

Motion to approve minutes from 11/23/20 Kevin Nigh, 2<sup>nd</sup> Chris Ross, vote 3/0.

Public Hearing Meiks Addition: Kevin Nigh states the board and Taylor Sumerford, county surveyor, have visited the site. Kevin states from the outlet on the south side of Meiks Rd to the outlet into the creek (about 1200'), the 12" tile is completely shot. The watershed has been looked at to calculate the benefited acres. The public hearing is being held today to discuss bringing this in as a county drain and how the tile can be fixed. Mr. Sumerford has some estimates: one is \$50/ft, totaling around \$60,000 and the other is about \$15/ft totaling \$18,000 plus \$500 per road crossing (2 crossings= \$1,000). Commissioner Nigh states there will be some additional expenses such as rip rap and possibly an inlet on the south side of the road. He believes \$25,000 would be a safe estimate to cover it all. Mr. Sumerford states there are 661.71 acres in the watershed of which 373 acres are benefited. Jeff Bate, 1333 E. Meiks Rd, wants to know what exactly the drainage board is proposing? He is shown the map and the drainage board explains they would like to replace the 12" tile (existing tile is in bad shape) that runs through Meiks Addition, including Lawndale Dr., to improve drainage in the area. Mr. Bate asks Chris Ross if he feels this will help his in laws (who live in the addition)? Commissioner Ross advises this would probably help them but that is not the why this issue is being brought up, Mr. Bate understand and agrees help is needed for many in the area. Cost for residents who are in the watershed would be \$67/ acre. Chris Ross explains "Gordon Farms" to the north gets a lot of drainage from this tile and there will still be surface water in the area after this. Mr. Bate wanted to clarify that the plan was not to bring water down Meiks Rd into the river, it is not. Kevin Nigh explains there is not currently a county drain in the area, that is the purpose of this meeting. This is the first step to establish a county drain so that the drainage board can help with drainage issues in the area using funds collected by property owners. Mr. Bate also wanted to make sure the farmer who will benefit from this will be paying towards it as well, the drainage board advises he will be paying for the acres of his land that fall in the watershed. James Ramsey comes forward with a suggestion of charging a flat \$50-\$75 minimum for parcels that are under 1 acre. Mr. Ramsey speaks regarding the "Gordon Farm", (now owned by Foltz Farms) as he has been contracted to install tile on the property. He's concerned that if a 12" tile is installed then they need to outlet a 12" tile into it. He suggests using larger tile, some areas 15" and some 18", with an estimated cost of \$32,000. He believes the tile from the Foltz property could be tied into this new tile to help the drainage in that field as well as the neighborhood. This would reduce the runoff in the area but there will still be surface water after a heavy rain. Kevin Nigh states the estimate of \$32,000 would up the charge for property owners to \$85 per acre. Aaron Thornsbury, Meiks Rd resident, states the ditch line used to be open and it drained but now there are only 2 drains that are open, and the other ones drain North into the river. Someone had suggested to him that the ditch needed to be dug out and new drains put in (on the South side of the road moving West). Kevin Nigh states he had been to this area with the Highway Department in the past, but the ditch was not dug out because it would be too deep (6' or more) to hold its grade. Mr. Thornsbury states when it rains a lot his finger system gets clogged up since the clogged drains don't allow water to flow. He believes it would help if the neighboring driveway culverts were cleaned out or replaced. Henry Rahe owns a 75-acre field in the area, he believes there are 2 problems: the addition draining and the watershed draining. There are tiles on his property that run towards Knightstown Rd. which he says individuals have stopped up on their side of the property. Mr. Rahe is concerned with the amount he will need to pay based on how many acres he owns. He feels there are other options that can be looked at, one for the addition itself and one towards Knightstown Rd.. Mr. Rahe suggests laying a topo map over the watershed to see where exactly the water goes before making any decisions. Kevin Nigh states he knows a lot of the water that sheds off Mr. Rahe's property goes to the intersection. The drainage board discusses with Mr. Rahe why he would be included in paying towards the legal drain. Mr. Rahe does not feel he should pay the same as someone who has a house and a driveway on their property since a field would absorb more surface water. Don Parker explains to Mr. Rahe that he will be paying less per area on his farm ground than a homeowner on a <1 acre lot. Mr. Rahe is not satisfied with the benefit he will receive for his money. Mr. Rahe believes there are 2 problems: Meiks Addition which could be fixed by draining the addition, and farmland that could certainly help the drainage by taking the water to Meiks Rd then to the river. Perry Makowski, 1456 E. Lawndale Dr., states Meiks Addition drains right through their property. He is looking for clarification as to how the water will flow if the proposed work is done. Mr. Makowski looks at the map with the drainage board. Mr. Makowski request assistance with the erosion he has experienced on his property due to the water flowing through. Wilbur Higgins, 1418 E. Maple Dr., states over the years he has seen blow holes form. Mr. Higgins feels there is more than one problem: the water won't drain from East side of Knightstown Rd. going

