

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held June 27, 2023 in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:02 am. Other members present were Vice-Chairman Gordon Gough, Kenny Cates, Pat Pinkerton, Grant County Surveyor Jim Todd, and Drainage Board secretary Mary Weesner. Richard Cox was not in attendance.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the June 13, 2023 minutes as presented. Seconded by Pat Pinkerton. Motion carried 4-0.

APPROVAL OF CLAIMS:

Sullivan Excavating \$1,327.50 Potter Creek; \$38,956.41 in the fund
Ed Blinn \$1,000.00 Unthank of Lugar; \$239,018.83 in the fund
Right of Way Mgt. \$2,325.07.64 Sweetser Improvement & Enoch Lee;
\$98,895.58 in fund
Right of Way Mgt. \$7,069.51 Sims Franklin; \$27,523.17 in the fund
Right of Way Mgt. \$802.44 Matthews Ditch \$17,454.42 in the fund
Right of Way Mgt. \$891.03 Massey Creek; \$9,749.40 in the fund
Right of Way Mgt. \$2,749.34 Maddox Ditch; \$40,188.00 in the fund
Right of Way Mgt. \$2,147.05 Lugar Creek; \$299,018.83 in the fund
Right of Way Mgt. \$3,554.82 Lugar Creek; \$299,018.83 in the fund
Right of Way Mgt. \$4,632.39 Doyle Ferguson \$46,256.93 in the fund
Redman Excavating \$4,000.00 Potter Creek; \$38,956.41 in the fund
Blackford County Treasurer \$12,457.58 Outbound joint drains
Huntington County Treasurer \$545.64 Outbound joint drains
Howard County Treasurer \$3,063.14 Outbound joint drains
Wabash County Treasurer \$1,632.81 Outbound joint drains
Wells County Treasurer \$484.37 Outbound joint drains
John's Repair Service \$17,000.00 Brushy Run; \$19,881.52 in the fund
CF Excavating \$446.50 So. Prong of Dry Fork; \$4,991.76 in the fund

Mark Bardsley added, for the record, that it may be an accounting thing for Right of Way Management but, as the Drainage Board

secretary pointed out, last year there was one invoice with a list of all the ditches serviced with individual amounts. Mark asked that we contact them to see if they would do that in the future since they have to cut multiple checks in the auditor's office and feels that it would be wise if we could get one invoice that covers all there service. Jim Todd agreed stating that it would be broken down as to which fund it would come out of.

Kenny Cates made a motion to approve the above claims as presented. Seconded by Gordon Gough, motion carried 4-0.

*****Gordon Gough to abstain*****

Right of Way Mgt. \$6,002.72 Grassy Fork; \$154,338.41 in the fund
Right of Way Mgt. \$4,023.90.64 Little Creek; \$58,091.56 in fund
Right of Way Mgt. \$4,748.00 Little Deer Creek; \$73,044.48 in the fund

Pat Pinkerton made a motion to approve the above claims as presented. Seconded by Kenny Cates. Motion carried 3-0 with Gordon Gough abstaining due to land on the Grassy Fork, Little Creek, and Little Deer Creek watersheds.

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

Right of Way Mgt. \$255.64 Taylor Creek; \$244,882.50 in the fund
Right of Way Mgt. \$1,002.20 Taylor Creek; \$244,882.50 in the fund
Right of Way Mgt. \$1,202.40 Pipe Creek; \$147,543.25 in the fund
Right of Way Mgt. \$896.54 Leisure Drain; \$17,685.02 in the fund

Pat Pinkerton made a motion to approve the above claims as presented. Seconded by Gordon Gough. Motion carried 3-0 with Kenny Cates abstaining due to land on the Taylor Creek, Pipe Creek, and Leisure Drain watersheds.

*****Board to vote with stipulation*****

Redman Excavating \$5,265.00 New Duling of Barren; \$25,853.74 in the fund

Jim Todd informed the Board that he has talked to Redman Excavating that we have a homeowner complaint on the New Duling Ditch that goes into Fowlerton. Redman's pulled off of that last season because they did not want to spread the spoil on crops.

