

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held August 30, 2022 in the Grant County Council Chambers. Mark Bardsley, Chairman called the meeting to order at 11:00 a.m. Other members present were Vice-Chairman Gordon Gough, Kenny Cates, Pat Pinkerton, Richard Cox, Grant County Surveyor Jim Todd and Drainage Board Secretary, Mary Weesner.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the August 9, 2022 minutes as presented; seconded by Richard Cox. Motion carried 5-0.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Grant County Treasurer \$6,161.00 Maintenance to GDIF to zero drain balances

- Buck Run (708) \$1,332.68
- Dry Fork of Peterson Casey (714) \$3,698.27
- Egbert (655) \$102.22
- Tyler Street (652) \$1,027.83

Sullivan Excavating \$19,750.00 Big Black Creek; \$212,694.84 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.

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

Drewry Simmons \$35.00 Hummel Creek; Fund is \$223,327.88 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; Richard Cox abstained due to having land on the Hummel Creek watershed.

OLD BUSINESS:

Little Crane Pond – Approval of resolution

There is nothing new to discuss

Hummel Creek

Mark Bardsley stated that he does not prefer to pursue anymore litigation at this time, adding that we have spent enough on attorney fees. Jim Todd said that another option is to send a 30 day notice for a public hearing, showing Mr. Ott his drainage assessment. It would be up to him to come to the meeting to object and speak, the Board could discuss and then vote on it. The amount would be certified through the Auditor and then applied to his ditch tax. Mary Weesner added that she could have the hearing as early as October 11, 2022. Gordon Gough made a motion to move forward with a hearing for October 11, 2022, sending the notice to Mr. Ott via Certified mail; motion was seconded by Kenny Cates. Motion carried with support 4-0 with Richard Cox abstaining due to owning land in the Hummel Creek watershed.

Solar Ordinance

Gordon Gough stated that he has been reading and hearing about the solar ordinance and he does not know how we can protect our ditches. Mark Bardsley replied that he would be glad to bring to documents back up the next time so that they can go over it. He added that they do not have to go with either of two the drafts until October 1, 2022. Kenny Cates asked Mark if there is a deadline for this; Mark stated that at this point, there are two legislative pieces that are in front of the Commissioners; one being Draft #7 and the other is Draft #4 and it needs to be one or the other. Gordon Gough then asked Mark Bardsley why we have to let them into our right of way, Mark replied that we don't, we have our 75 foot easement.

NEW BUSINESS

Ratliff Tile-David Devore-Request for maintenance; \$19,872.25 in the fund

Jim Todd began with stating that there is \$19,872.25 in the fund since it has been collecting for a few years towards this project. It brings in \$3,799.00 per year. The fund will receive another \$1,300.00 with this fall's collection. Dave Devore has brought in some estimates from Scott Rogers, they actually need \$31,240.00. Dave Devore is before the Board explaining that the Ratliff Tile is old and has been neglected and is half full of dirt. Dave is asking the Board to allow them to use the money that is in the maintenance fund to replace this tile. He added that they would not have the money for a couple years at the current assessment rate; he is asking to borrow two years of assessments from the General Drain Improvement Fund to complete this project. He added that his father and him would pay the rest of the money that is due after the

two years of assessments. Richard Cox asked if the money is in the fund, Mary Weesner stated that there is \$154,000.00 in the General Drain Improvement Fund at this time not including the \$6,161.00 that the Board just approved to transfer. Kenny Cates stated that there is about \$21,000.00 in the Knots Tile and when Scott Rogers get there, all he would have to do is go across the road. Gordon Gough expressed concern over the balance of the General Drain Improvement Fund; Mr. Devore stated that he understands Gordon's concern and asked if the Board would be comfortable with any amount to be lent from the General Drain Improvement Fund. He asked if the Board would consider even loaning one year from the fund and they would pay the remaining balance after that year. Jim Todd asked Mr. Devore if he was going to replace all the bad tile; Mr. Devore stated that he is. Jim noted that the maintenance money will not be needed for a while and should not be a problem to pay back the General Drain Improvement Fund. Kenny Cates made a motion to allow Dave Devore to borrow from the General Drain Improvement Fund the balance of a two year collection for the Ratliff Tile; paying the balance after two years, for this project; seconded by Richard Cox. Mark Bardsley stated that he is concerned if something was needed, how soon would we be able to get to that \$150,000.00 while we are still waiting for reimbursement from Hummel Creek. Mark added that he is leaning more towards loaning for one year. Motion carried with 3 ayes (Kenny Cates, Richard Cox, and Pat Pinkerton), 1 nay (Mark Bardsley) and 1 abstaining (Gordon Gough).

