

FULTON COUNTY DRAINAGE BOARD MEETING  
FOR JUNE 13<sup>TH</sup> 2022

The Fulton County Drainage Board met on Monday, May, 9<sup>th</sup> 2022 in the Conference Room of the Fulton County Office Building at 9:00 A.M. The Following were in attendance: President Dave Sommers, Vice Chairman Rick Ranstead, Commissioner Bryan Lewis, Surveyor Seth White, Drainage Board Secretary Lacey Holloway, and Attorney Hollie Shorter- Pifer. Public Attendance: Mike Smith, Andy Perkins, John Geier, Mayor Ted Denton.

**RE: JOE LEASURE OPEN**

Mike Smith stated, "He didn't know it was going to be on maintenance to spray." Mike keeps it clean it's mowed and there is a path all the way around it 6 foot, he would prefer if it was not sprayed there. The high ground part from the outlet down to the muck part he is fine with being sprayed there and from the Joe Leasure arm down to the muck part he is fine with that being sprayed also. Seth states as far as this whole system goes it is on Smith's ground. When Seth went and looked at it he said it was all well maintained and it looked good. Motion made to accommodate Mike Smith's request. Motion passed 3-0.

**RE: FULTON COUNTY HIGHWAY-550 N. 100 W.**

John Geier states there is a culvert that dumps into the ditch that is south of Zinks Lake Ditch. The culvert crosses the road and it's in bad shape. There is 200 feet of pipe that was put in back in the 1960's/ 1950's it's all 4 foot culvert all the way across, and that pipe is getting bad with huge suck holes. The pipe under the road is deteriorating where it needs replaced as well. There was a bridge there at one time and it was a square corner and no-one could make that turn. The County came in and put the culvert at that time back then. John is looking for advice on what to do next. Rick stated, "Anything going under our county road we are going to have to replace." Seth's concern is that it is not set up on maintenance. Seth can still give John calculation on the tile size. Rick wants to know how it is going to be paid for. Seth stated, "Put the pipe under the road up to a certain point and if the land owner wants to go farther to keep it the way he has it then he will have to pay for the rest." John stated, "It would cost the County \$17,000 in pipe." John also stated, "That Kirk gave him an estimate to do the whole project and that it would cost \$3,000, Kirk suggested either putting concrete pipe or double wall plastic pipe and that would reduce the cost by half." Seth stated, "If the landowner wants to make it an open then he would have to pay for a contractor himself or do it himself since it is not set up on maintenance." Originally the county did all of it. Hollie stated, "That she would rather John ask the landowner first and give him that offer before moving forward with anything decision." Dave stated, "To give John some time and see what he can work out with the landowner." Hollie stated, "See if we could get the landowner to come to the commissioners meeting on June 20<sup>th</sup> 2022 and make a decision then."

**RE: MAINTENANCE INCREASE ON #542 GAST ARM 3**

Seth wants to propose a maintenance increase. Landowner called in he could not get water off his crops, so James and Seth went out and found a couple suck holes. They got a couple estimates from Kirk and Jordan to replace a tile. The landowner did not want to get rid of too many trees so they went around the trees about 300 feet. Kirk, Courteney and Seth went back out and looked again and it is still pushing water and there is a collapsed tile. Seth would like to go around the landowner's yard and to the North side of the road and put all new tile in. Seth would rather go through the landowner's field at once and go up to the road, put a riser in and stop. It would be a 30" tile. Seth wants to stay out of the yard and come along the side of the hay field. Seth would like to raise maintenance to \$8.00 an acre. John stated, "That the road there is not in great shape and it would not hurt anything to put a pipe under the road." Seth would like the commissioners to make a motion to set a hearing for August 8<sup>th</sup> at 9:15 to raise maintenance from \$2.50 to \$8.00 an acre. Motion was made by Rick to set a hearing to raise maintenance. Motion passed 3-0.

**RE: MINNOW CREEK**

Andy Perkins stated, "By way of review earlier this year the city had him do some research of Minnow Creek." There has been some historic confusion over the existence of the city fund related to the Minnow Creek did not have anything in it, all which is to say it led the city to consider options in dealing with Minnow Creek. The way the statue is written today is the drainage board can essentially relinquish jurisdiction and authority over Minnow Creek if the City accepts that. The City had Andy prepare two resolution and a memo of understanding. Andy provided that to Hollie who then reminded Andy that we have this pending law suit that was filed by the city for Mill Creek. The city has agreed to pause that law suit with the county and no one needs to do anything until further court order. This stopped the obligation of the drainage board to come up with a transcript of its hearing and it stopped any discovery process for purposes of that matter. If the city and the drainage board can make an agreement then the city can dismiss the law suit or the city can proceed in some limited form if they choose, but the city's request today is more for clarity about Minnow Creek and what part of Minnow Creek the City responsible for. Seth asked, "what happens if we have something up stream outside of the City limits, and it's causing a suck hole and the tile to flood out on the City limits end, Seth also asked, "What about maintenance on this, will it go through the city, will it go through the Treasures office to have a city fund and a County fund or how will it be worked out to get maintenance on this ditch paid for." Mayor Ted Denton stated, "He said he can speak for the intent that the city would be responsible for that within the city limits." Seth asked, "Will there be two funds, will we still collect through property taxes?" Ted states, "They have a storm water utility legislated but it's never been acted on as far as rates, it has been inactive so they are in the process of getting it put together to get it activated so there is storm water rates to take care of issues like Minnow Creek and all through Rochester where it floods the most." Ted also stated, "They are going to use those fees collected to fix these kinds of problems." The open is not on maintenance so it's not on the county's responsibility, someone could petition to put it on maintenance. The only part we have on maintenance is Bellwood that Don reconstructed on the high end, that's the only part we are collecting any money on. Ted is asking if it has to be on our ditches maintenance program in order to collect any money to put towards this ditch. Seth replied, and stated, "That is correct." Ted asked if someone was to come in and plea their case if any exceptions voted on to help pay for maintenance on this ditch. Bryan stated, "No but there is a one-time account we can dip into that allows us to give a one-time \$1500.00 max to help." Bryan's main concern is having a problem down the road and not being able to maintain both ends. Ted replied, "If it's left the way it is then Seth is going to keep getting the phone calls which then gets transferred to me" Hollie asked who is responsible for it now. Andy stated, "His research shows he doesn't see adequate record since 1968." Bryan just wants someone to petition to put it on maintenance so if something happens we have funds and the county is covered with the city. Bryan asked, "What is the purpose for the city to take control of this ditch." Ted replied, "For the economics of this ditch I was surprised to find out there was no assessment already in place for funds to take care of this ditch." Dave asked,

