

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held August 29, 2023 in the Grant County Council Chambers. Chairman Mark Bardsley called the meeting to order at 11:00 am. Other members present were Vice-Chairman Gordon Gough, Pat Pinkerton, Kenny Cates, Grant County Surveyor Jim Todd, and Drainage Board secretary Mary Weesner. Richard Cox was not in attendance.

APPROVAL OF MINUTES:

Pat Pinkerton made a motion to approve the August 8, 2023 minutes as presented; seconded by Gordon Gough. Motion carried 4-0.

APPROVAL OF CLAIMS:

Chronicle Tribune \$40.68 Nesbit Tile; \$6,137.17 in the fund

Chronicle Tribune \$27.00 Baker Ditch; There is no fund

Chronicle Tribune \$27.00 Sweetser Improvement & Enoch Lee;
\$96,355.49 in the fund

Grant County Treasurer \$1080.85; Loan from GDIF to Maintenance

B.E. Powell Excavating \$1,830.00 Cassius Smith; \$1,873.36 in the fund

John's Repair \$807.50 Carey's of Brushy Run; \$5,075.80 in the fund

Redman Excavating \$5,265.00 Barren Creek; \$26,030.70 in the fund

Amazon Capital Services \$63.79 Office Supplies; \$300.00 in the fund

IMI Aggregates \$386.27 Lugar Creek; \$128,384.08 in the fund

IMI Aggregates \$2,019.25 Lugar Creek; \$128,384.08 in the fund

Bragg Excavating \$2,435.00 Poe Drain; \$9,867.50 in the fund

John's Repair \$672.00 Lugar Creek; \$128,384.08 in the fund

John's Repair \$10,290.00 Massey Creek; \$8,837.94 in the fund

Jim explained that we need to spend a little bit more on the Massey, stating that it will bounce back into the black next year. Mark Bardsley clarified that if we approve the above claims, we will be putting the Massey Creek in the red on that particular line item, Jim Todd agreed. Gordon Gough inquired about the amount of maintenance that is being charged to Massey Creek; Mary Weesner looked up the rates and they are as follows; \$5.00 per acre, \$10.00

per homesite and it brings in \$4,229.00 per year. Jim added that we have received an estimate to hopefully fix the rest of the collapsed tile consisting of 250' of 15" dual wall perforated tile; the estimate is for \$4,130.00 from John's Repair Service. Mark Bardsley added that with the money that we have coming in, the Massey will be \$14.00 in the red until next year. Jim Todd said that they would still need to borrow the \$4,30.00 to finish replacing the broken tile. Kenny Cates stated that while they are out there, they might as well fix it, Jim stated that Frank Hix, representing Hix Farms, is present today. Frank Hix approached the Board stating that the estimate he receives states that it would not exceed \$4,730.00 but they are pretty certain that the \$4,130.00 would do it. Kenny Cates added that instead of year from now, go now while he is already there working. Jim Todd stated that we could raise the rate to \$7.00 or \$8.00 per acre, Mr. Hix agreed. Jim added that raising the rate would require a public hearing. Gordon asked about raising the rate legally without a public hearing; Jim Todd informed him that we could raise the rate 25% without a public hearing, Mr. Hix said that he would raise it the 25%. Mark Bardsley stated that he doesn't think the Drainage Board has ever raised a rate without a public hearing. Mark asked Jim if this is done without advertising; Jim thinks that is correct. Mark Bardsley asked that Jim Todd contact the Drainage Board attorney, and, in the meantime, the Board will table this today and can take action at the next meeting.

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

Mark Bardsley stated that since the Board has approved to pay the \$10,290.00, the work will move forward. In the meantime, we will check with our attorney regarding a rate increase and the Board will make a decision at the September 11, 2023 meeting. Jim Todd added that he will research the Indiana Drainage Code so that when he calls Drainage Board attorney, Kyle Persinger, he can tell him the code number and title. Frank Hix asked the Board if he should move forward with the work detailed on the estimate for \$4,130.00, not to exceed \$4,730.00. Mark asked the Board if they were ready to make a decision about this. Gordon Gough stated that they have already discussed the topic.

