

GRANT COUNTY DRAINAGE BOARD

401 South Adams Street
Marion, Indiana 46953

The Grant County Drainage Board meeting was held January 9, 2024 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, Richard Cox, Kenny Cates, Grant County Surveyor Jim Todd, and Drainage Board Secretary Mary Weesner. Pat Pinkerton was not in attendance.

Mark Bardsley stated that every year, the Board needs to decide on who their leadership will be. Mark added that the Board needs to decide on who they want to chair and vice-chair the Drainage Board. Richard Cox made a motion that Mark Bardsley continue to be the chairman of the Drainage Board. Motion was seconded by Kenny Cates and carried 3-0.

Gordon Gough made a motion to the Board that he nominates Richard Cox for vice-chairman of the Drainage Board; he said that due to his stroke and that Richard is a younger person. Kenny Cates seconded the motion, it carries 3-0. Jim Todd thanked Gordon Gough for all his work as vice-chairman of the Drainage Board, adding that he has done a lot for the Board.

APPROVAL OF MINUTES:

Kenny Cates made a motion to approve the minutes from the December 26, 2023 meeting as presented; seconded by Richard Cox. Motion carried 3-0, Mark Bardsley abstained due to not being in attendance.

APPROVAL OF CLAIMS:

Jim Todd read the claims as follows:

John's Repair Service \$622.00 Landess Tinkle; \$101,016.15 in the fund

John's Repair Service \$1,695.00 Landess Tinkle; \$101,016.15 in the fund

John's Repair Service \$2,500.00 Landess Tinkle; \$101,016.15 in the fund

John's Repair Service \$575.00 Landess Tinkle; \$101,016.15 in the fund
Madison County Auditor \$2,121.12 New Prairie; \$23,399.60 in the fund

Madison County Auditor \$1,530.14 New Prairie; \$23,399.60 in the fund

Madison County Auditor \$1,732.54 New Prairie; \$23,399.60 in the fund

Cook Excavating \$2,600.00 Taylor Creek; \$264,721.41 in the fund

Jim explained that the claims for the Madison County Auditor are for landowners that were wrongly assessed a maintenance rate on New Prairie watershed.

Richard Cox made a motion to pay the above claims as presented; seconded by Gordon Gough. Motion carried 4-0.

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

Sullivan Excavating \$1,500.00 Back Creek; \$88,587.33 in the fund

Karen Comer Farms \$13,370.03 Milner Moon Vacation; \$32,300.02 in the fund

Marilyn Whitehead Trust \$5,554.70 Milner Moon Vacation; \$32,300.02 in the fund

Benjamin Grant Wilson \$1,278.18 Milner Moon Vacation; \$32,300.02 in the fund

Cory & Shannon Zirkle \$1,100.53 Milner Moon Vacation; \$32,300.02 in the fund

Gordon Gough \$1,100.60 Milner Moon Vacation; \$32,300.02 in the fund

William & Kimberly McKay \$1,174.82 Milner Moon Vacation; \$32,300.02 in the fund

Steven & Mary Comer \$5,225.77 Milner Moon Vacation; \$32,300.02 in the fund

Scott & Cheryl Rogers \$3,495.39 Milner Moon Vacation; \$32,300.02 in the fund

Kenny Cates made a motion to pay the above claims as presented; seconded by Richard Cox. Motion carried 3-0. Gordon Gough abstained due to having land on the Back Creek and Milner Moon watersheds.

OLD BUSINESS:

Little Crane Pond

There is nothing new to discuss.

Hummel Creek – Attorney fees

Mark Bardsley stated that this is the amount that we have to write off as a loss (attorney fees) and basically the General Drain Improvement Fund takes the hit. He added that we were reimbursed from the landowner the appropriate amount that the courts designated and once we do this, the Hummel Creek issue will be over.

Kenny Cates made a motion for the Drainage Board to absorb the cost of the attorney fees of \$143,045.56 regarding the Hummel Creek/Gary Ott litigation process; seconded by Richard Cox. Motion carried, with support 4-0.

NEW BUSINESS:

There is no new business to discuss

OTHER BUSINESS:

Polly Walk Open Ditch – Public Hearing

Jim Todd stated that the request is to raise the Polly Walk Open Ditch to \$10.00 per acre, \$50.00 homesite, with a \$25.00 minimum for a four year collection. Polly Walk Open Ditch has a total of 1,348 acres. Out of the 1,348 acres, there were 13.41% of benefited acres objecting to this rate. At the proposed rate the drain would generate \$14,339.90 per year. Mark Bardsley opened the floor for public comment. First to approach the Board was Sara Cox, she informed the Board that she is the owner of Leisure Farms and Shady Nook Farm. Mrs. Cox stated that she is objecting because she does not have enough information. She understands that this is part of three different drains and that her farms are on all three watersheds and this would be a major impact. She would like to know what is needing to be done and how much it is going to cost. Mrs. Cox added that she would like to know what the actual benefit

