

## FULTON COUNTY COMMISSIONERS SPECIAL MEETING

### MT. ZION DAM PLANNING

March 5, 2003, 10:00 A.M., E.S.T., in Assembly Room of the Fulton County Office Building.

#### **Meeting Called To Order:**

President Richard A. Powell called this meeting to order at 10:05 a.m., E.S.T. Present for this meeting were Commissioners Richard A. Powell, Roger D. Rose and Leslie R. Walters; also, County Attorney Greg Heller and Auditor Denise J. Bonnell.

The following were also in attendance: Bob Cannedy, Bill and Sarah Wilson, Ernie Hiatt, Mr. Coplen, Orv Huffman, Rex Robinson, Mayor Phil Thompson, Dennis Grossnickle, Barb Letterbein, Bob Peterson, and others making a total of fifteen in the audience.

President Rich Powell read the following:

Fulton County's Statement concerning The Mt. Zion Mill Pond Dam and Bridge #88. Before further discussion about the problem at the Mt. Zion Mill Pond Dam the following should be known:

Fulton County is responsible for the maintenance of Bridge #88 and County Road 500 South. The Mount Zion Mill Pond Dam is not the property of Fulton County and therefore not responsible for maintenance of the earthen dam or the concrete spillway structure.

The Mount Zion Mill Pond Dam's current elevation retains water above the interface of the dam structure and the endbent for Bridge #88. Over time, we believe that this has led to the current erosion under the endbent and around the piling.

The Indiana Department of Natural Resources (IDNR) considers the erosion problem to be a breach of the dam. Doing any repair work would be considered working on the dam and not the bridge. This would increase the County's liability for any failure of the dam structure in the future.

Having stated this, Fulton County is very interested in facilitating a solution to this problem with all the parties involved for the betterment of the entire community. Through cooperation along with help from the IDNR, we believe a solution agreeable to all can be found.

Rich said that is where we are presently. Rich stated the Board had requested to have present a representative from: The Lake Manitou Association, a Mt. Zion farmer within the watershed, and the Owners of the Dam; they were all present with the exception of the individual representing the watershed. Also present were Highway

Superintendent, Scott Tilden and Mr. Bill Hawkins, Consulting Engineer with Sieco Engineers who was hired by the County Commissioners.

Bill Wilson asked for a copy of the statement, which he was given, saying he feels the County damaged the dam the last time the bridge was repaired. Further saying, the water did not come around the invent until after the bridge repair. This was discussed as to when that occurred. Superintendent Scott Tilden said the date of repair was in 1992.

At this time, Rich introduced Seico Consulting Engineer, Bill Hawkins, to speak. He said parts of the report DNR had made in 1998, that Lawson-Fisher Associates P.C. did a study and recommendation and alternatives of problems in general with the dam and what needed to be done to remedy the situation. He detailed the different individuals working with the problem and of the poor shape the dam is in. Using drawings he explained the current problem; also a letter from DNR regarding the permanent fix that DNR would approve, if a decision were made to go that route.

Rich asked Bill Hawkins to focus on what is leaking now and the current fix. Bill went to his Plan View and pointed out where the erosion was around the original wall of the dam and then pointed out the two-foot extension on to it and what they propose to do. Bill said the invent is what the bridge beams set on, showing a profile view. He further stated, while the work is in progress and the water blocked off they can do some excavating and find out what the other problems are and then modify this plan as needed; to take care of any problems they may see there. He stated this plan is based on what they think may be happening. Rich asked if he had an estimated cost? Just under \$26,000.00 and he went on to explain. Bill said the DNR was concerned about the structure of the dam. Rich stated the Board does not want to go that way; to spend more money out there without permanently fixing the problem, because that is what has been done for a number of years; we want to permanently fix the dam and this was also the consensus of the other two members of the Board. Mr. Hawkins went on to say for a dam that is called a significant hazard it needs to handle fifty-percent of the probable maximum perception which are hydraulic calculations and they are in the larger part of the report. Bill stated accentually for the drainage basin for Mt. Zion this dam spillway can only handle eight-percent before it would overtop (over the road, that way). They are targeting fifty-percent for this type of structure; in that regards to DNR it is substandard. Bill explained the hydraulic calculations that DNR uses. Rich asked Bill if he and his company agree with DNR and he replied, yes. This was discussed.