Little Crane Pond-Wendell Cates-easement issues

Wendell Cates is present before the Board. There is currently \$41,867.00 in the Little Crane Pond maintenance fund. Jim Todd stated that we had sent out 12 or 13 invitations to quote this project, but only received two quotes. Jim Todd read the quotes that were submitted for Little Crane Pond.

They are as follows:

John's Repair Service..... \$25,450.00

Redman Excavating..... \$51,307.95

Jim added that the problem is that there is nowhere to burn the trees and brush back in there so it will need to be hauled off. Kenny Cates asked where they would haul it to in order to burn it; Jim said that it is up to the contractor. Pat Pinkerton asked what the extent of the work is; if it is from Kem Road to Chapel Pike. Jim Todd stated that he has a letter stating what they are going to do, and he explained that he has measured it and probed the bottom. Jim spoke with the lady that has a fence in the easement; he stated she was very pleasant and agreed to move it. Jim added that he will go and place flags for her. The landowner stated that she would put the fence back up 40 feet so

that she will not have to take it down again in the future since Jim explained to her that this could be a yearly occurrence. Jim Todd recommended that the Board should award the job of cleaning Little Crane Pond to John's Repair. Richard Cox made a motion to accept the quote and award the job to John's Repair Service for the amount of \$25,450.00; seconded by Pat Pinkerton. Motion carried, with support 5-0.

Wendell Cates approached the Board stating that there is a big concern to him regarding the pool and the white fence, both at 26 feet as well as two other buildings. He added that he does not agree with the change of easement and the stacking of silt; now there is a hill that blocks the water and all those lots cannot drain into the creek. He feels that this will be a major problem and with the two feet of silt, he cannot mow the creek anymore. Wendell added that by keeping the creek mowed and cleared out lets the homeowners know that they need that drainage. He added that if we do not enforce the 75 foot easements, then when the solar farms come in, we will have major problems. Wendell added that he has brought Jay Tinkle with him, Jay is the president of the homeowner's association on the north side of the tributary, so that he may tell the homeowners about this issue. Jim Todd stated that he and Mary Weesner would work with Kyle Persinger to form a registered letter to landowners that would also include a map. Jim added that we have written many letters. Wendell Cates later asked the Board if we could possibly raise the rate from \$2.00 per acre to \$10.00; Raymond Bair told him that would take a public hearing.

OTHER BUSINESS

Aaron Newby Vote on new rate

Mark Bardsley stated that the issue of the Aaron Newby was scheduled for the previous meeting. This was advertised and there were no letters of complaints or attendance from any landowners. Mark added that per the advice of our attorney, since there were no objections, that the Board may vote on the new proposed rate. Mark Bardsley opened the floor for discussion in case anyone was present with any objections. Jim Todd stated that there was a petition to raise this to raise the rate from \$5.00 per acre to \$7.50 per acre, \$50.00 homesite and a \$50.00 minimum with a 4-year shut off at about \$24,000.00; it would bring in an annual amount of \$6,065.00. Richard Cox made a motion to accept the rate as advertised of \$7.50 per acre, \$50.00 homesite and a \$50.00 minimum with a 4-year shut off limit, Gordon Gough seconded. Motion carried with support 5-0.

