

FULTON COUNTY DRAINAGE BOARD MEETING FOR MARCH 11TH 2024

The Fulton County Drainage Board met on Monday March, 11th 2024 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, Attorney Hollie -Pifer Shorter, drainage secretary Lacey Holloway. Public Attendance: Bonnie Mote, Kyle Riffle, Jim Briney, Kathy Adamson, Jacob Riffle, Andy Perkins, Matt Woods, Janelle Smith, Terry Gearhart, Mike Gearhart, Trent O'Dell, Kirk Ingram, Steve Rude, Robert Croussore.

PLEDGE OF ALLEGIANCE

RE: KIRK INGRAM- BID EXTENSION

Upper Mill Creek completion date was March 8th. Kirk is asking for an extension due to some health issues that has prolonged him from finishing this job on time. Penalty is 5% every week that is not finished. When Seth called Kirk, Kirk did not know that the completion date was set for March 8th. There is another contractor that is trying to complete the next section that ties into this ditch and is waiting on Kirk. Kirk stated, "He could complete the job in two weeks." He would start digging on March 13th 2024. Rick Stated if he can get the job done that quickly then let him finish it up and he will have one week of a 5% penalty deducted from his bid price. Kirk stated, " He has never seen a contract with a penalty on it, and this is the first time in forty years that he has not completed a bid on time." It's a \$22,000 bid job and there will be around \$1100.00 deducted each week it is late. Kirk has some sciatic nerve problems and if it starts back up he can't hardly walk. If Kirk declines to finish then next bid winner is Jordan Field. Kirk would like to try and finish it but he can't determine what will happen. Rick and commissioners agreed to let Kirk finish the job.

RE: 300 N. STATE ROAD 25- KEITH MCGREW-VARIENCE

Possibly in the process of buying a house and possibly demoing it to build a building beside Mill Creek. He is aware of the 75 foot right away. Keith needs to leave a min. of 40 foot for access to get machine in and out to clean and dip ditch.

Dave Sommers entertained a motion to pass this 40-foot variance on 300 N. State Road 25. Motion passed 3-0.

RE: MILL CREEK HEARING

Dave Sommers opened the hearing at 9:15 a.m. for Upper Mill Creek to set up on maintenance. This is the ditch that Don Towne tried setting up on maintenance in his last meeting on December 2018, Don asked for this to be continued to Seth's shoulders when he took office. The meeting was then pushed to March of 2019 and at that time Don went over his notes with Seth and then Seth went over the notes with James Boyne's and Seth then agreed with Don's proposal on this ditch. There was little resistance/objections on setting this up on maintenance at that time, it was accepted and before the April meeting before the 21-day window, there was then a law suit handed to the county drainage by Andy Perkins representing the City at that time. Since then this ditch has been put on hold. Now that there is a new mayor on board (Trent O'Dell) he has now asked us to review this again and ask that we try and set this up on maintenance. The drainage board decided to have a whole new hearing since it had been 4 years since the last meeting on this ditch. At this point there was over 1200 letters sent out to landowners in this watershed. There are two written objections. The projected maintenance amount is set to be at \$15.00 per benefitted acre and a \$15.00 min at this point. The ag rate is set to be \$5.00 per acre. First objection letter is from Fulton County Airport. The Fulton County Airport objects to the increase of maintenance assessment for #835 Mill Creek cause# 5-2018. In 2015. (See copy of filed objection letter in surveyor's office.)

James Drudge (address 517 Ohio Street Rochester IN) also provided an objection letter. This objection letter did not obtain to Mill Creek, this was an objection letter in regards to sewage issues. This objection letter was given to the Mayor Trent O'Dell after drainage meeting. This Objection letter has been read and recorded on the drainage minutes disc available in the Surveyor's office.

Matt from the airport brought plans into the Surveyor's office from the airport. The engineer signed off on these plans and it shows by the existing ground that there is a natural swell put in and coming off on the North side of the drive. Once water reaches this swell, the tile then takes the water to the East of the watershed it is then in the C.B. Moore watershed and no longer in the Mill Creek watershed. Therefore, with the plans that the Airport provided and the tiling that has been done Seth personally does not have an objection of removing everything from the center of the drive up and out of the Mill Creek watershed which would consist of 10.28 acres. There is proof provided by a stamped licensed engineer