towards Meiks Rd. because it's clogged and the farm on the North side of Meiks Rd. can't drain. He states part of the ditch that runs on the North side of the road was cleaned out not long ago, but people throw leaves and brush in the ditch that catches water. Another problem where a blowout hole was (Rowsey property) causing water to stand but he feels replacing the tile would fix this problem. Mr. Higgins feels everyone in the area is affected. Tom Brown, 1455 E Meiks Rd, he states there are 2 fields that drain into the ditch in front of his house, he states he pays his son each year to keep the ditch cleaned even though he doesn't own that property. Mr. Brown states the county had dug the ditch deeper a couple of years ago, but it didn't help, the road makes the water pool back into his yard, this has gotten worse in the last 10 years. He feels the 2 fields are where most of the water sits and believes the whole picture should be looked at. Someone in the audience requests to see a topo map overlaying the watershed. Taylor Sumerford advises the gentleman to see him after the meeting and he will get this information for him. Don Parker asks if there is anyone who is apposed to the construction of tiles, someone from the audience states they feel it should be reviewed and broken into 2 pieces, separating the farmland from the houses. Kevin Nigh states the route of the existing tile is the best route as it was installed years ago. Chris Ross states they can look at the other routes requested, he also states there can be other phases later, but the original tile follows the natural path. Chris Ross states this will not fix every problem but will be a starting point. Mr. Rahe again states he feels he is going to be paying a higher cost with not as much benefit as the others, Don Parker advise they will take that into consideration. Rebecca Makowski, 1456 E. Lawndale Dr., wants to know what the timeline of the phases would be. Chris Ross advises her that would have to be determined later once the first phase gets completed and they see what kind of other issues are remaining. Mrs. Makowski is concerned with the water continuing to erode her property, specifically her driveway, as the creek runs alongside it. She wants to make sure the erosion on her property is considered. John Shaw, representing Cheryl Stillabower, who owns 1/2 interest of farmland nearby, requests that someone reach out to Mrs. Stillabower to explain what is going on as she will be incurring a lot of the cost as she was unable to attend today's meeting due to illness. Don Parker states he will make note of this and see if they can set something up with her. Kevin Nigh states since it's currently a private tile the county doesn't have any jurisdiction over it, so they need to decide if it should be made a legal drain first. Kevin Nigh asks if there are any objections to accepting at the 1200' in as a county drain to work on improvements for it. A member of the audience wants to clarify for everyone: if the county takes this in as a legal drain then the county can assess landowners to correct the problem, but until it's a legal drain they can't assist. The drainage board explains to an audience member that the assessment would show on their tax statement, but it is not a tax, it is an assessment that once repairs are made and money is built up in the fund the assessment could stop and come back on later if some other work is needed down the road. The member of the audience wants to know how soon they will have to pay. The board explains it could be split into payments over a few years, but the money will have to build up some before they can begin work. The decision to add the assessment would have to be made before the cut off for changes to tax statements, which is in February. Someone would like to know how the price for each property owner is determined. The drainage board explains where there are housing additions they normally do a minimum for parcels under 1 acre and the bigger parcels are charged a price per acre. Mr. Rahe states he owns another parcel of land that has an assessment that has been on since the beginning and he doesn't feel it gets maintained but he still pays the assessment. Amy Glackman, Auditor, asks what ditch it is, Roosevelt Ditch. Ms. Glackman does not believe it is on assessment, she explains it may be listed on his taxes, but not charged, she will look into it. Mr. Makowski would like to know if they do move forward with the plans and it erodes his property, what kind of timeframe is he looking at to fix it? Chris Ross would like to look at the property. Don Parker advises he wouldn't expect it to be less than 1 year and no more than 2 years. Kevin Nigh makes a motion to establish a legal drain from Meiks Rd., southwest for about 1200' of tile, 2<sup>nd</sup> Chris Ross, vote 3/0. The drainage board will look at figures and let the property owners know what the assessment will be at a later meeting.