Bill then explained from his proposal Alternative No. 4 – Reinforced Concrete Wall and Upstream Weir – Cost estimate. The location is CR 250 and creek leading to Lake Manitou and Mt Zion, pointing out the present spillway structure underneath the edge of the bridge. Using the chart he continued to explain the proposed permanent fix. With this proposal the present dam would be gone and it would be a wide drainage ditch underneath the bridge. When questioned, if in using this proposal, would our present

bridge still be used, he stated, yes. There continued a discussion on this proposal. Bill stated this does not call for any work on either the road or the bridge. The question was asked would it be that hard to raise the bridge. Bill said that was one of the alternatives, but they did not look into it very deeply in the DNR report; because the amount they would need to raise the bridge in order to get the 50% PMP it would effect all the side roads, starting to cause right-of-way purchasing; with much more major construction. That's when they abandoned that plan and looked at the dam. This was discussed. Bill said, Seico is now looking at their report and their recommendations; because that is what INDR is running off, their preliminary plans. This plan is lowering the water under the bridge; basically turning it into a creek again underneath the bridge. Just, bringing the spillway back so it does not affect the old earthen structure that is substandard. The present bridge structure was questioned. Bill stated the structure at this point is stable because it is on piling, we assumed to be driven into the ground twenty to thirty feet; he continued to substantiate their recommendation by stating the piling is concrete steel encased and looks to be in good shape for piling that has been in there for that long. Bill said that does not look to be a problem at this time; however if the piling continues to erode it would need to be taken out before it could affect the bridge structure. This discussion continued. Bill said what he is presenting is the report that the DNR initiated in 1997-98. He went on to state these are all preliminary plans; and, if it is decided this is the way to go things could be changed in the process. When asked, Bill said the cost of this option; the cost with all included is \$619,500.00 in their preliminary estimate. That is 1998 figures. This permanent fix versus the temporary fix was discussed. The length of the time this project would take was asked. It could be completed in approximately fifteen (15) months once the funding was in place and ready to go. The road would possibly be closed six (6) months. He further stated the construction of the dam could probably take place without closing the road and explained. Bill was then asked to bring the 1998 figure to the present. He stated at the present costs it would add approximately six (6%) percent to the total. The discussion continued. The possibility of a Public Access was discussed and Bill explained, in the funding, if any money comes from DNR then its a possible they may ask for an access, because they helped to fund the project.

There was a discussion on the financial responsibility. Rich reiterated addressing (1) the current problem and how to fix it (2) A Permanent Fix (3) Financial Responsibility. Roger stated this has been an issue, as, the Wilson's own the dam and yet they do not control the situation. Roger further stated his thought is if you do not control the property, then you do not own the property, and he went on to explain, and cannot understand how the DNR can do to the people. Consultant Bill Hawkins said that the DNR has jurisdiction over waterways and dams. They do not own them but they do have jurisdiction over them. For example, the wetlands, you may own, but only the DNR can tell you what you can do with them. This was discussed and summed up in that is just the way it is.

Rich asked the Manitou Association what their position was on financing. There is not much of a desire on a Conservancy. In their meetings, they feel that they are paying a lion's share of county taxes and they do not receive much in return. They have a strong feeling it is the County's responsibility to take care of the dam. There was discussion on

a Conservancy. Mayor Thompson stated when he has attended the Lake Association Meetings, about every other time, when someone speaks about the problem, it goes back that this could be done through a Conservancy District. Mayor Thompson said to him a Conservancy District may be a way to go, but he doesn't know, how big, or what to include. There was conversation on what DNR's thinking would be about the Public Access? This too was discussed.

Rich wanted to continue on the financing issue and asked for the opinion of someone from the Mt. Zion Area. Bill Wilson responded by saying he did not think he had any; although, he would like to see it fixed. He said he felt the County's responsibility was much more than the Board is implying that it should be. He went on to say he felt the County has been taking advantage of the property of private ownership to have the road where it is and they should owe money for the use of it. This was discussed.

Rich called on Mayor Thompson for comments. Mayor Thompson, said he felt that any time you try to get more funds to come out of the lake owners pockets you are getting double taxation on the City. Mayor Thompson said he feels like Lake Manitou is a real asset, but he feels like the lake property owners are being hit twice. They are already paying County Taxes.