that this is how the tile goes. There are still some remaining acres in the Mill Creek watershed that the Airport would be in. That number of acres consist of about 8-9 acres. Drainage board at this point does not have anything to justify taking those acres out of the watershed, so they will stay. Matt Woods, "When the airport looked at that project it was one of the concerns that was brought up to the board members, is that the Airport just spent a lot of money to have to pay for more drainage." Matt stated, "The 10 acres that Seth is referring to is the main focus of why they are taking a hit on and having to pay drainage for." There is a 40-inch concrete pipe that runs under the runway and parallel to the taxi way. Matt stated, "One good thing to point out is that the bottom of the dry retention basin sits lower two feet lower than lake level." The drainage to the South tends to pool up and sit along the walking path and to the South of the parking lot and the Airport has not done any drainage work along that area. Matt Woods agrees that there is about 8-9 acres that would still be included in the Mill Creek watershed. Motion was made by Bryan Lewis to remove the 10.28 acres from the Mill Creek watershed. Motion was seconded by Dave Sommers, motion carries 3-0. Robert Croussore states, "I Live at 327 Indiana Ave, my wife owns the lot 327 and I own the lot next to it. As far as drainage, there is no drainage on that road and there never has been. I have a puddle in front of my yard every time it rains and it drains back onto my property." Seth stated, "As far as the Indiana Code is written dealing with watersheds, everyone is in the minimum of one watershed. Every watershed might not be set up on maintenance, like what has happened with Mill Creek. The only other exception for a watershed not being on maintenance is the Tippy Canoe River, everyone else is in a watershed. Some landowners might even be in multiple watersheds. In this situation that Robert is referring to with the water run off and hard surface coming down the road, the road might not have been paved correctly but Robert is still included in the Mill Creek watershed." Seth stated, "The way the road was paved if it was paved incorrectly or not is out of the control of the County Drainage board." This issue would not affect the county drainage but rather it would be a city issue. Matt Woods asked what Indiana Code states that everyone is in a watershed? Seth did not have that code off the top of his head but he did state that it is in the Indiana Code 36. Matt Woods asked, "If the code states if every property is in a "county" regulated drain watershed?" Seth replied, "I do believe so, but not every watershed is set up on maintenance." Mayor Trent O'Dell stated, "I can take Mr. Croussore's concern back to the city office and figure out if there is anything there currently and see what issues still persist, and see if the city can help his issue."

Seth states, "There is also a possibility that the drainage board could at some point have a meeting to lower the maintenance amount, once we establish a good cushion." Kasey Hensley (Fulton County Assessor) stated, "Once this gets set up on maintenance, passes and goes through, I will actually go through and anyone who touches the Mill Creek line I actually measure out from the center of a landowner's property to 75 feet. So, whatever land is touching both sides of the 75-foot right-of-way would be taken off of the assessed value of the property, as whatever the ground rate is established at. Jacob Riffle states, "So I am not here to object setting up maintenance, I am fully in agreement that the county has to maintain ditches and everyone's water goes somewhere. I know the last time we discussed this issue we talked about the part that comes from the lake. That is a lot of what we are dealing with is a lot of lake water also. All the water that comes from the Lake, those people don't pay to get rid of that water. They are in a watershed that goes to the Lake, but now we have to deal with all the other water that contributes to everyone on the bottom end that has to pay to get rid of that water. Part of that is going to be a struggle to clean. I believe that the Lake residents should be included in this watershed, but I don't think there is any laws that make them have to pay. So, I pay for my water to go to the Lake and then the water from the Lake has to go somewhere, problem is we have no idea where the water from the Lake goes except for we know that it goes over the dam which then goes right into Mill Creek. I think that the contributors to the Lake should have to pay for the watershed also." Kyle Riffle asks, "Do the people along the Lake have anything they have to pay on?" Seth replied, "Yes they do, when Don went through and did this watershed he made the cut off right at the dam. I agree with this otherwise it could go farther on and into different counties and cause a huge battle." Kyle Riffle asks, "What watershed are the Lake people in then?" Seth replied, "C.B. Moore watershed is the watershed that the Lake people are in." Seth stated, "The acres that were taken out of the Mill Creek watershed for the Airport will still be in the C.B. Moore watershed." Matt Woods states, "The conversation for the dry detention basin is not over yet, your going to put us into another watershed but yet, we are feet below it. So how is that beneficial?" Seth replies, "We could have this conversation all day long because it's just revolving due to the Indiana Code stating everyone has to be in a watershed." Matt Woods understands that everyone's water goes somewhere but does it go to a county regulated drain? Jacob Riffle replies, "That would be two different things, a county regulated drain and a watershed are two totally different subjects." Kasey states, "Watersheds are actually what hold water through IDEM, a county drain

on the other hand are through the Indiana Code. Yes, they go hand in hand with the drainage codes and maintaining the ditch through the Indiana Code, but watersheds specifically go through IDEM in what categorizes a watershed.” Matt Woods states, “Not every watershed has a county regulated drain, we created our own watershed at the Airport.” Jacob Riffle replies, “But your water still goes somewhere, otherwise it would all still be there.” Matt Woods, agrees, but it didn’t go to a county regulated drain, Jacob Riffle said, “No but it did go to a watershed.” Commissioner Bryan Lewis made a motion to set up the maintenance on #835 Mill Creek with \$15.00 a benefitted acre and \$15.00 Min with an ag rate at \$5.00 per acre. Motion has been seconded by Commissioner Rick Ranstead and passed 3-0.