Just south of town there is a hay field all around it and the spoil has been leveled good enough. There is a tree/brush pile the size of a two story house, therefore it cannot be burned right there. We have received his final bill; Redman said he could move it if he had to. Jim added that if they did burn it there, they would have ashes in the hay field. He said that he did not know if the Board wanted to hold Redman's money back and then he could come in and haul the pile off or he waits until winter to burn. Jim feels that we should hold on to the remaining amount until this is handled. Mark Bardsley stated that the Board will take no action and Jim Todd will contact Redman.

OLD BUSINESS:

Little Crane Pond

There is nothing new to discuss

NEW BUSINESS:

Lugar Creek – Butch Embree – maintenance request; \$299,018.83 in the fund

Jim Todd informed the Board that Mr. Embree just wants to do a little bit of clearing there on his property. We are doing a lot of work out there at a different location. We are waiting on Bragg Excavating to remove a large log jam. Kenny Cates asked if he has someone to do the work; Mr. Embree stated that he has Josh Carey. He said that there is a restriction in the flow of Lugar Creek. Gordon Gough asked about the cost of this; Mr. Embree responded that Josh Carey looked at this the other day and told him that he gets \$250.00 per hour but he does not know how many hours it would take; it could take 10 to 20 hours. Kenny Cates made a motion to approve the work on Lugar Creek as presented, up to 20 hours and not to exceed \$5,000.00; seconded by Gordon. Motion carried 4-0.

Middlefork Ditch-Chris Peacock- Private Crossing request

Jim Todd handed out maps of the area to the Drainage Board, stating that they are wanting to put in a ford on Middlefork Ditch. Chris Peacock of Halderman Real Estate and Farm Management gave the Board a packet with maps and plans included. Gordon asked Mr. Peacock if this is regarding the Steve Comer crossing; Mr. Peacock responded that it is. He was not aware that Mr. Comer had been to a meeting until just last week. Jim Todd added that the Board gave him approval, but they did not know exactly where it was going to go. Mr. Peacock reviewed with the Board on his maps the area that they want. Jim asked them to make sure not to put the dirt too close to the ditch as it could wash back in. Mr. Peacock stated that he is present today to get an approval to install a ford and he would prefer Option A. Kenny Cates made a motion to approve the plans as

presented, with the stipulation that he work with the Surveyor for the appropriate language in case there is a sale. Seconded by Gordon Gough; motion carried 4-0.

Big Deer Creek- Don Wright- Maintenance request \$56,347.20 in the fund

Jim Todd passed around a map showing the creek. Don Wright is before the Board stating that where Big Deer Creek goes through his farm at CR 650 S, the right of way is getting grown up in small trees. He is here today to request a bushhog to be done on the right of way to knock down the little trees, weeds and thistles that are growing up through there. Mr. Wright added that he had done this 3 or 4 years ago, but it has started to grow back up and would like it to be bushhogged. Jim Todd stated that Eric Bragg had done this the last time and asked Mr. Wright if he was satisfied with his work; Mr. Wright stated that would be fine, he was satisfied with the work. He stated that the other thing that he would like to request is that Big Deer Creek be put on the spray program, adding that the ditch bank is starting to grow up in trees and he feels it would be prudent to knock those down before we get to the point that we would have to have a major clearing job. Kenny Cates asked about the money in the maintenance fund, Mark Bardsley told Kenny there is \$56,000.00. Mark asked about the assessment, he was told it is 50¢ per acre. Kenny Cates recommended that Mr. Wright take a petition for a public hearing, stating it is only 50¢ per acre and needs to be at least \$2.00 or \$3.00 per acre. Mr. Wright stated that the bushhog is his top priority; Gordon Gough asked isn't it the landowner's responsibility to keep it bushhogged; Jim Todd said that is what the maintenance fund is for if you have an established maintenance, Mr. Wright agreed stating that it was ran through maintenance when it was done 3 or 4 years ago. Pat Pinkerton stated that this rate does need to be increased, and we had bushhogged it in the past, why wouldn't we do it this time? Pat Pinkerton made a motion to allow the bushhogging, but he needs to get a petition for an increase in the Big Deer Creek rate. Seconded by Kenny Cates; motion carried 3-0 with Gordon Gough abstaining. Raymond Bair added that we do spray Lugar Creek and Tributaries at different locations and it needs cut in other locations, adding that we could dissect Big Deer if we needed to. Don Wright stated that his renter does spray the tillable acres on the ditch banks.