Kenny Cates made a motion to approve the request for maintenance on Massey Creek submitted by Mr. Hix. Motion was seconded by Gordon Gough, motion carried 4-0.

*****Gordon Gough to Abstain*****

IMI Aggregates \$971.17 Powers Drain; \$48,219.00 in the fund
IMI Aggregates \$889.10 Powers Drain; \$48,219.00 in the fund
IMI Aggregates \$1,381.26 Powers Drain; \$48,219.00 in the fund
Cut Above Tree Service \$3,500.00 Back Creek; \$90,871.87 in the fund
Bragg Excavating \$2,131.00 Big Deer Creek; \$56,144.87 in the fund

Kenny Cates informed the Board that regarding the IMI pricing, the difference is that the Highway Department is hauling their own stone; when we get stone, we are hiring it to be hauled.

Pat Pinkerton made a motion to approve the above claims as presented, seconded by Kenny Cates. Motion carried, with support, 3-0 with Gordon Gough abstaining due to having land on the Powers Drain, Back Creek, and Big Deer Creek.

*****Kenny Cates to Abstain*****

Cook Excavating \$925.00 Stoney/Pipe Creek; \$147,220.05 in the fund
Cook Excavating \$1,100.00 Pipe Creek; \$147,220.05 in the fund
Cook Excavating \$1,150.00 Pipe Creek; \$147,220.05 in the fund
Bragg Excavating \$8,107.92 Taylor Creek; \$242,697.87 in the fund

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

OLD BUSINESS:

Little Crane Pond

There is nothing new to discuss

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NEW BUSINESS:

Monroe of Lugar-Dan Spencer-Maintenance request \$128,384.08 in the fund

Jim Todd informed the Board that he has received a maintenance request but wanted to inform the Board that there really is not \$128,000.00 in that fund as we are working on two other areas with erosion problems on Lugar Creek. Jim added that we will be sending Mr. Spencer's request out for quotes and Raymond Bair stated that he is concerned about the money in the fund. Jim Todd said that they will begin the process of asking for quotes.

Monroe of Lugar-Bret Goff-Filter strip; \$128,384.08 in the fund

Jim Todd told the Board that he has talked with Bret Goff and he has filter strips out there and we had brushed and dipped this last season and it seems that the only thing that is growing out of the soil banks is thorn trees that are 4 and 5 feet tall. Jim added that Mr. Goff will lose his set-aside if we let it grow up in thorn trees. He asked what the Board wants to do, either bush hog them or spray them? Gordon Gough stated that if it his set-aside, then he maintains it. Kenny Cates added that they will only let you mow once a year. Raymond Bair said that we put the spoil on the set-aside and the trees grew from the spoil. Jim Todd said that they put the spoil on the bank and tried to restrict it so that it was not on the set-aside but maybe a little bit. Gordon Gough asked the question of where do we stop and where do they takeover? Kenny said that we should have leveled the spoil out and reseeded. Jim said that is still a possibility to come in and run a bulldozer over it a little bit and then reseed it. Pat Pinkerton asked if the spoils were leveled out; Jim responded that they were leveled, Gordon added that it was leveled, and the landowner did not maintain it. Raymond Bair informed the Board that he let us go in and it was not for his benefit, it was for other people, adding that 500 or 600 feet is not going to cost that much. Mark Bardsley said that the question is that if he is responsible for maintaining it, we knock it down and he seeds it. Gordon Gough agreed saying that we mow it and then the responsibility is his, Mark feels that this is reasonable. By common consent, the Board agrees that the we will knock down the thorns and the landowner takes care of the seeding.

