

**FULTON COUNTY DRAINAGE BOARD MEETING  
FOR SEPTEMBER 12, 2016**

The Fulton County Drainage Board met on Monday, September 12, 2016 in the Conference Room of the Fulton County Office Building at 9:00 A.M. The following people were in attendance: Chairman Roger Rose, Vice-Chairman Bryan Lewis, Commissioner Sherry Fulton, Surveyor Don Towne, Secretary Kasey Hensley, and Attorney Greg Heller.

**RE: SITE PLAN- SHAWN BAILEY**

Surveyor Don Towne presented the drainage/site plans for Shawn Bailey's Bayview Duplexes, legally listed as: lots 54 & 55 Fairview Heights & lots 77, 78 & 79 Fairview Heights, Rochester Township, Fulton County, Indiana. The drainage will consist of a dry well and French drain system.

The Board briefly discussed the plans and the motion was entertained to approve the plans as presented. The motion was made, seconded and passed 3-0. Shawn Bailey was present for the presentation.

**RE: BID OPENING- #806 SS COLLINS OPEN/CAUSE #2-2010**

Chairman Roger Rose opened the bids for #806 SS Collins Open, Cause #2-2010. The Surveyor's estimate for this project is \$62,625.00. The bids are: Ramer Excavating \$59,793.00; Kirk Ingram \$55,000.00; Gudas Excavating \$47,214.00; Jordan Fields \$38,000.00; Kolesiak Excavating \$27,874.00; Overmyer Excavating \$49,490.00; LDP Excavating \$45,300.00; and Lease Excavating \$31,000.00.

Following a brief discussion, Chairman Roger Rose entertained a motion to award the #806 SS Collins Open to the low bidder, Kolesiak Excavating, for \$27,874.00. The motion was made, seconded and passed 3-0.

**RE: #825 SS COLLINS OPEN BR #3 TO BR#2 TO ARM #4/CAUSE #6-2016**

Surveyor Don Towne requested a public hearing to establish the SS Collins Open Branch #3 to Branch #2 to Arm #4 on Maintenance as well as a Partial Reconstruction. Don has spoken to several landowners and at this time the view is positive for both Partial Reconstruction and Maintenance. The total watershed is 343.71 benefitted acres. The proposed Maintenance rate is \$5.00/benefitted acre with a \$10.00 minimum. The proposed Partial Reconstruction rate is \$360.00/benefitted acre with a \$360.00 minimum.

Chairman Roger Rose entertained a motion to set a public hearing for Monday, November 14, 2016 at 9:30 A.M. to establish Maintenance on the #825 SS Collins Open Branch #3 to Branch #2 to Arm #4 at a proposed rate of \$5.00/benefitted acre with a \$10.00 minimum; and a Partial Reconstruction at a proposed rate of \$360.00/benefitted acre with a \$360.00 minimum. The motion was made, seconded and passed 3-0.

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**RE: BID DEADLINES**

Vice-Chairman Bryan Lewis expressed concern regarding the Board not having measures in place to prevent contractors from completing projects after the deadline. A future plan needs to be in place to protect the landowner. The Board briefly discussed the issue and decided to handle it on a case by case basis. It was recommended verbiage be added to the specifications to inform the contractors of possible penalties.

**RE: #621 CJ SPARKS TILE, CAUSE #7-1980**

Surveyor Don Towne informed the Board contractor Widner & Sons is several weeks past the deadline on the #621 CJ Sparks Tile. The landowner and the contractor have discussed the issue. Widner will wait until the landowner can harvest his corn before he continues. At this point everyone is okay on the project.

**RE: PUBLIC HEARING- #823 THOMAS MOGEL OPEN, CAUSE #4-2016**

Chairman Roger Rose called to order the Public Hearing of the Thomas Mogel Open #823, Cause #4-2016. The watershed contains 196.42 benefitted acres with a total of fifteen parcels and five landowners. The purpose of this public hearing is to establish a Maintenance rate of \$8.00/benefitted acre with a \$10.00 minimum. At this time there are no written objects and no landowners are present at the hearing.

The landowners requested the Open be placed on Maintenance. It will require some dredging and brushing. Roger entertained the motion to establish the #823 Thomas Mogel Open, Cause #4-2016 on Maintenance at a rate of \$8.00/benefitted acre with a \$10.00 minimum. The motion was made, seconded and passed 3-0.

**RE: GEORGE WILSON OPEN**

Per the Board's request Surveyor Don Towne presented a rough cost for the George Wilson Open. The estimated rates are: \$200.00/benefitted acre for float dredging; and \$100.00/benefitted acre without a float dredging. The dredge determination will be based on delineation findings.

The Board collectively decided to hold a public hearing to classify the Open. Since the project will be costly, the hearing will determine landowner interest. If the landowners are open to establishing the drain, Don will obtain the delineation. The Board briefly discussed the issued. Chairman Roger Rose entertained a motion to set a Public Hearing to classify the George Wilson Open for Monday, November 14, 2016 at 9:45 A.M. The motion was made, seconded and passed 3-0.

**RE: PUBLIC HEARING- #822 SMITH HEIGHWAY TILE, CAUSE #3-2016**

Chairman Roger Rose called to order the Public Hearing of the Smith Heighway Tile #822, Cause #3-2016. The watershed contains 289.19 benefitted acres with a total of eighteen parcels. The purpose of

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this public hearing is to reverse the previous action of establishing the Tile on Maintenance. At this time there are no written objects. Landowner Tom Weaver and Dale Smith are both present for the hearing.

The request to not establish Maintenance was from majority landowners Tom Weaver and Dale Smith. The two landowners are going to reroute the tile at their expense, removing it from the Reid property. The two landowners would also be responsible for future maintenance. Surveyor Don Towne spoke with a representative from the Reid property and they are fine with the new plan.

Chairman Roger Rose entertained a motion to reverse the previous action of establishment of the Maintenance; also the drain will maintain its status as a drain of county record. The motion was made, seconded and passed 3-0.

**RE: BID - #628 EDMON TIPPY TILE/CAUSE #43-1967**

ADI/Timewell was the lowest bidder at \$86,899.50, but did not receive the bid based on previous issues with company's stance on not using stone with their tile as well as negative issues with private work in the county. ADI challenged the award. Drainage Board Attorney Greg Heller had advised Surveyor Don Towne to investigate the issues and call ADI's references.

Landowner Dale Smith commented ADI ran his tile backwards on his property and has ponding water at times yet stated he would hire the company again. Don spoke with landowner Steve Williams who also stated he had issues, yet had nothing to compare ADI's work against. The references from ADI were all positive.

Greg advised the Board it is their duty to keep the cost down for the landowners. At this time, there is no strong evidence preventing ADI from receiving the bid. Don will contact ADI via email regarding: machine breakdowns, stoning the tile, hitting stone during work and ASHTO specifications. Once all questions are answered to the satisfaction of the bid specifications, Don will contact LDP about revoking their award.

Chairman Roger Rose entertained a motion to conditionally award ADI the bid of the #628 Edmon Tippy Tile as long as ADI is committed to following the bid specifications; also reversing the previous motion of awarding LDP the bid. The motion was made, seconded and passed 3-0.

**RE: APPROVAL OF MINUTES**

The Board was presented with minutes from the August 8, 2016 Drainage Board meeting. The motion was made to approve the minutes as presented. The motion was seconded and passed 3-0.

**CLAIMS**

**ADJOURNMENT**

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Surveyor

ATTEST: Kasey Hensley, Drainage Board Secretary

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