Doty Tile – Brian Cates – replacement of tile \$32,485.80 in the fund

Jim Todd informed the Board that he had met out there the other day. He is giving the Board a map of the area. He added that the part that goes through the woods, needs a new tile. Brian Cates stated that the tile that goes through the woods was installed about 100 years ago, stating that he has tried to run a cameral though several time over the past few years, but they cannot get anywhere. Mr. Cates is asking permission to replace that tile, he has a firm price for the material, but the labor he does not. This tile will be 12' deep. Mark Bardsley inquired about the size of the tile; Mr. Cates said it will be a 24" tile. He has gotten a couple quotes for the tile itself; Fratco was a little bit higher, but they said that they would match the others price. Pat Pinkerton asked Mr. Cates what the estimates are; he told Pat that the tile price is about \$10,000.00 and the labor price is estimated at \$16,500.00 but could easily be more. Gordon Gough

made a motion to accept the bid, not to exceed \$32,000.00. Seconded by Pat Pinkerton, motion carried 4-0.

So. Prong of Dry Fork – Audra Reed – Reimbursement – no maintenance fund

Jim Todd handed out a map to the Board regarding the South Prong of Dry Fork. He stated that Mr. Reed is present today. Jim added that he was incorrect the other day, he thought the South Prong of Dry Fork went all the way to Dry Fork. He said that the highlighted area on the map he handed out is not on maintenance. He had ran elevations on this years ago and they had dipped it out privately. We had used some of the tile money and pulled out corn stubble, but there is still debris and the water is stagnant behind his house. Jim Todd stated that there is a petition for maintenance but there is also the Wright Branch, South Prong, and Peterson Casey that would be branches of the Dry Fork when we have the hearing; it is about 4,000 acres. Wayne Smock, who controls most of the farmland, was at the last meeting; they did go downstream on Dry Fork and took out some of the bigger obstructions. There is still a lot in the channel holding back stagnant water. Jim added that it needs dredged, like the Dry Fork does. Jim's office is working to get Mary Weesner what she needs to hold a public hearing and then it would start to collect spring of 2024, but in the meantime, Mr. Reed is stuck with it not working too good behind his house. Mr. Reed is present and handed pictures around to the Board to view. Jim Todd explained that in 1985, with Joseph Horner, they did a reconstruction, which was a five year pay back to the county. They cut all the brush and dipped all the dirt out of it. Raymond Bair suggested that the Board use the General Drain Improvement Fund and then take the money back next year. Mark Bardsley stated that he is not sure of the legality of drawing on a non-assessed water shed; Jim agreed stating that we do not even know if it will pass a public hearing. Jim added that he tried to get this put on maintenance after the reconstruction, but nobody wanted to pay. Pat Pinkerton made a motion to change this drain to Dry Fork and Tributaries; seconded by Gordon Gough. Motion carried 4-0.

Pat Pinkerton requested that we asked our attorney if there is anything that can be done. Kenny Cates wonders if we could contact the State Highway Department and inform them that there is a culvert that is plugged up. Mark Bardsley agreed and said that we should do that. Kenny added that if the culvert gets opened, then the pressure would take debris on down the pike. Mark stated that he is going to check with the Drainage Board attorney to see if we can use the General Drain Improvement Fund at this time towards a drain that is not on maintenance but has a future hearing to be put on maintenance. In the meantime, Jim Todd will call the State Highway Department about the culvert.