Lomax Drain-Indiana Health Center-Drainage request
\$46,111.45 in the fund

Jim Todd informed the Board that he has looked over the plans; what they are wanting to do is discharge back to the west on the property that is being developed. He added that they will need to get permission from a landowner to cross the property with a tile to drain it to the west into the Lomax Drain. Colby King, Engineer for this project is attending the meeting via WebEx. Mr. King put a watershed map of the Lomax on the screen with the property in question and pointed out that it is in the watershed. He said that they will be adding several water retention areas put in along with dry detention areas being grass. He reviewed how the detention systems would be inner connected with pipes. Chad Springer of Indiana Health Center is present and is before the Board. He stated that he is working with two landowners and does not have their permission just yet to cross through their property. Gordon Gough asked if this property is city or county; Mark Bardsley explained that this is city and county. We are still hanging on to it because we still have agricultural land to the far south that drains into the Lomax Drain. Kenny Cates inquired as to the size of pipe; Mr. King told Kenny it would be a 15" drain line. He is asking permission from the Drainage Board for permission to discharge through the farm field and Marion Health. The outlet control structure would hold up to a 100 year storm event but if there was a larger storm event it would over top the inlet. He is hoping to use a 15" because he can run that at a smaller slope. Mr. King said that the only other option would be to hook into some storm sewer on State Road 9. Pat Pinkerton asked about the detention calculations that he did, detaining a 100 year storm event on the developed property and releasing it at up to the ten year; Mr. King responded, yes. Kevin Cates is present before the Board. He stated that he farms the Susie Bartow land, the one that they are wanting to cross. He asked about the water main. Mr. King stated that they will need to have a water main crossing State Road 9. He added that he would rather not have the pipe on the bottom, Jim Todd stated that he would prefer 3", Mr. King said that 3' would be really tough and that he feels 18" would be possible. He said that he could lower it but if the creek comes up then their pipe backs up; he would rather not put the pipe in the bottom of the ditch, he would rather come a

couple of feet off of the bottom if possible. Mr. Cates stated that 18" will be hard to farm on top of, Kenny Cates agreed. Pat Pinkerton asked if this will be a private drain; yes, it will be a private drain. Gordon Gough said that before they came before the Drainage Board, they need to have a better plan of what they want to do. Pat Pinkerton responded stating that they have not worked things out with the property owner yet, but they want to know that it is ok with the Drainage Board. Pat Pinkerton made a motion that the Board approve the 2/10/100 design presented and dependent on working out the details of the property owners and renters. Motion was seconded by Gordon Gough and carried 4-0.

OTHER BUSINESS:

Eastern Marion Transmission Line Project–Charles Jankowski

Jim Todd stated that Mr. Jankowski asked whether or not there was a permit needed. He added that their structure already crosses a grant county drains and there is no permit process for this Board that is needed. Jim added that they are not going to affect our drains at all. He said that they just need the Drainage Board approval so that they can make improvements on their existing lines. Jim Todd read the list of drains and said that the only thing in the easements will be timber matting, there will be no structures within 75'. Mark Bardsley asked if after they remove the mats, do they restore to the original condition, or do they just leave it alone after they have cramped it down. Mark added that he does not mind the work, but he feels that their needs to be a condition that we expect it to be returned to its original condition. Kenny Cates made a motion that they may work in our easement with the condition that it is returned to its original condition. Motion was seconded by Pat Pinkerton; motion carried 4-0.

Monroe of Lugar–Dan Spencer–Maintenance request \$128,384.08 in the fund

Mr. Spencer is present in front of the Board stating that there is a woman that is worried about which side of the ditch we are going to dip on. Jim Todd informed him that they were going to brush and dredge the ditch where we were designated to. Jim added that we will be getting prices this fall and he will keep him posted so that

he may come to a meeting. If there is a side that they don't want cut, now would be the time to tell him.

Julie White is now before the Board stating that there is privacy on the whole east side of her property, and she would prefer they work from the other side. Jim Todd explained to her that it is usually the path of least resistance, being the natural path of where it is normally dredged at, but we can switch back and forth if we need to in order to accommodate her. Jim informed her that they will need to go out and look at it and get some specifications and then they will take quotes. They will know the start date later on after receiving quotes.

