

Motion to approve minutes of 10/13/20 Kevin Nigh, 2nd Chris Ross, vote 3/0.

Meiks Addition: Taylor Sumerford, county surveyor, brings maps provided by the GIS department. They also have a list of the acres in the watershed (661) and the benefited acres (373). Taylor informs the board of drainage problems in the area and talked about replacing the existing tile from the county road to the southwest, roughly 1200' of 12" diameter tile. The current (private) tile is not functioning at all, causing issues with tiles in the surrounding areas. Kevin Nigh recommends setting a date for a public hearing to let residents know how much it would cost to put it on maintenance to collect money to replace the tile. The floor is opened for residents to voice any questions or concerns. Sharon Rowsey, area resident for over 30 years, comes forward, she states when she first moved there, the drain flowed well and drained quickly after a rain. In the last 6 years they have had severe water issues, they had to pay \$4k to fix their yard, the water no longer flows, there are holes in peoples' yards, standing water and the culvert on Maple Dr. is washing out. They discuss a specific area southwest of Sharon's property, where there was a blow hole. The tile has been repaired that area, but it is settled but it is unlevel and can't be mowed over. Some of the holes are big enough someone could fall in and injure themselves, causing a safety issue. Sandra Hall, resident of Meiks Addition, says her property is the last that the water hits before the creek. While water runs over her driveway and property, no water is coming out of the tile that runs into the creek. Murray DeCamp, who lives at the corner of Meiks Rd. & Knightstown Rd., states there have been multiple times his yard is flooded because the ditch backs up and overflows into his yard. Danny Thomas, resident of Maple Dr., (Sharon Rowsey's neighbor) agrees with everything she said and states his family can't enjoy outdoor activities because of mosquitos when water stands. He has lived there 30 years and states it's always been an issue and getting worse. Tony Pettit comes forward, his daughter lives on Maple Dr., he states tile comes through her side yard, but something holds water in that area. Lewis Hill, Klare Rd., states there is a swale between he and his neighbor's property. They repaired some tile 3 years ago which alleviated some of the problem but it's still an issue. He feels if the ditch continued on the north side of Meiks Rd. it would maybe keep water flowing. The Ditch seems to end at the corner of Meiks Rd. & Klare Rd., with no ditch to the west, where there's a natural downhill fall. If there was, he believes this would help the problem a lot. Kevin Nigh asks Kem Anderson to look at the ditch to the west. Cindy DeCamp, resident, states she had a family of muskrats that lived in the ditch and they've had frogs and fish which shows how bad the water is standing there. The board discusses moving forward with a setting a date for a public hearing to establish it as a legal drain and be able to move forward with work in the area. Kevin Nigh motions to set a public hearing for December 14th, 2nd Chris Ross, vote 3/0.

Country Club Heights: Taylor Sumerford, county surveyor, states he received an \$8,000 quote from Robertson Paving for a road cut, replacing a structure on the west side of the road and repaving the road. Taylor did advise them about some other work to look at in the area on the south drive. Kevin Nigh moves to accept the quote from Robertson paving for \$8,000 to do the work stated, 2nd Chris Ross, vote 3/0.

Daltons Spraying: A bid for 2021 spraying has been received from Daltons for the same price as 2020. The charge is \$0.11 per foot and everyone has been happy with their work. Chris Ross makes a motion to accept their bid for 2021, 2nd Kevin Nigh, vote 3/0.

Speedway Solar/ Ranger Power: Pete Endris is here from Speedway Solar/ Ranger Power with Jack Hayes & Matt Hildreth (by phone) from Westwood Engineers. Wyatt Huber, engineer from USI Consultants is here as well. Speedway Solar is here for a few approvals and will provide a project update. Speedway Solar is a 199 megawatt solar plant that received a special exception approval from BZA back in March 2019 as well as economic development agreement from the county council in April. Since Speedway Solar was last here, they have been doing pre construction surveys and engineering as well as undergoing drainage analysis with Westwood Engineers. They have finalized the interconnection process, have a power purchase agreement with Wabash Valley Power, and intend to start construction mid 2022. Matt Hildreth from Westwood Engineers presents the Speedway Solar drainage review. In summary, Matt states converting row crops to a solar farm will reduce runoff rates, reduce runoff volumes and improve water quality to downstream properties and the overall project will comply with the Shelby County drainage ordinance. Jack Hayes from Westwood will talk about the drain tile bond: Speedway Solar will post a surety bond to cover the cost of drain tile repair for damaged drainage facilities on adjacent properties. Construction activities will be limited to participating

