

**FULTON COUNTY DRAINAGE BOARD MEETING  
FOR AUGUST 14, 2017**

The Fulton County Drainage Board met on Monday, August 14, 2017 in the Conference Room of the Fulton County Office Building at 9:00 A.M. The following people were in attendance: Chairman Bryan Lewis, Vice-Chairman Rick Ranstead, Commissioner Steve Metzger, Surveyor Don Towne, Secretary Kasey Hensley and Attorney Greg Heller.

**RE: MICHAEL NORMAN/#529 DAVIS & BECK TILE**

Landowner Michael Norman addressed the Board concerning his Reconstruction statement on the #529 Davis & Beck Tile. The current statement shows an interest fee of \$288.59 and a penalty of \$57.72. Mike claimed he never received the first notice, however the Treasurer produced a record of it being mailed.

Lois Abbott from the Treasurer's Office was on hand to explain the billing process. The Board discussed the matter and decided to waive the penalty of \$57.72, but not the \$288.59 interest fee. Commissioner Steve Metzger made a motion to waive the penalty. The motion was seconded and passed 3-0.

**RE: PUBLIC HEARING- #826 STEINKE WILSON MAIN ARM TILE, CAUSE #1-2017**

Chairman Bryan Lewis called to order the Public Hearing of the #826 Steinke Wilson Main Arm Tile, Cause #1-2017. The watershed contains 315.1 benefitted acres with a total of six landowners. The purpose of this hearing is to establish Maintenance and for Reconstruction. The proposed Maintenance rate is \$5.00/benefitted acre with a \$5.00 minimum; the proposed Reconstruction rate is \$85.00/benefitted acre with an \$85.00 minimum. There are no objections at this time. Landowner Larry Friedrich was present for the hearing.

Surveyor Don Towne stated the drain is a Ditch of County Record. The tile drains into the Callahan and then into the Mill Creek system. The plan was discussed by the Board and Larry. With no objections, Chairman Bryan Lewis entertained the following motion: to establish Maintenance on the #826 Steinke Wilson Main Arm Tile at a rate of \$5.00/benefitted acre with a \$5.00 minimum; to proceed with the Reconstruction at a proposed rate of \$85.00/benefitted acre with an \$85.00 minimum. The motion was made, seconded and passed 3-0.

**RE: SET PUBLIC HEARING- #592 CB MOORE TILE/CAUSE #4-1970**

Surveyor Don Towne requested the Board set a public hearing for the Reconstruction of the #592 CB Moore Tile/Cause #4-1970. The proposed Reconstruction rate is \$118.00/benefitted acre with a \$118.00 minimum. The watershed contains 185.61 benefitted acres with six landowners.

Following a brief discussion, Chairman Bryan Lewis entertained the following motion: to set a Public Hearing for Tuesday, October 10, 2017 at 9:35 A.M. for the Reconstruction of the #592 CB Moore Tile at a proposed rate of \$118.00/benefitted acre with a \$118.00 minimum. The motion was made, seconded and passed 3-0.

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**RE: BID OPENING- #788 MATTHEW ZANGER OPEN, CAUSE #1-2004**

Chairman Bryan Lewis opened bids for Maintenance on the #788 Matthew Zanger Open. The estimate is \$8,400.00. The bids were: Lease Excavating \$7,762.50; Kolesiak Excavating \$4,365.00; and LDP Excavating \$6,430.00.

Kolesiak Excavating was the low bidder at \$4,365.00. Chairman Bryan Lewis entertained a motion to award the #788 Matthew Zanger Open to Kolesiak Excavating for \$4,365.00. The motion was made, seconded and passed 3-0.

**RE: PUBLIC HEARING- #541 AA GAST BRANCH #1 TILE, CAUSE #23-1966**

Chairman Bryan Lewis called to order the Public Hearing of the #541 AA Gast Branch #1 Tile, Cause #23-1966. The watershed contains 185.02 benefitted acres with a total of eight landowners. The purpose of this hearing is for Reconstruction. The proposed Reconstruction rate is \$405.00/benefitted acre with a \$405.00 minimum. There are no written objections. The following landowners were present for the hearing: Ryan Parson, Ricki Parson, and Gloria Parson.

Surveyor Don Towne explained the proposal. Landowner Ricki Parson expressed concern about the watershed not including some landowners, specifically Alton Perry, who dumps onto the Feldman property. The Surveyor's office will look into the issue. Chairman Bryan Lewis entertained a motion to table the hearing for the #541 AA Gast Branch #1 Tile until Monday, September 11, 2017 at 9:30 A.M. to determine if the watershed needs adjusted. The motion was made, seconded and passed 3-0.