RE: COMMONWEALTH ASSOCIATES- UTILITY POLES

Commonwealth Associates has sent out some plans to put up utility lines. Seth’s concern is 30 to 40 feet away from the ditch is fine, but what about powerlines and contractors. The poles will be between 68 and 78 feet high. Common Wealth is asking for a variance within the county right of way. Seth would like to go with a 40 foot right away. State Road 25 and 200 N at the SW corner is where the sub station is going to be installed. As far as drainage board is concerned a min of 40 feet away is acceptable. If the ditch needs cleaned then we will try and get that completed before this project gets started. Motion was made by Bryan Lewis and seconded by Rick Ranstead to install poles at least 40 feet away from the ditch right of way. Passes 3-0.

RE: MARK HARTZLER- DRAINAGE PLAN

Address: 925 S. 900 E. Akron, IN. Landowner wants to put up a building and has provided a drainage plan. Min. 35 feet away from the ditch is what surveyor’s office is asking for variance. Bryan Lewis would like to make the variance at 40 feet off top of bank. Motion was made by Bryan Lewis and seconded by Rick Ranstead. Passes 3-0.

RE: JOHN GEIER- HRP

HRP has been moving dirt at apache project to Wabash road, out by Mt. Zion Bridge to Todd and Angela Hudkins property. They are making a burm along the edge of the road and are two foot inside the right of way. Then a driveway was made. John talked to Brad Wittaker from USI and he is supposed to meet John out at this location. John stated that they need a permit, they don’t need a culvert. Seth stated that they cannot dam natural flow of the water. John stated the

driveway is not really running water and they haven't filled in the side ditch, where they started banking their burm is two foot in the county right of way. HRP is having someone haul this dirt to Todd and Angela Hudkins property. Bryan Lewis would like for them to get it off the two feet of the right a way. There is a lot more dirt to be going in so that is concerning. This is just from the West bank right now that has currently been taken to their property. Johns question is, "Do I let them fill out a permit, put some stone down and come to the commissioners meeting with the completed permit?" Bryan Lewis doesn't think that this is a drainage board issue. John stated, "I was coming to this meeting to talk to the drainage board as commissioners."

RE: TOWN LAKE

Mike Gearhart stated, "DNR came with cameras and assessed this lake. The sediment that was found in this lake is unbelievable." What has happened over the years all of the drainage that has went into this lake has now started to build up. Mike wants to know where he goes to get this drained? Also, Mike sated on a bad rainy day from the south the water turns brown. Sunoco is tied into one tile from the town of Akron. The other tile comes from Mr. Normans property. Mr. Norman has gone to a no till set aside program which is helping filtration. There are several areas that dump into Town Lake. There is a total of 1,611 acres in that watershed that landowners are paying on. Seth asks, "As far as the outflow goes, is it being held up because it needs dredged?" Seth told Mike that he will have to get ahold of DNR for this issue due to it being out of his jurisdiction. Mikes wife stated at one time they could see the bottom of the lake, but they have not been able to see the bottom of the lake for a long time now.

RE: HOFFMAN DITCH

Dawson Honeycutt called in and Banning was hired on this ditch. Seth should be getting two cost proposals cost wise on this reconstruction. Mike Gearhart stated, "The only thing you have to be careful about is there is an ejector pump with a two inch line, I don't think he is off the ditch 75 foot from the right of way."

MINUTES: JANUARY 8TH 2024 AND FEBRUARY 12TH 2024

Motion was made to approve the minutes. Passed 3-0.

CLAIMS:

- BOYNE’S CRITTER CONTROL \$1260.00- #539 FLETCHERS LAKE DRAIN BEAVER TRAPPING
- TAM EXCAVATING- \$4309.00- #501 CATHERINE ARNOLD
- TAM EXCAVATING- \$14,211.15- #763 RENTSCHLER ARM #4 BID JOB
- TRAINAGLE DIGITAL PRINTING- \$648.00 INK
- DMR AG LLC- \$3600.00-#581 MCGEE CLIFF OPEN- CLEAN DITCH
- LARRY JAMES EXCAVATING- \$1767.00- #562 JACKSON WAGONER TILE
- HOLLIE SHORTER- PIFER \$833.33- LEGAL CONSULTANT

ADJOURNMENT-

FULTON COUNTY DRAINAGE BOARD

Surveyor ATTEST: Lacey Holloway, Drainage Board Secretary (A CD of the meeting is available in the Surveyor’s Office)