Doyle Ferguson Public Hearing

Jim Todd stated that the Doyle Ferguson was raised years ago in order to clean out all the open ditch, which has been done in the last two seasons. Jim added that the current rate is \$25.00 per acre, \$50.00 per homesite, \$25.00 per parcel and a minimum of \$25.00, shutting off after the 4 year collection has been reached. This rate began in the spring of 2020. The Grant County Drainage Board has been petitioned for a decreased rate of \$5.00 per acre while keeping the homesite at \$50.00 and changing the parcel rate to \$10.00, as well as a \$10.00 minimum for a 4 year collection. He added that there is a surplus of about \$31,912.00 in the Doyle Ferguson maintenance fund. There are 1,387 acres with 13 homesites. At this proposed rate, this will bring in \$7,612.00 per year. Raymond Bair stated that he talked with Harold Turner about this rate, adding that it will bring in enough funds to put the Doyle Ferguson on the spray program and then clean it out in about five years. Mark Bardsley opened the floor to the public for comment. First to approach the Board was Bruce Niemietz and he stated that he is opposed. He stated that he thought that the fee would be a one time payment. He said that I guess they have to maintain a ditch for the rest of their lives. He does not feel that he should have to pay for one acre, and he does not contribute to that creek. Mr. Niemietz stated that he has a septic system and a leach line, and he added that it is his yard that gets flooded when there is a heavy rain. Harold Turner appeared before the Board stating that he is the petitioner. He stated that this ditch went through the woods and had tree problems and it has since been all opened up. He added that he keeps his ditches cleaned, mowed, and sprayed and has asked others to do the same, but they don't, and he ends up paying for that. Mr. Turner said that the ditch is now on maintenance and they can keep it in shape. Jim Todd stated that the homesite rates go anywhere from \$10.00 in subdivisions up to \$150.00. Richard Cox said that the \$10.00 and the \$50.00 does not make sense. Raymond Bair stated that is because the homesite rate is not coming down when everything else is; Richard agreed. Gordon Gough said that homeowners are putting water into the water shed every time they flush the stool or takes a shower; Mr. Niemietz said that he does not. Richard Cox wants \$25.00 homesite so homeowner can have a break like the farmers are getting. Richard Cox made a motion to change the rates on the Doyle Ferguson to \$5.00 per acre, \$25.00 homesite with a \$10.00 minimum for a 4 yr. collection. Gordon Gough seconded; motion carried 5-0.

Barren Creek-Lee Holloway; erosion problem

Jim Todd stated to the Board that Lee Holloway does not want the Board to forget about his erosion problem. Jim added that we ran short. We are still waiting on the New Duling to be completed and have not done the Leach Prong. He said that the banks are sliding in and we need to clean this. He passed around pictures for the Board to view that was submitted by Mr. Holloway. When Redman pulls in to do the Unnamed branch it could be taken care of at that time; Redman quit until after harvest so that they do not damage crops. Richard Cox made a motion to add this erosion problem to the reconstruction of Barren Creek, at Redman Excavating's convenience. Seconded by Gordon Gough; motion carried 5-0.

Hollis-Daughtery- Randy Atkins; request public hearing date

Jim Todd informed the Board that they put this on maintenance from State Road 26 north to the upper end, at that time, there was opposition. There is now a petition to put this on maintenance a little farther down to CR 1100. A map has been passed around to the Board to view the area in question. Randy Atkins informed the Board that this is the same open ditch that this is the tile that Paul Shriver from Blackford County got approved the funding for the Hinline Tile. Mr. Atkins feels that it is important that we get some more depth in that ditch. Mr. Atkins is asking to add acreage to the watershed and to raise the rate. Jim Todd stated that they are currently paying \$1.00 per acre and \$10.00 per homesite. Mr. Atkins would like to ask for \$15.00 per acre, \$50.00 per homesite with a \$15.00 minimum for a four year collection shut off, bringing the rate down in the future when the work has been completed. Richard Cox stated that he feels the minimum should be \$5.00. Raymond Bair told Richard that Paul Shriver feels if you go in later to lower the acreage, you cannot lower the minimum. Richard told Raymond it is already at the minimum, Raymond told Richard that you cannot treat people equally if you cannot lower the minimum in the future when the acreage is lowered. Richard asked Mary Weesner what the soonest she would be able to hold a public hearing; Mary informed him that October 11, 2022 is the earliest date. Pat Pinkerton made a motion to hold a public hearing for the Hollis Daughtery on the date of October 11, 2022 to add acreage and change the assessment to \$15.00 per acre, \$50.00 per homesite with a \$15.00 minimum for a four year collection shut off. Seconded by Gordon Gough; motion carried 5-0.

ADJOURN:

Pat Pinkerton made a motion to adjourn the meeting at 12:24 p.m.; seconded by Richard Cox. Motion carried 5-0.

The next scheduled Drainage Board meeting to be held will be September 13, 2022 at 11:00 am and will be held in the Grant County Council Chambers.

Minutes recorded by:
Mary R. Weesner
Drainage Board Secretary

The Grant County Drainage Board has approved the minutes for August 30, 2022 as presented:

Mark Bardsley

Gordon Gough

Richard Cox

Kenny Cates

Pat Pinkerton