

**FULTON COUNTY DRAINAGE BOARD MEETING
FOR MAY 9, 2016**

The Fulton County Drainage Board met on Monday, May 9, 2016 in the Conference Room of the Fulton County Office Building at 9:05 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: CERTIFICATIONS FOR RECONSTRUCTION-TREASURER LORI HURST

Treasurer Lori Hurst and Auditor Judy Reed were present to revisit the previously discussed issue of Reconstruction certification. Lori presented the Board with packets containing Indiana state codes for Reconstruction procedures. She requested the Board only allow certifications in October, stating her software was not capable of handling billing outside of fall property taxes. She also stated there is no software available for Reconstruction billing.

Surveyor Don Towne stated Reconstructions by law are to be certified once they are complete. Reconstructions by law can be certified anytime, not just once a year. Don recapped Lori's plan stating if a Reconstruction is complete in November, the Surveyor's Office would need to hold the certification 11 months; the landowner would then have a year before the first payment is required. Essentially meaning there is a 12 month window with potentially no funds returning into the negative balance of the Reconstruction. There was a debate between Don and Lori.

Chairman Roger Rose asked Attorney Greg Heller to share his understanding of the laws. Greg stated both parties are accurate. The Board needed to look at the evidence and decide what would be in their best interest. Roger was compelled to side with Lori based on the lack of software capability. Roger entertained a motion to only certify Reconstructions in October, allowing proper utilization of the tax software. The motion was made, seconded and passed 3-0.

RE: #808 CB MASTELLAR, CAUSE #1-2011- MAINTENANCE RATE

Surveyor Don Towne requested the Board lower the Maintenance rate of the CB Mastellar from \$7.00/benefitted acre with a \$10.00 minimum to \$4.00/benefitted acre with a \$10.00 minimum. Currently the Open brings in \$11,000.00/year. The decrease would bring in \$6,200.00/year. Don felt confident lowering the rate based on the current condition of the Open. Previously the Open had not been well maintained and required a costly one-step removal. The current positive condition and future upkeep of the Open will be less costly.

Chairman Roger Rose, based off the recommendation of Don, entertained a motion to lower the Maintenance rate of the CB Mastellar from \$7.00/benefitted acre with a \$10.00 minimum to \$4.00/benefitted acre with a \$10.00 minimum. The motion was made, seconded and passed 3-0.

RE: #657 EB COLLINS-JAMES R. KLINE OPEN, CAUSE #16-1967

Surveyor Don Towne requested the Board allow the Attorney Greg Heller to send a letter to the landowner regarding damming of the EB Collins-James R. Kline Open. The property is owned by Robert Reinhold, parcel #001-118034-00. The landowner was sent a letter a year ago from the Surveyor's

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Office instructing him to stop damming the water as well as a copy of the Indiana state code. On two separate occasions the Surveyor's Office has manually removed the dam. The Open was recently dammed again following our contractor cleaning it.

The Board discussed the situation and agreed to have Greg send a letter. The landowner will be given ample time to remove the dam or will be subjected to the cost of a contractor removing said dam.

RE: SET PUBLIC HEARING- #822 SMITH & HEIGHWAY TILE/CAUSE #3-2016

Surveyor Don Towne requested the Board set a public hearing to place the #822 Smith & Heighway Tile on Maintenance per the return of its' petition. The proposed Maintenance rate is \$6.00/benefitted acre with a \$10.00 minimum bringing in \$1,700.00 annually. The watershed contains 289 benefitted acres.

Following a brief discussion, Chairman Roger Rose entertained a motion to set a public hearing for Monday, July 11, 2016 at 9:30 A.M. to set the #822 Smith & Heighway Tile on Maintenance at a proposed rate of \$6.00/benefitted acre with a \$10.00 minimum. The motion was made, seconded and passed 3-0.

RE: OFFICE KEYS

Surveyor Don Towne requested an extra office key. Vice-Chairman Bryan Lewis stated he would take care of getting the office another key.

CLAIMS

RE: APPROVAL OF MINUTES

The Board was presented with minutes from the April 11, 2016 Drainage Board meeting. The motion was made to approve the minutes as presented. The motion was seconded and passed 3-0.

ADJOURNMENT

FULTON COUNTY DRAINAGE BOARD

Surveyor

ATTEST: Kasey Hensley, Drainage Board Secretary

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