**RE: PUBLIC HEARING- IMHOFF & REED OPEN/EST. AS A DRAIN OF COUNTY RECORD**

Chairman Bryan Lewis called to order the Public Hearing of the Imhoff & Reed Open. The watershed contains 38 benefitted acres with a total of two landowners. The purpose of this hearing is to Establish it as a Drain of County Record. There are no written objections. Landowner Joseph Imhoff sent in a letter of support and Landowner Tom Reed gave verbal approval. There were no landowners present for the hearing.

Surveyor Don Towne stated the landowners brought the Open up to specification through brushing and cleaning. There was a discussion on the issue. Drainage Board Attorney Greg Heller stated Tom Reed needed to submit his approval or contestment in writing before the hearing could proceed. A letter will be sent to Tom explaining the situation.

Chairman Bryan Lewis entertained a motion to table the hearing for the Imhoff & Reed Open until Monday, September 11, 2017 at 9:30 A.M. pending a response from Tom Reed. The motion was made, seconded and passed 3-0.

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**RE: MAINTENANCE FEES FOR AKRON CEMETERY/#525 DAVID CLEVINGER TILE**

The Board discussed decreasing the Akron/Mt. Hope Cemetery Maintenance rate on the #525 David Clevenger Tile. The Maintenance rate is currently \$12.00/benefitted acre with a \$12.00 minimum. Chairman Bryan Lewis entertained a motion to assess the Akron/Mt. Hope Cemetery a flat rate of \$1.00/parcel. The motion was made seconded and passed 3-0. The \$1.00/parcel flat rate will affect the following tax ids: #003-179026-00; #003-179019-00; #003-179028-00; and #003-179018-00.

The Board also discussed the Cemetery in regards to all the late Maintenance assessments, penalties and fees. As of this date, tax id #003-179026-00 & #003-179019-00 is late on payments totaling \$136.29. Chairman Bryan Lewis entertained the following motions: to waive the \$136.29 on the previously listed tax id numbers for the total of \$136.29; waived amount to be replaced with a \$1.00/parcel/per year behind, totaling an owed amount of \$2.00. The motion was made, seconded and passed 3-0.

**RE: SET PUBLIC HEARING- #540 SAMUEL FOUDRAY TILE/CAUSE #2-1969**

Surveyor Don Towne requested the Board set a public hearing for the Reconstruction of the #640 Samuel Foudray Tile/Cause #2-1969. The proposed Reconstruction rate is \$590.00/benefitted acre with a \$590.00 minimum. The watershed contains 291.81 benefitted acres with ten landowners.

Following a brief discussion, Chairman Bryan Lewis entertained the following motion: to set a Public Hearing for Tuesday, October 10, 2017 at 9:40 A.M. for the Reconstruction of the #540 Samuel Foudray Tile at a proposed rate of \$590.00/benefitted acre with an \$590.00 minimum. The motion was made, seconded and passed 3-0.

**RE: #821 GEORGE WILSON OPEN, CAUSE #2-2016**

Surveyor Don Towne updated the Board on the progress of the #821 George Wilson Open. Since the delineation is back, Don has an estimated cost for the project. To ensure his estimate is accurate, he contacted LDP Excavating out of Warsaw to compare cost. At this time, there has been no reply back.

**RE: SPRAY COMPLAINT/#521 AMMON BUCHER OPEN/CAUSE #27-1981(J)**

Landowner Gail Wyatt contacted the Kosciusko County Surveyor's Office as well as spray company owner Lex Dalton in regards to ruts and vegetation destruction on her property. Her emails were forwarded to the Fulton County Surveyor's Office. The Ammon Bucher Open is on the Fulton County spray program, which was awarded to Prairie Marsh.

The complaints were inspected by the Surveyor's Office and pictures were presented to the Board. The ruts were very minimal in our right of way. There was not a total vegetation kill.

**RE: SPIKE BARS/#714 WILLOW CREEK/CAUSE #2-1995**

It was reported to the Surveyor's Office that signs indicating malice were recently placed in our right of way on Willow Creek. The warning signs were posted on both sides of 850 W stating spike strips were in

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the right-of-way and cause flat tires. The Board agreed to send an immediate letter to the landowner demanding the removal of the spike strips and the signs.

**RE: APPROVAL OF MINUTES**

The Board was presented with minutes from the July 10, 2017 Drainage Board meeting. A motion was made to approve the minutes as presented. The motion was seconded and passed 3-0.

**CLAIMS**

**ADJOURNMENT**

**FULTON COUNTY DRAINAGE BOARD**

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Surveyor

ATTEST: Kasey Hensley, Drainage Board Secretary

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