“How is going to work to set up this ditch on maintenance with there being so many landowners that is going to have to pay for this assessment, everyone in the area would have to pay so much per acre per lot.” Seth suggests \$5.00 per acre \$5.00 min. Bryan stated, “Once it collects 4x its limit there is no money collected again until work needs to be done on that ditch, then we would then trigger it to start collecting again.” Seth stated, “There has to be someone in the watershed that has at least 10% of the watershed to petition to set this up on maintenance that he wonders if the city could petition to set this up on maintenance.” Seth also stated, “That it is going to cost a lot for postage to send out letters to every landowner in this watershed letting them know that there is going to be a hearing to set this ditch up on maintenance if someone does decide to petition it” Ted stated, “that there could be a room full of people if everyone in the watershed shows up for the hearing.” Rick replied, “We might have to have the meeting in a different building to accommodate everyone being able to attend.” Bryan asked Ted if he wants to the take right of way of the ditch to the river he asked Ted to think about that decision. Rick stated, “If the county sets it up on maintenance and gets it all set up to collect the fees, then if there is a problem with the city portion of the tile then the city would then come to Seth and ask him if there is any money in the account to fix the issue.” Ted is this something you would agree on? Ted replied, “With that seems like the straight forward approach and this could end up being a little complicated, but yes that would be the straight forward approach and would make the most sense.” Andy stated, “That he would research the petition part and see if the city would be allowed to petition to set this up on maintenance and he will get that information back to Hollie.” Seth, Hollie and Andy are going to research to see who can file a petition and present it at the next meeting.

**RE: MILL CREEK**

Bryan stated, “Briefly do we want to address Mill Creek?” What is the Mayors concern? Mayor Ted replied, “We took the action we did just to slow down the process of assessing landowners as it seemed in the meeting there was like a reverse auction on who was going to pay what.” Ted stated, “He would be honest with us and state he didn’t think the previous surveyor did a lot of due diligence to see what was going to be assessed.” Ted thought there should have been some academics put to it rather than a reverse auction to start bringing money in. Rick stated, “We had a room full of people at the last meeting about Mill Creek and their thinking was yes the farmer’s water runs to the ditch but the city dumps more water into the ditch than the farmers do.” Bryan stated, “It would be nice to clean this ditch up one way or another and just be done with it.” Mayor Ted stated, “He wasn’t objecting paying something the city just didn’t want to be the red headed step child.” Ted stated, “That Seth was sitting in the first meeting and it was tabled.” Ted stated, “Let me tell you the perception when the Ag gets dropped in price like it was and nothing happens on the city side, the academics that were talked about weren’t really applied.” Seth stated, “The Ag part of this ditch is what the income would be coming from the city side, the city is more with the fast run off compared to the Ag part of it.” Ted stated, “He needs the petition and why the city is going to be paying a larger assessment than the farmers for this ditch.” Bryan stated, “The two biggest uses the city has is the storm drains and the waste water.” Bryan made a motion to put Mill Creek back on the agenda for July meeting. Motion passed 3-0.

**RE: JM ROBBINS #834**

Seth stated, “He would like to keep the price per acre the same for one more year and not change it just yet.” He would like to dip it clean it and one more time and then change the price per acre in 2023.

**RE: NORTH SHORE REPLAT**

Seth stated, “Nothing is going to change from the plat that was already approved for drainage. Dr. Hoff just wants to split the lots in half and re-plat and show that the drainage plan is still good after splitting the duplexes in half, he is just drawing new lines, and nothing about the drainage is changing.” Bryan made the motion to accept the re-plat of subdivision 6,7,8,9 &10 with no further drainage plan needed. Motion passed 3-0.

**RE: #603 NATHAN PONTIOUS**

Seth stated, “This ground sold at auction in February /March and landowner came in to petition a reconstruct with this ditch.” At the time they didn’t have the Deed in their name, they finally got the deed and proved that it was transferred to their name. We need to raise the maintenance to \$900/ acre in order to get this reconstructed. We need to set the hearing date for 9:30 August 8<sup>th</sup> 2022 for the reconstruction of the Nathan Pontious Motion was made. Motion passed 3-0.

**RE: CEMETARY’S**

Seth stated, “That the surveyor’s office is not responsible for getting anything changed on the taxes for these cemeteries. The cemeteries tax form has Monica’s name on them and it needs to go to New Castle Township because there is no board and once that happens it reversed to township. Seth stated, “As far as the surveyors office we have zero control over her getting this paid or the trustee getting these taxes paid on these cemeteries.” (Hamlet and Sycamore). Bryan stated, “To let it ride and forget about it for right now.”

**MINUTES**

**CLAIMS**

**ADJOURNMENT**

**FULTON COUNTY DRAINAGE BOARD**

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Surveyor

ATTEST: Lacey Holloway, Drainage Board Secretary

(A CD of the meeting is available in the Surveyor's Office)