parcels. No damage to drainage facilities on adjacent parcels is anticipated so the bond amount would be \$0. However, Speedway Solar is amendable to posting a bond regardless. Drain tile bond estimate is as follows: Westwood estimated that drain tiles on participating land may be damaged in 110 locations and repairs would be done during the course of construction. Estimate only- repair cost of \$327 per tile, total \$36,000 including labor, equipment, and materials, they propose bond amount of \$54,000, posting the security in the form of a security bond or cash into an escrow account. Wyatt Huber from USI Consultants is here, USI has been hired by Shelby County to help evaluate the drainage review that Speedway Solar submitted, USI completed their review in September. Wyatt Huber touches on how Westwood performed their analysis- 1,270 acres were analyzed (includes buffer area), discussed meadow seeding reducing the curve number compared to other methods. He also talked about a few of the discharge locations that are in excess for 100 year post developed storm in comparison to 10 year preexisting. Wyatt Huber recommends approving the variance since all excess points are minimal and the fact that it is during the 100 year storm event. Taylor Sumerford, county surveyor, states Greg Wendling from USI, was to send him the memo from USI approximately 6 months ago and he come down and look at the land with Taylor. However, today is the first time Taylor has seen the report. Don Parker states he would appreciate time to review the report as important as it is to our community, he asks if there are any questions from the audience. James Ramsey, who installs drainage tiles, asks what will happen to all the large diameter clay tiles (4-6 large clay tiles that run through the board project)? Resident Rex Kuhn has questions: if/ when there is an issue who is going to resolve it, the drainage board or someone else? How are all of the holes going to be found in tiles that will need repaired when there are no clear maps of the tiles? Who will determine what has happened in the area where the panels are at, are we trusting these folks to determine whether they created a problem or not? His biggest question is what's the resolution process going to be for those who are affected? Chris Ross asks if the tiles Rex and James are referring to are county tiles or private? James Ramsey believes only 2 of them are county tiles. Rex Kuhn states based on his experience with other utility companies, he's concerned it will be difficult to get Speedway Solar to make repairs, then what will happen? Don Parker recognizes the concerns and feels we need answers to these questions, we just don't have them yet because we have never been "here" before (this kind of project). Kyle Barlow, Bengal area resident, states the presentation advised adjoining property owners will not be affected, Kyle does not believe this to be true since drainage tiles do not follow property lines. He is concerned that companies that are not from our area don't have knowledge or experience with field drainage tiles. Pete Endris states Speedway Solar will bear the responsibility, the bond is the first attempt to set money aside for the unforeseen. He states it was difficult to come up with a bond amount since they aren't anticipating any direct impacts to tile on adjacent properties. They anticipate tile impacts on participating parcels, so they used the price to repair anticipated impacts to calculate an estimate for adjacent property impacts as a buffer. Pete Endris states if there is an issue during or after construction, the affected property owner could come before the drainage board and they (drainage board) would review and determine if the issue was caused by Speedway Solar and if the repair should be paid for by their bond or not. Throughout the whole operating term (estimated at 35 years), Speedway Solar has the obligation to always comply with the drainage ordinance and all of their requirements. Lease agreements with landowners, require them to repair tile damage caused during construction. Speedway Solar will anticipate damages to the best of their ability preconstruction, then do spot repairs if something is hit during construction. Pete Endris states Speedway Solar has developed many projects in the Midwest and worked with drainage as well as Westwood Engineering, so they're familiar with drainage issues. Kevin Nigh asks Pete Endris about the project being fenced in, how will people have access to find (onsite) problems? Pete advises they will have full time local personnel, whose contact information will likely be listed on the fence, these employees' jobs will be to find problems and/or deal with these types of problems. Kevin wants to make sure there is a guarantee there will be a contact person who can help with this as there have been issues with contacting the other companies (e.g. railroad) to get someone to resolve issues. Pete states Speedway Solar must comply with drainage ordinance and have made assurances to landowners through lease agreements, they have similar interests in drainage as farmers, they can't have lakes under panels preventing maintenance and so on. A member of the audience asks if the solution is just to trust Speedway Solar then? Pete Endris feels Speedway Solar is making the necessary commitments to demonstrate good faith and to set aside resources to make sure problems are dealt with. Kyle Barlow doesn't feel the money they are proposing for a bond would even be enough to fix these issues. Kyle would also like to know what happens if Speedway Solar sells their lease to another company, will the new company adhere to the things that Pete is telling the audience today? Pete Endris advises if this were to happen, the new company would inherit the contract, permit, and requirements. Chris Ross advises these issues will fall under the county's ordinance, it's not the same as Meiks addition (discussed earlier). There is one county tile with monies collected on in the area, Carmony tile. Pete Endris states they anticipate one underground crossing

of the Carmony Tile which should have zero impact on that tile. Chris Ross believes Carmony Tile was on the list for repair, James Ramsey agrees, but the project was put on hold when the solar plant came up. Rex Kuhn's main concern is for the private tiles, will someone be observing construction or will we just wait until it's done and see what happens? Is USI Consultants going to be overseeing the construction? James Ramsey is concerned that when they drive pylons into the ground, no one knows where the tiles are and it may not be known there is a problem for a week or 7 years. Pete Endris believes the primary concern of the audience is water backing up on other (non-participating) properties due to any damage to tiles onsite. He offers a solution of installing mains on a different route to carry water from upstream, which he believes is part of the drainage ordinance that they are already required to adhere to. A member of the audience asks if the drainage board could require Speedway Solar to install a new drain around their entire project so everyone would have a new, undamaged tile, connecting to the surrounding tiles, a perimeter drain? James Ramsey also voices concerns of not just farm tiles but surrounding homes septic systems being affected. Wyatt Huber states a perimeter drain makes sense. He adds USI Consultants do offer inspection services, but he is not sure if those services have been negotiated for this project. Pete Endris feels they would probably be amenable to this but would be careful about subscribing to a solution right now that may not even be necessary or may not be the best solution. Pete again recognizes that Speedway Solar has the requirement per the ordinance to maintain flow from upstream properties to downstream properties. The 4 things Speedway Solar is requesting the drainage board's approval for today: 1) Class II site plan approval 2) Variance request 3) Bond amount 4) Crossing of a legal county drain (Carmony Tile). James Ramsey recommends an open cut to see exactly where the Carmony Tile lines goes instead of boring. Chris Ross feels they should be obligated to make repairs if needed even if it exceeds bond amount. Kevin Nigh would like to know if USI can look into the perimeter drain to see if that would eliminate some of the concerns presented today, Pete Endris agrees they can create a draft for review. USI Engineers & Westwood Engineers will sketch a concept for a perimeter drain to have available if needed. Kevin Nigh motions to table the 4 decisions above until Speedway Solar returns with a response for a perimeter drain, 2nd Chris Ross, vote 3/0.

Adjourn.

Don Parker, President

Chris Ross, Vice President

Kevin Nigh, Member