

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held September 13, 2022 in the Grant County Council Chambers. Mark Bardsley, Chairman called the meeting to order at 11:03 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 31, 2022 minutes as presented; seconded by Pat Pinkerton. Motion carried 5-0.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

Right of Way Management \$3,910.00 Weasel Creek; \$137,857.44 in the fund
Grant County Treasurer \$35.00 Loan from GDIF to Maintenance

John's Repair Service \$10,920.00 Aaron Newby; \$8,884.37 in the fund

Jim Todd explained that John's Repair Service invoice was paid by pre-approval by the Chairman, Mark Bardsley. Jim stated that he had talked to Mark this invoice. We had raised this rate awhile back in preparation for this, we knew we were going to put it in the red for about a year. When the contractor contacted Jim, he said that he wanted to make sure to talk to Mark Bardsley and also to remind everybody that we were already obligated to fix the last 800-1,000 feet; it is the outlet that we are working on since it is collapsing, which makes it bad for everyone in the watershed.

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

Jim Todd stated that as far as he understood, the Board wanted to have Kyle Persinger write a registered letter to the landowners regarding moving items out of the easement so that it may be tended to. Jim added that Mary Weesner has researched this and has a copy of the Indiana Right of Way law

that we will include with the letter from our attorney. Jim said that he and Mary have written this letter for quite a few years now and it seems like this year they are ignoring us. Jim Todd told the Board that Mary Weesner has all the names and addresses of the landowners and that she could take the minutes, the letter that Mary has sent out for the last several years and the right of way code to Mr. Persinger so that he may compose his own letter. Jim added that he and Raymond Bair have talked to some of the landowners and they have walked and measured and placed flags.

Hummel Creek

Mark Bardsley stated that we have notified the owner of the amount that he owes. He also asked how long we have to wait to hold a public hearing to put Hummel Creek on maintenance; Mary Weesner responded stating that November 29, 2022. Regarding the hearing for Gary Ott, that hearing is on October 11, 2022 and the notice was sent to him by certified mail and has been signed for as received. She added that a copy of everything that has been sent to him has been given to each Board member. Mark Bardsley then asked what the next step would be following the public hearing if Mr. Ott does not show; Mary Weesner stated that the Board would vote on the amount and then after a 20 day remonstrance, it would be taken to the Auditor to be recorded and added to the property tax of that individual. Jim Todd added that a notice of the Findings and Order will be published in the newspaper following the hearing. Mary informed the Board that she has spoken to our attorney, Joe Leone, regarding the advertising of this hearing. Mr. Leone told her that since there is only one person involved in hearing, if we receive the signed notice of delivery that was mailed, we do not need to advertise the hearing. Jim Todd told the Board that we have 4,693 acres in the water shed with 162 home sites. Jim read the proposed rates of \$5.00 per acre, \$50.00 home site, \$50.00 commercial structure with a \$10.00 minimum for a four year shut-off. Jim Todd added that there are only two commercial structures. The home site rate of \$50.00 it would bring in \$8,100.00 with the ditch maintenance tax bringing in \$23,468.48 yearly; this adds up to an annual total assessment of \$31,900.83 for the Hummel Creek and Tributaries water shed. Jim Todd said that once this passes through he will go out and walk the ditch and mark down all of the log jams. Once the log jams are taken care of, a few of the farmers on the upper end on a few of the branch drains will need to put new tiling into outlet their tile so that it will work better. Richard Cox asked Jim Todd what a commercial parcel would include; Jim responded that they would pay the \$50.00 for the commercial building and then \$5.00 per acre. Mary Weesner informed the Board that she has drone footage that goes down the entire creek and would be glad to send it to anyone that wants to

see that, Mark Bardsley ask that she send him the footage. Kenny Cates made a motion to hold a public hearing for maintenance on Hummel Creek and Tributaries on November 29, 2022 with the proposed rates of \$5.00 per acre, \$50.00 home site, \$50.00 commercial structure with a \$10.00 minimum for a four year shut-off. The motion was seconded by Pat Pinkerton. Kenny Cates asked what happened with the situation of the pipes when they were taken out. Mark Bardsley responded that Gary Ott took the pipes out, without any of the required permits or inspection and this has been turned over to IDEM. Even though the obstruction was removed, it was not done according to the law. motion carried 4-0 with Richard Cox abstaining because he has land on the Hummel Creek water shed.