will be, she doesn't have any drainage problems on her properties. She is concerned about taking out the trees due to landscape, erosion control, wind break, wildlife, and habitat. She added that she is not interested in having only open drains on her property and that she has over 600 acres and a pretty big stake in all of this. Mrs. Cox stated that she should be part of the discussion and the planning and know what is happening. Gordon Gough asked her about her acreage in Polly Walk, the 600 acres in between three different drains and that this hearing is just for the Polly Walk. She then stated that she is 13% benefited acreage for the Polly Walk. Jim Todd informed her that they would only cut down the trees that are on one side in order to dig out the ditch. He added that they have discovered that there are eight difference washes that would need rip rap. Mark Bardsley asked Mrs. Cox if after the discussion, does the \$10.00 per acre make more sense to her; she stated that how it will happen and what it will look like is more her concern. Jim Todd told her that the Drainage Board meets twice a month and they would be the representative and Drainage Board secretary Mary Weesner takes care of all the funds. Jim added that before anything is done on her property, they would meet with her, they want her to be happy. He said that the spoils would be level, the trees would be burnt and disposed of. Jim Todd told her that if they have to cross any fences, that fences are the responsibility of the landowner. Mark Bardsley closed the public comments since there was not anyone else approaching the Board to speak on the issue. Mark did ask Mrs. Cox if what she is hearing from the Board is, she still opposed to the idea about cleaning downstream so that the water will flow; she responded that she still has not seen any evidence that the water is not flowing. Richard Cox asked Burr Worl if he could respond to this since he is the one that brought this to the Board. Mr. Worl stated that there is water on the Polly Walk (inaudible). He said that he knew there are trees that are not acceptable and it's hard to get them out. Jim Todd added that the ditch bottom on Mrs. Cox will be taken down to the old original ditch bottom, adding that there could be a couple feet of silt. This will be spread and seeded and leveled. Kenny Cates asked how long it would be at \$10.00 per acre before they would have any money to start on this; Richard Cox said about fifteen. Burr Worl said that they could start on it in a few years, Jim Todd agreed. Gordon Gough stated that this would only bring in about \$14,000.00 per year and what are you going to get done for \$14,000.00. Kenny Cates

made a motion to approve the advertised rate of \$10.00 per acre, \$50.00 homesite, with a \$25.00 minimum for a four year collection. The motion was seconded by Gordon Gough and carried 4-0.

Waters Open Ditch – Public Hearing

Jim Todd stated that the request is to raise the Waters Open Ditch to \$10.00 per acre, \$50.00 homesite, with a \$25.00 minimum for a four year collection per the petition. The only objection was Sara Cox with 155.18 acres and a homesite, totaling 6.51% of the benefited acreage. The Waters Open Ditch consists of 2,382.38 acres and 16 homesites and would generate \$24,782.90 annually. Jim Todd added that about twenty years ago there was a group that cleaned their part which was 8,551 feet and they are asking to get a break from the assessment. Jim stated that he could not find anything in the Indiana Drainage Code that would allow the Board to do that. Jim has walked this ditch and stated that there is a lot of silt on the lower end where it meets Middle Fork and a lot of heavy trees. He added that when funds accumulate, we can send out quotes in sections for brushing and dredging. Gordon Gough said that he remembers about when the upper end was cleared out and he believes it was about the year 2000 and it probably needs to be done again. There was a gentleman in the audience that stated he was one of them that cleared their section out and thinks they should get a break. Kenny Cates asked him if he had come to a Drainage Board meeting before they did that because there is no record of it; the landowner stated that it was before his time. Mark Bardsley opened the floor to the public to speak. Sara Cox approached the Board with her concerns that she needs to know more about the project and that it actually needs to be done. Mrs. Cox added that she wants to have input when it comes to her property. Raymond Bair stated that he received a call from Ann Gunning opposing the proposed rate. No more landowners wanted to approach the Board with questions or objections; Mark Bardsley closed the public portion of the public hearing. Richard Cox made a motion to approve the advertised rate of \$10.00 per acre, \$50.00 homesite, with a \$25.00 minimum for a four year collection. The motion was seconded by Gordon Gough and carried 4-0. Mark Bardsley added that the Polly Walk and the Water Drains will begin collection this year since the meeting was before the deadline.

Member Term Limit – Kenny Cates-Commissioner Approval

Mark Bardsley wanted to acknowledge that the Board of Commissioners did reappoint the Drainage Board's recommendation for Kenny Cates to serve four more years on the Drainage Board.

ADJOURN:

Richard Cox made a motion to adjourn the meeting at 11:57 am; seconded by Gordon Gough. Motion carried, with support, 4-0.

The next scheduled Drainage Board meeting to be held will be January 30, 2024 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 January 9, 2024 as presented:

Mark Bardsley

Gordon Gough

Richard Cox

Kenny Cates

*****ABSENT*****

Pat Pinkerton