

FULTON COUNTY DRAINAGE BOARD MEETING  
FOR SEPTEMBER 12<sup>TH</sup> 2022

The Fulton County Drainage Board met on Monday, September, 12<sup>th</sup> 2022 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, Drainage Board Secretary Lacey Holloway, and Attorney Hollie Shorter- Pifer. Public Attendance: Pat Wagamuth, Shelly Wagamuth, Greg Halfast, Bob Eber, Ruth Baker, Rob Baker

**RE: HOFFMAN DITCH #558**

James and Seth went out last spring and walked it and took GPS shots. The tile that is in there right now has blown up wholes and is exposed. Can't fix until we get the lower end done. IF we put tile back it then it is getting covered. Getting two foot of plastic on cover is going to be very difficult. One option is to make it an open, Mr. Walgamuth is present to speak on how he is against this option. Mr. Walgamuth states, "He is against it and he has been fighting with the surveyors office with this issue for more than 20 years. When they put the Lewis Leingenger ditch in at Akron they wanted to put an open ditch on it then, they ended up barring the ditch. When they put the big ditch in they did give him an option to put any laterals in, so my ditch drains with the level of the lake. I am also 15 feet lower where the ditch starts at the East end of the ditch it starts at Pike Lumber Company and Sunoco come to 19 and drops 15 feet onto me." Drainage board not only wouldn't let me put a lineal in but I am incapable of farming it, because if the lake levels high then the water level is high on my land. So I am done because I put my part in a government program. So I am not in favor with anything with an open ditch at all. Rick Ranstead commissioner asked Mr. Walgamuth why the surveyor's office back then wouldn't let you hook a lineal up to run into the ditch." Mr. Walgamuth stated, "It was a mess. Don Towne wouldn't let me tie end at all to any of the ditches and my land suffered. DNR will not lower the dam any. If they would have lowered the dam that would have helped everyone. Mr. Walgamuth is under the impression that once he opens it then he can never close it again. Commissioners agreed to just let it ride since there is nothing we can really do with it.

**RE: #842 HEARING S.S. COLLINS DITCH ARM #4 – SET UP ON MAINTENANCE**

This is the arm that Mr. Grube asked to put on maintenance we are going to do a \$5.00 benefitted acre. We had no written objections or verbal objections. Motion was made and passed to set this ditch up on maintenance. Passes 3-0.

**RE: WILLIAM GRAHAM #772**

Water has been laying on Mr. Holfast ground for a couple of years. Mr. Holfast had planted some trees along where the tile goes. County came in and ran a jetter but they tried blowing through there and got stuck on the roots. We could lay tile to try and fix this problem but then we have to tear out 50 feet worth of trees. Mr. Holfast asked, "Do we replace the trees that we tear down?" Seth stated, "Another route we could take is to make it an open ditch, which I think Mr. Holfast is against doing." Mr. Holfast stated, "If you're going to do anything I would say It needs to be tile, I am not interested in opening a ditch down through there and if you're going to tear my trees out that have been growing for 15 year are you going to replace them?" Seth replied, "We do not replace trees that are tore down due to repair on any tile or ditch." We don't have much funds to work with on this ditch so that is why putting in a tile would be the best thing to do in this situation. The trouble is the tree roots keep plugging up the tile and blocking it. Seth stated, "If we do this then it has to be a reconstruction." Commissioners said that tile is going to be the only thing that we are going to be able to do here cost wise. Seth said he was fine with replacing the cost of the trees if the commissioners are okay with replacing the cost of the trees. Seth is going to figure out a cost estimate and get back with Mr. Holfast and commissioners. The cost will come out of maintenance it will not come out of any other account. Tabled until next meeting to talk about the estimate.

**RE: HEARING FOR #550 GRUBE DITCH- RAISE MAINTENANCE**

Over the past couple years we have had people call in and ask us to dip the Grube. So instead of trying to do small portions we are wanting to just go ahead and dip the whole ditch. This is a very long system we are around 30,000 feet, to dip this ditch with a \$1.50 estimate it would be around \$60,000 bids will hopefully come in lower. This brings in a total of \$5600 a year as of right now. If we raise it to \$3.50 that will take us down to 4 or 5 years to bring account back up to positive after the ditch cleaning. We do have one written objection. Ruth Baker stated, "They were just here to listen and understand why they are raising the maintenance they weren't actually objecting to raising the price." Motion was made to raise maintenance. Motion was passed 3-0.