Landess Tinkle – Randy Thurman- Maintenance request; \$121,428.89

Randy Thurman is present before the Board today. Jim Todd handed the Board members a map of the area. He said that they need to start on CR 725 through the woods to I69, it needs dipped out and maintained. He has maintained the rest of it from I69 clear to Landess, keeping it sprayed every year. Estimates for work being requested are handed out to the Board. An estimate from John's Repair Service is for \$2,900.00, not to exceed \$3,600.00, this is to haul spoil from ditch that adjoins the yard area and place in designated area. Another estimate

from John's Repair Service is for \$23,000.00 and that is to brush and dip 1,812' of the Tinkle ditch, apply Tordon, remove trees in above described area and to clean out culvert under CR 725 E. Gordon Gough made a motion to approve quote from John's Repair Service on the Landess Tinkle presented by Randy Thurman. Motion was seconded by Pat Pinkerton, motion carried. 4-0.

Harrison Sugar Grove – Timothy Garrett – floodplain/drainage; \$590.61 in the red

Jim Todd informed the Board that they are wanting to put two mats over two of their lines, a 24" and a 30" steel pipes. He is working out of Houston Texas and had recently talked to Area Plan about working in a flood plain regarding a permit and Area Plan had told him about the Drainage Board. Jim added that he is just running this by the Board as he does not think we can stop him. There is 16' fall and it is not as flat as Barren Creek. Pat Pinkerton made a motion to allow them to work in our right of way per design; seconded by Kenny Cates. Motion carried 4-0.

OTHER BUSINESS:

Prior Ditch – Steve Berry – Maintenance request

Steve Berry is present before the Board asking permission to put in a 24" tile in place, in the easement, when the road is tore out to replace the culvert. Kenny Cates made a motion to allow Steve Berry to replace the old tile with a 24" tile in the easement at his own expense. Motion was seconded by Gordon Gough and carried 4-0.

Hollis Daughtery – Brad Atkins – Beaver trapper for Dollar Lake

Jim Todd stated that Brad Atkins is asking for a trapper on Dollar Lake. This fund is in the red and there is no money in the fund right now and it won't be paid back until the Fall 2023 collection. Raymond Bair said that Mr. Atkins had gotten a quote from Morelock to trap the beavers for \$600.00 for the year. Mark Bardsley asked the opinion of the Board as to whether we go ahead and do this, Jim Todd replied that it can't hurt the fund no more than it is and it will pay back. Kenny Cates added that they might as well go to both when they are here for Glendale, Gordon Gough agreed. Mark Bardsley informed the Board that they have moved forward and made their request through Commissioner Stewart at the latest County Council meeting for \$200,000.00 of ARPA funds for drain projects. He added that they will have to vote on it again at the next council meeting. Kenny Cates made a motion to allow Mr. Atkins the beaver trapper. The motion was seconded by Pat Pinkerton and carried 4-0.

Hummel Creek

Mark Bardsley informed the Board that we received an overture from their attorney, it is an agreement stating that Gary Ott will pay the whole amount. Mark continued that he had sent it back with some wording problems because he did not like how the wording was. He added that there is a penalty that the treasurer has added on and we cannot do anything about that. Mark Bardsley is

asking the Board their permission to sign off. Kenny Cates asked Mark that in the agreement about if we needed to come down through there and clean and we have 75' easement and we need to leave it that way. Mark agreed, adding that this is for the court findings and the penalties. He will still be responsible for future maintenance assessments, Jim Todd added that he is only on for about 4 or 5 acres since our easement stops just past the crossing. Mark Bardsley is asking the Board for permission to sign the agreement once the legalities are clear. Kenny Cates made a motion to allow Mark Bardsley to sign the agreement on behalf of the Drainage Board once legalities are clear. Seconded by Gordon Gough, motion carried 4-0.

ADJOURN:

Kenny Cates made a motion to adjourn the meeting at 12:35 pm; seconded by Gordon Gough. Motion carried 4-0.

The next scheduled Drainage Board meeting to be held will be July 11, 2023 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 June 27, 2023 as presented:

Mark Bardsley

Gordon Gough

*****Absent*****

Richard Cox

Kenny Cates

Pat Pinkerton