Isaiah Wall–Jerry Soultz–Ditch Spraying; \$9,205.66 in the fund

Jim Todd told the Board that Jerry Soultz told him that he does not want his ditch sprayed. Jim said that he keeps it down on his section, then we do not have to spray it. Mr. Soultz is wanting something in writing that we won't spray on his property anymore. (Gordon Gough was inaudible due to the public speaking amongst themselves) Kenny Cates stated when we come through and ditch, if he does not want spoil to be put on his bank, then he will have to get a dump truck and haul it out. If he does it satisfactorily and keeps the brush down, when we come through and do all of the ditches, that portion of his (inaudible) Jim Todd added that the last time, we did not have to dip his out because we had dipped down stream and his was close to being on grade. Pat Pinkerton said that he does not feel that we need to address this now since we aren't even doing any work, in the future, when we are going to do work, we can address then. Pat added that if he does not want it sprayed then he needs to keep it cleared and looking nice. Jim Todd said that Mr. Soultz keeps it nice and mowed and added that as long as he is the County Surveyor, it does not get sprayed. Mark Bardsley said any request, the Drainage Board reserves the right to do what is necessary to maintain the ditch even if there is a gentlemen's agreement that we will not be doing spraying on that particular portion of land, we still have the right to do it if it is not maintained. Pat Pinkerton made a motion that the Drainage Board has the right to do what is necessary to maintain the ditch if it is not maintained. Kenny Cates seconded the motion; motion carried 4-0.

Solar Farm

Kenny Cates stated that twice in the last week, APEX has called him regarding the solar panels. He added that we have some ditches that they cannot put them. Kenny told APEX they will have to be 150', he said Jim Todd told him the state is 75' but he doesn't care what the state is. He said that the Drainage Board needs to make a motion that we will be at 150' from the tile because when you move the tile out of the washed out area, you will need the extra footage. You can't come back where the tile is, you need to come back 30-40' over to the side. Jim Todd said that we have a 75' easement from center of the tile, so that is 150' that we don't want them to build on. The tile runs through there at an angle and they must have somebody signed up and they don't realize that the Drainage Board will be a hinderance. Kenny Cates said that we need to watch over the ones with private tile. Pat Pinkerton said that he thinks that we cannot regulate over private tile, Mark Bardsley agreed, adding that the mutual drains that we know are draining other fields, we may have fudged a little bit because it has to flow. He said that it is supposed to be part of the criteria is that they have to delineate where the mutual drains are before they ever begin work. Jim Todd said that there is one part in the code that says the county can use up to 150' on one side if they need it for work and you would have to ignore the other side. The code does not say anything about 150' on each side. Jim recommend that this question be directed to the Drainage Board attorney. Pat Pinkerton agreed adding that with 150' on each side you would be taking away from the landowner that has a right to use it. Kenny Cates added that he had told the guy that he may have to come up with \$500,000.00 to \$700,000.00 to put a new tile in before they can put the solar panels, the guy told Kenny that they will not do that. He told Kenny that if the tile breaks down, they will repair it. Pat Pinkerton stated that the Indiana Code gives a 75' easement on each side of the tile but we do not have the authority to move it beyond that, Jim Todd agreed.

Ryan Malott, Director of Area Plan is present via WebEx. He projected a map of queue and it shows that there is nothing in queue around Sims, Indiana. It can take up to two years once they are in queue, but they're not even in queue yet. Ryan added that we are looking at 3 or 4 years at least.

ADJOURN:

Pat Pinkerton made a motion to adjourn the meeting at 12:41 pm; seconded by Gordon Gough. Motion carried 4-0.

The next scheduled Drainage Board meeting to be held will be September 12, 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 August 29, 2023 as presented:

Mark Bardsley

Gordon Gough

*****ABSENT*****

Richard Cox

Kenny Cates

Pat Pinkerton_