for the Highway Department to dig this. Jim added that they could have started out a lot shallower. Jim reviewed the picture with the Board. Jim would like for the Highway Department to be reminded to finish this job. Mary Weesner will email the photo to Mark Bardsley and David White of the Highway Department; Mark will inform David that this needs to be completed.

Solar Panels

Kenny Cates discussed with the Board about the impending solar panels and is not sure if they should make up rules to follow when planning this. Kenny added that the contract for the renewables could be up to 30 years. Ryan Malott, Area Plan Commissioner, has joined the meeting via WebEx. Ryan stated that as far as the solar ordinance goes, basically what Area Plan is looking for would be approval from the Drainage Board and that would be part of the developmental plan. Ryan added that what they are looking for would be a letter from the Drainage Board stating that it is okay. Jim Todd said that once the sites are selected, they will investigate the drainage in the area. Jim added that they are not sure of the private drains so the private farmers are going to have to get involved, but we will know where the county drains are. Mark Bardsley addressed Ryan saying that he is looking at the solar ordinance draft, asking if the Board has any prohibition or statement that the developer is required to make sure that they are not in our drainage easement or any drain; that they do not build over any regulated drains. Ryan informed Mark that as far as the developmental plan, it says that the approved drainage plan and it references 153.713 which reads "The drainage plan for construction and operations must be approved by the Grant County Drainage Board prior to the issuance of any permits". Ryan Malott added that their set-backs have right of ways. Mark Bardsley added that the Board needs to come up with a policy that if they cut a drain, they fix it, if they come onto a private drain that it cut or encroached on, there will be a penalty. Ryan agreed. Jim Todd

added that if there is a public hearing, the public needs to be notified of such meeting so that they can give their input. Kenny Cates added that the way the farmers are notified is the developers are going up to the Recorders Office to see who owns the ground and they use the mailing address in which they pay their taxes from. So, they will send a notice to the mailing address and the owner of the land lives out of state, the farmer renting the land will not be made aware of such hearing if the property owner does not notify them. Ryan said that is part of the reason for getting this ordinance in place. Wendell Cates stated that he has never seen a solar field with gaps in it; in his opinion, they are ruining the water shed. Mark Bardsley asked Ryan Malott if there is a checklist for potential developers to go through; Ryan stated that they are working on one for Area Plan that they would have to go to and check off as they did it and it wouldn't move forward until that checklist was completed. Mark asked Ryan if it is possible to add to their checklist that regarding all assessed ditches that there is a checklist stating that it is clear from any entanglement with the ditches and/or tile? Ryan replied that they can add whatever they want. Mark added that if that box is not checked, they would have to go to Jim Todd or the Drainage Board secretary and do their research. Ryan said that they will come into Area Plan with a development plan application and then he will send them to the Drainage Board. He added that they do not move forward until Road Agreement, Emergency Fire and Safety, Drainage Board and Erosion Control has to be cleared before their plan is approved. Ryan said that until they are told yes by the Drainage Board, it will not move forward. Mark Bardsley informed the Board that the Board will have to make the criteria up to have them prove that they know where our drains are. Wendell Cates recommend that Jim Todd call Jared Hahn, the Wells County surveyor because he works along with the state making some of the laws and he may have some insight into this. Brian Rayl stated the solar panels are a development and should be treated as such, adding that it is just like any other development and they need to observe the 75' on either side. Ryan Malott added that they do have in the ordinance that they can go back in to do inspections, adding that they

reserve the right, at any specific time with sufficient notice, to accompany the owner or his agent onto the premises. Mark Bardsley added that the Drainage Board will probably add something similar regarding the drainage easements. Mark asked that Mary Weesner keep the solar policy on the agenda.

Unthank

Raymond Bair stated that Mick Roush inquired about the Unthank, Mark Bardsley responded that they have not sat down yet to discuss this.

ADJOURN:

Kenny Cates made a motion to adjourn the meeting at 12:17 p.m.; seconded by Gordon Gough. Motion carried with support 3-0.

The next scheduled Drainage Board meeting to be held will be November 9, 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

*****ABSENT*****

Richard Cox

Kenny Cates

*****ABSENT*****

Pat Pinkerton