**RE: URGENT CARE CENTER**

Looking back they sent us a letter for Starbucks and we approved drainage plan for that, so we have to approve the urgent care letter since they are both the same. Hollie stated as long as Walmart was okay with it then it should be fine. Motion was made to pass letter of approval and was passed 3-0.

**RE: APACHE DRIVE**

The shed on the corner of state road 14 and State Road 25 he is putting in a parking lot and for the most part he has permission from the state to allow him to drain into the ditch. Motion was made to pass the drainage plan for the parking lot. Motion was passed 3-0.

**RE: RIGHT OF WAY**

We have failed a lot of their sprays, due to right of way not being able to access with their machine due to crop being in the field. We would like to wait for right of way to come back to spray until after crops are out. We would like for them to come back next spring to spray again. There is nothing in the contract that states we have to have a specific date for them to come back and spray by if they fail the first time. A lot of the reason they failed the sprays is because they are stating they could not access parts of the ditch. In the contract that they signed it states they should go out and physically view and look at the ditches before bidding and make sure they are able to access. They will not get paid until they complete the job which would be next spring after they come back to re-spray. If they cannot access with the machine then they are supposed to get off the machine and backpack it. So in their case we feel like they did not fully read the contract. We have to pay the 60% first spray so they get that no matter what. It's the 40% that they would not get paid until next spring. There are too many ditches for Oscar to take over all of them to get Right Of Way excluded from bidding. Have to be done on re-sprays by June 15<sup>th</sup> new deadline needs to be put in contract.

**RE: COLLINS DITCH**

Right of way had this ditch they sprayed only so much and then they did not spray due to the irrigator being in their way of the rest of the ditch. Mr. Kline said he was going to take care of the rest of the ditch after the curve. The ditch has not been sprayed by Mr. Kline in over 3 years. There are several big trees growing up on their portion of the ditch they said they would be responsible for. This ditch is not being maintained so we need to invite Jim or Todd to a Drainage Board meeting to discuss this issue. They are only hurting themselves and a few others by not keeping this ditch clean and if the trees keep growing up and we just so happen to get a wind storm and the trees go down then we are going to have a drainage issue in the near future for blockage.

**RE BIDS:**

**#508 ANIAS BAKER**

- Ingram Excavating- \$39,000
- Overmyer Excavating \$ 38,700
- Kolesiak Excavating \$ 38,840
- J.D. Excavating \$ 38,650
- Field Excavating \$ 40,000
- L.I. Excavating \$ 38,370- WINNER**

**#627 DANIEL TERRY OPEN**

- J.D. Excavating \$14,230
- Ingram Excavating \$16,000
- Kolesiak Excavating \$ 17,700
- Overmyer Excavating \$ 12,600- WINNER**
- L.I. Excavating \$16,406

**#795 WEASNER**

- Ingram Excavating \$12,500- WINNER**
- Field Excavating \$ 15,000
- J.D. Excavating \$ 14,548
- Kolesiak Excavating \$ 17,710
- Overmyer Excavating \$13,900
- L.I. Excavating \$ 19,607.50

**MINUTES- Motion made and passed 2-0.**

**CLAIMS:**

- Hollie Pifer- Shorter \$ 750.00 attorney
- Prairie Marsh - Maintenance \$1980.00
- Overmyer Excavating – Maintenance \$800.00
- Prairie Marsh- Maintenance \$6,042.96
- Kolesiak - Maintenance \$1400.00
- Boyne’s Critter Control \$1,160.00 Beaver Removal Mudd Creek
- Right Of Way- \$461.03 1<sup>st</sup> Spray
- Right Of Way \$2,133.77 #599 Overmyer
- Right OF Way \$1,108.80 1<sup>st</sup> spray on #590 Hugh Miller
- Kolesiak Excavating \$1200.00
- Kolesiak \$1600.00 #799 Chippewamuck Creek
- Larry James \$6,230.00 #600 Wilson Ditch
- Right Of Way \$192.67 40% payment #613 Secor Barns
- Right Of Way \$1,143.54 #801 Towne Ditch Final Spray
- Right Of Way \$788.53 #646 Catherine Cutshall Final Spray
- Wilson Fertilizer Grain \$257.50 2 bags of Copper Sulphate

**ADJOURNMENT**

**FULTON COUNTY DRAINAGE BOARD**

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Surveyor

ATTEST: Lacey Holloway, Drainage Board Secretary

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