Solar Ordinance

Mark Bardsley reviewed the checklist that was put together by the Drainage Board on December 14, 2021.

- 1) No solar equipment within the maximum drainage easement
- 2) No slave labor if it does not have underwriter laboratory on it

Kenny Cates voiced his concern regarding the private tile being damaged. He also brought up the point that some people that own the land are not even in Indiana and are renting out their farmland. He added that the landowners may not be informing their tenants regarding the situation. Richard Cox added that we cannot protect the private ditches if we do not know where they are at. Kenny Cates referred to the clause that states damaged tile must be returned to original condition; but if it is 120 year old tile, then what? Mark Bardsley responded that has been changed to state "equal to or better than". Kenny would like to see the easement changed to 100 feet, Mark said that he thinks that we leave it at 75 feet because we cannot require more than state law requires, which is 75 feet, but we can require less. Mark Bardsley added that in a contractual economic development, we can say we want 100 feet on each side of the center, but if they do not sign it, it cannot go forward. Commissioner Steve Wright is present and asked that he may speak. Steve said that he is taking this vote very seriously. He added that the drainage issue is the biggest thing that they need to worry about, not only for the farms, but also our county roads as well. He does note that the ground they will use will have pollinators which is good for farming. Steve Wright stated that at the solar meeting last night that the sun comes out through the daytime, which is peak demand time. Raymond Bair asked to speak; he stated that a long the lines of eminent domain, between Gas City and Hartford City, there is a railroad that runs and along the railroad was electric that runs. The railroad kicked the electric out of their easement and made them get their own easement on the south side of the railroad and basically took the people's

property. They did not give them a choice; they gave them a price and took the land. Raymond added that it happens, and nobody even knows about it, they were not given a choice, they were told that they were taking 50 feet of their ground.

Mark Bardsley said that he had additions that he wanted to add to this. The one that says 1214-2000.1 we said that no solar equipment within the drainage easement of 75feet, but we also noted that we can push that to the economic development to 100 feet on each side. Jim Todd added that the drainage code states that if the channel is moved or relocated, the easement moves with it. Another addition Mark Bardsley spoke of is that all in-ground transmission lines must be chained in, adding all mutual drains, located, and marked. Also, any mutual drains or private tile that are damaged by installation and/or inflation will be repaired equal to or better than the current existing structure. Mark added that the ordinance will have to be amended to reflect this. Mark Bardsley stated that another amendment would be that a company field representative has to do a walk through with the surveyor or representative and sign off acknowledgement by the company agent on where the easement is. Mark added that it is standard operating procedure that they have to show us a water retention plan if needed; there is also no underground cut across. Kenny Cates asked about a six month moratorium in order to get this ordinance right; Mark Bardsley replied that he can recommend it, but it is in the commissioners hands and he does not think that they want to head that way, but he is welcome to suggest if he wants to. Kenny Cates made a motion to have a moratorium; seconded by Gordon Gough. Richard Cox is he was motioning for a six month moratorium or one year; Gordon responded that six months would just be a band-aid. Kenny Cates stated that one problem that they have is that Indiana Wesleyan is wanting to put one in right away and he doesn't know how we can control that. Mark Bardsley stated that they are in the county, not the city. Richard Cox asked Mark if anyone can put a solar field in before the ordinance goes through; Mark Bardsley responded that they are not receiving any. Richard asked about solar panels on his house, could someone do that? Ryan Malott, who is attending via WebEx, replied that residential solar is mandated by the Indiana Residential Code. Ryan added that for their ordinance, anything that is one acre or less is would be considered residential and does not affect their ordinance at all. Mark took a vote. Motion carried 4-1 with Mark Bardsley voting nay.

ADJOURN:

Kenny Cates made a motion to adjourn the meeting at 12:13 p.m.; seconded by Richard Cox. Motion carried 5-0.

The next scheduled Drainage Board meeting to be held will be September 27, 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 September 13, 2022 as presented:

Mark Bardsley

Gordon Gough

Richard Cox

Kenny Cates

Pat Pinkerton