Rich called on the owners of the dam as to their feelings financially. Bill Wilson said he believes the County has degraded the quality of that dam because of the road and he does not feel an obligation to pay anymore. He then referred to the opening statement that was read. Sarah Wilson told the Board they would sell the property to the County for one dollar, and then it would be the County's property and their responsibility. This was discussed.

There was a discussion regarding as to who benefits from the lake. A comment was made that from an environmental standpoint there are tremendous benefits of that area and this too was discussed.

Bob Peterson said he had not planned to make any comments, but feels imperative to do so. As a lifetime member of this community and watching this situation for a long period of time; and also, being aware of the problems of drainage. Bob went on to explain that in agriculture drainage, if you benefit from the ditch you pay for it. It doesn't make any difference if you are on the upper or lower end of the ditch, or on the ditch or away from the ditch, if you benefit, you pay. Bob used the incident of the City getting sewage around the lake, e.g., the length of time it took, the cost factors, etc. But further stated now that it is in place, you do not hear of anybody saying take it out. It raised the value of everybody's property on the lake, more than it cost. He said, this should be looked at as a long-term issue; from now to the next fifty-years as to what you are going to do. You are looking at environmental issues and economic issues. Bob thinks to make this project float they will have to have a Conservancy District. He went on to explain it will have to include everybody on the lake, include the agriculture above the lake, include the people on Mt. Zion, and Millark Millpond. Also, he stated the City might have some part in that, although they are below the dam, they accentually benefit from it below the lake. There

is some benefit to the general City. He further stated if the farmers above the dam are to be included in the Conservancy you have to improve their drainage, by lowering the dam. To benefit those people on Mt. Zion & Millark Millpond you need to dredge the ditch. There needs to be money available every year to do some dredging on Mt. Zion and Millark to the extent that DNR will help. Also, at sometime there needs to be dredging on the lake. Bob feels you have to bring all these parties together. You cannot say, it's not my problem. It is everybody's problem that is in the Conservancy District. He said he believes that is the way to solve this problem. He stated in a Conservancy District each own the dam. Instead of trying to find out who owns the dam, the Conservancy District needs to own the dam and take care of the dam. This will cost everybody some money. He again referred to the water and sewage around the lake, he stated he could tell of people around the lakes in Kosciusko County that would love to have sewer and water. The reason is that they will realize in the future that they have a problem that we have solved in this community with sewer and water around Lake Manitou. Bob believes this is not a short term problem in just fixing the dam. It is going to be taking care of the whole watershed for the next fifty years, doing some dredging and taking care of the lake. He stated he just became the owner of lake property four-five years ago, but realizes he has a responsibility because it affects the value of his property.

Rich commented on the discussion of the plan stating he liked the current fix of the problem and the permanent fix but felt defeated on the responsibility of financing. The Board expressed the thought that to go to the DNR without a financial plan; they would not be recognized. Roger said he felt DNR would not take the problem seriously without a financial plan. Roger stated this is not the Boards problem, it's the problem of everyone represented here. He spoke of the financial responsibility of all involved. He further stated the Commissioners some time ago gave \$100,000.00 support pending approval of the County Council. Now they need commitment from others.

There was a comment made as to the possibility of building a power plant there to generate some money. There was a discussion on this as to a solution for funds.

Orv Huffman said a Conservancy District is a possibility and will be brought to the table once again to the Lake Association. They would like to get some estimates of what dollar amount the tax cost would be to the taxpayer.

The question was asked if the lady who helps with the organization of a Conservancy could be invited back to answer questions in the forming of a Conservancy for the Lake Association.

In conclusion Rich there is no need to go to the DNR at this point. We are pursuing a Conservancy as a funding mechanism. Rich stated one positive thing about Conservancies it opens up the avenue for grants and DNR help, etc. Rich asked that the Board be kept informed as to progress on this issue.

This concluded all the business transacted at this special meeting and a motion to recess was made by Roger Rose. Leslie Walters seconded this motion. Motion passed 3-0. Meeting recessed at 12:23 p.m.

FULTON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Richard A. Powell, President

\_\_\_\_\_  
Roger D. Rose, Vice-President

\_\_\_\_\_  
Leslie R. Walters, Member

Attest:

\_\_\_\_\_  
Denise J. Bonnell, County Auditor