Speedway Solar/ Ranger Power: Peter Endres is here by phone, accompanied on the call by Westwood Engineers Jack Hayes and Matt Hildreth. Mr. Endres reviews the materials presented at the drainage board meeting on October 26<sup>th</sup>, 2020. The project's 4 main points that are being followed up on are: the site plan approval, a variance, a proposed bond amount \$54,000, and crossing of the Carmony legal drain. Mr. Endres states USI Consultants, who were hired by the county to evaluate the plans Speedway Solar submitted, have reviewed them and recommend approval of the site plan and the variance. Speedway Solar has proposed a \$54,000 bond for any unanticipated drainage damage on non- participating properties. The bond would be posted prior to construction and remain in place for 2 years following completion of construction. Speedway Solar is proposing one crossing of the Carmony Drain for an electrical circuit. Since the October 26<sup>th</sup> meeting Speedway Solar worked with USI, the Shelby County Surveyor, and some adjacent landowners to create a map

for potential perimeter drains for upstream properties to be protected. Mr. Endres consulted with a local tile contractor, Brian Mohr (Mohr Drainage), and Speedway Solar accepted a proposal sent to them by the county for these drains. Speedway Solar commits to install the drains that are on the map prior to pile driving. Speedway Solar submitted a commitment letter last week including the items above. Kevin Nigh brings up a significant drain that goes through Brandon and Cheryl Everhart's properties, Mr. Endres advises they have also committed to avoid that tile or relocate it with property owners' consent. Brandon Everhart would like to know how far back Speedway Solar will stay from the tile; Mr. Endres estimates 20- 25' from the center of the drain on both sides. Mr. Everhart suggests 30' on each side, Mr. Endres accepts that. Mr. Everhart wants to know if the adjoining landowners will be allowed within the project to work on tiles, Mr. Endres advises they would not be allowed to do any work themselves within the project but could be given access to see what work is being done. James Ramsey mentions the possibility of the tile being turned into a legal drain. Grant Reeves, Kuhn family's attorney, states it sounds like Speedway Solar is working smoothly with the Kuhn family, but they've not received everything in writing, so he wants to reserve the right to object if something does not comply with what has been discussed. Ben Kuhn would like to know if the drainage board has seen a plan that displays sizing and is there anything else that was specifically addressed involving other landowners that has not been discussed today. Wyatt Huber from USI Consultants states they did identify some concerns to property owners on the West side of Speedway Solar's development as well as to the North. Someone recommends a 5-year hold on the bond instead of the 2-year. Chris Ross has concern about issues throughout the life of the project, he asks Mr. Endres the reason for the 2-year limit. Mr. Endres explains they don't want to tie up money unnecessarily and over 2-year period he thinks they'd see any significant damages arise; they would be open to making it a little longer. Mr. Endres wants to know what period of time the board feels is reasonable timeframe for the bond? Rachael Barlow, Shelby County resident, would like to know when the timeframe on the bond begins? Mr. Endres states the bond would be posted prior to construction and would be held for a period of time (currently proposed 2 years) after the completion of construction. Kyle Barlow, Bengal resident, would like to know if Taylor Sumerford, county surveyor, has been involved in the proposed perimeter drain? Mr. Sumerford states he has been somewhat. Mr. Barlow checks with others in the room to see if they've been involved, he suggests to table this as he is concerned the right people who need to be involved in this aren't really up to speed. Mr. Barlow is concerned Speedway Solar will not follow through on correcting potential damages based on articles he has read of others' experiences with solar companies, he feels the bond should be for the life of the project. Ben Kuhn feels the map is good start but would like to see the tile sizing. Mr. Endres states they are proposing that during the Technical Advisory Committee (TAC) review they will determine the final specifications for this tile among other things. Mr. Endres states based on the information they have now he can make assumptions that most of the tile would be 8'' and there's a section of 15'' but would match existing tile size that it connects to. Mr. Endres confirms that the perimeter drain would be installed prior to any of their project construction, he also reminds everyone that Speedway Solar has submitted a written proposal to the county and will modify that with any changes made. Kyle Barlow, wants to know if the public can obtain a copy of the written proposal and who is the Technical Advisory Committee (TAC)? The drainage board advises he should be able to have a copy and the TAC consists of Chris Ross, Taylor Sumerford, Desiree Calderella, William Pursley and David Adams. James Ramsey suggests that the tiles not be placed in the county ROW as the map shows due to there being many utilities in the ROW already. Mr. Ramsey also states originally it was proposed trees be planted on the edge of properties, he would like to know how far from the drains the trees would be planted (to ensure roots wouldn't interfere)? Mr. Endres states installing outside of ROW could be done and they are willing to if the landowners consented. He states BZA approval requires solar panels be 100' away from any public road, then a fence would be placed with trees next to that, he estimates being at 50' or more from the tiles. An audience member states there should be a member of the DNR and the soil and water conservation on the TAC. Desiree Calderella, Plan Director, advises per the drainage ordinance plans are submitted to these agencies, a specific person does not serve on the committee. Taylor Sumerford, county surveyor, would like to review the submitted map further. Brian Mohr of Mohr Drainage would like to clarify: if they hit a tile that is bigger than the perimeter drain it will be a problem and will have to be addressed before any of this is started. Mr. Endres acknowledges that they do not know all the tile sizes out there and this potential issue could be addressed by the drainage board making a modification that if Speedway Solar encountered a larger tile, they would match it. Mr. Endres agrees this modification will be made and is open to maintaining the bond for longer than 2 years. Kyle Barlow feels the use of county ROW needs to be addressed as well and this project should be tabled for more discussion before moving forward. Kevin Nigh states the preliminary site development drainage plan submitted by Speedway Solar specifies final tile size and placement for perimeter drains will be determined by Speedway Solar throughout the consultation

during the TAC and that they will match the sizes of tile they encounter. Commissioner Nigh also states the county's engineering company reviewed the plans and agrees with the plan. Don Parker states he feels there are still several questions and would like to table this until next month so that it can be further reviewed. Zonda Stead, Shelby County resident, wants to know what size of trees would be planted as a border, she is concerned about the root systems. Mr. Endres states the specific vegetation has not been selected yet, but the root system would not get within 50' of the tile. Ms. Stead feels the vegetation should be picked before moving forward with the drainage plan. Mr. Endres states most of the vegetation would be a combination of native grasses that have very deep root structure which is mostly responsible for the improvement in runoff conditions. Mr. Endres mentions evergreens, hardwoods, and bushes but none of these should impact the drainage discussion. Chris Ross asks if Taylor Sumerford, county surveyor, has been working with USI Consultants on the plan? Mr. Sumerford states he has not recently. Wyatt Huber of USI Consultants states they met with Taylor Sumerford onsite at the Kuhn property and then provided the county's preferred perimeter tile plan to Speedway Solar. Mr. Huber states that meeting was about the last time they talked with Mr. Sumerford but he has been copied in on email correspondence. Mr. Endres states Mr. Huber had sent the map weeks ago. Ms. Stead asks for clarifications as to who this information was sent to? Mr. Huber believes it was sent to the Commissioners not the whole TAC, but they could forward the information. Kevin Nigh states most of the correspondence started 11/2/20. Don Parker states today was the first time he's seen the map and last week was the first he had heard of the meeting with the Kuhns about the perimeter drain. Kevin Nigh states the first maps were sent to the drainage board in September. Don Parker does not recall seeing them. Wyatt Huber states there was a base map that the markups were overlaid onto. Mr. Endres states the perimeter drain map was sent by Greg Wendling on 11/2/20. James Ramsey asks, "what if the perimeter drains were installed then turned over to the county as legal drains?" Chris Ross states he is not interested in taking in more drains and would not support this. Kyle Barlow wants to clarify: Commissioner Parker was not made aware of the perimeter drain and the county surveyor, Taylor Sumerford, needs the map to be made larger so that he can understand what is being proposed? He feels everyone was not made aware of this plan who should have been. Taylor Sumerford advises he was at the meeting at the Kuhns but is having some trouble understanding the whole map due to the small size of the document. Don Parker feels the perimeter drain could be addressed in 2-3 weeks as he doesn't feel there is a push to get it done by a certain time. Mr. Barlow requests the perimeter drain be tabled so everyone who should be involved can review the plans and make an educated decision. Kevin Nigh states the drain has been turned over to USI Consultants for their expertise. Justin Parker is concerned about use of the county's ROW and wants to know the process of obtaining permission to use the ROW. Chris Ross advises a utility request would be submitted. Justin Parker and Kyle Barlow disagree that Speedway Solar/ Ranger Power is not a utility company and wants to know if Ranger Power has requested at this time to use the ROW? Commissioners Ross and Nigh advise not at this time, their request would be submitted down the road. Brandon Everhart asks if he feels there are problems across the project, who can he talk to get them fixed? Mr. Endres states there will be 3-5 local full-time employees, a project manager's name and number will be available to handle project issues during operations. Don Parker believes the first order of business is for the site and drainage approval, he asks John DePrez IV, county attorney, for his opinion. Mr. DePrez states Speedway Solar is asking the drainage board to approve their letter for commitment that addresses the 4 areas of concern (from the beginning of the meeting) and approval that they can move forward with the next steps that are necessary. Don Parker states his concerns are the perimeter drain going through some of the county ROW and the \$54,000 bond that is only for 2 years. Chris Ross would agree with Don Parker's concerns about the bond and would prefer it be amended to 10 years. Mr. Endres requests 5-7 years. Don Parker states he would be more comfortable with 10 years, the other members agree, and they stand with 10 years. Chris Ross motions to approve the letter of commitment with the amendment of holding the \$54,000 bond for 10 years instead of only 2 years, 2<sup>nd</sup> Kevin Nigh, vote 2/1.

Adjourn.

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Don Parker, President

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Chris Ross, Vice President

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Kevin Nigh, Member