

FULTON COUNTY DRAINAGE BOARD MEETING
FOR DECEMBER 12TH 2022

The Fulton County Drainage Board met on Monday December, 12th 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, Surveyor Seth White, Drainage Secretary Lacey Holloway and Attorney Hollie Shorter- Pifer. Public Attendance: Kyle Riffle, Jacob Riffle, and Chadd Baker. Absent: Commissioner Bryan Lewis.

PLEDGE OF ALLEGIANCE

RE: KYLE RIFFLE- CHARLES HARTER TILE

Kyle Riffle stated he was attending the meeting on behalf of himself and the Sriver Family Farm Trust. Charles Harter the neighbor Brent Merley have destroyed the tile and don't want to fix it. He is asking for the Counties help to fix it, He talked to Indiana Farm Bureau and they stated that Kyle would need to come and talk to the County first and see if it is any litigation of a County regulated. In Kyle's opinion it is county regulated due to the fact that it was probably installed 100 years ago. It also runs through multiple properties and it is a named tile. To proof this wrong the county would have to go back through minutes and see if it was ever voted on to see if it has ever been non- regulated. Seth stated, "In these situations we don't have the direct fund but we can do the one-time \$1500.00 pay out." Kyle Riffle stated, "I would rather the county not have to pay for any of this. Brent Merley patterned ditched this field and it shows where it comes to the point on that corner, is now full of water. It is now trees and things growing up because it is no full of water." Merley's let Kyle go and investigate. Kyle ran his tile finder and found a hole and the tile is real broke down. The tile has been cut through when the Merley's patterned ditched the field. Kyle stated, "No matter what I would like to get this tile fixed, but I do not think it should be on the county to get it fixed. I do not understand why the Merley's did not have it fixed before now." What scares Seth is the cuts run lateral through the tile where it cannot be tied into. The Riffles asked the Merley's if they could go investigate, and they gave them permission to go investigate already knowing what the issue was. Kyle just started farming this land about 4 years ago and it the tile was gritted in 2018, so it was gritted before Kyle started farming the field. The Sriver's were asking Kyle why the field was so wet and so Kyle decided to start investigating and this is what he found. What Kyle thinks is the appropriate way to fix it is to run a tile to the main and tie on to the 5 inch tile. Kyle is trying to get the counties help since he cannot get any response from the landowner. Seth stated it's still our tile but we don't have it on maintenance so we cannot do anything with it. Rick stated, "The landowners cannot shut off water to a county tile, even if we don't maintain it." You can't obstruct a county regulated tile. Hollie stated, "It is our tile but it's going to cost us more to fix it she is going to have to check, but it appears they are going to have to be responsible for some of it." Hollie suggests that they all get invited to next meeting. Hollie asks where the proof is that they destroyed it. Kyle would have to dig down and find their existing county tile and find where they tied into it then if they wanted to argue the county with this situation then the county would have to have some kind of proof.

RE: RIGHT OF WAY –CHADD BAKER

There are several species that are not on label to control that Fulton County is trying to get taken care of. Honeysuckle, Red Cedar, and buckeye. The Red Cedar is the high tree like on Kline's ditch. You can see the honeysuckle are burnt back but it's not going to be full kill. There is discussion that local sprayer Oscar Wells had the opportunity to come back and fix the solution. Chadd is saying that to stay within the EPA label law his mixture is about the best he is going to be able to control on those wooded species that given to him by the EPA. The chemical company is the one that makes those rules. Chadd does not want to kill the grass so there is only certain chemicals that can be used. Seth asked if he had an injector and Chadd said, "it would be risky and he would have to be the one to be on the injector." So moving forward the contract has always been there and it has always said 100% kill. Chadd has come back and sprayed it again but all hes doing is making it mad and legally he is putting what he can legally. Dave Sommers asks if he could possibly backpack with the hotter mixture. Chadd response was, "for 100 miles?" Chadd stated, "That's the other problem I'm having is that a ditch will get failed that will have that one cedar on there. There is \$68,000 sitting out there that has not been paid to me and is sitting out there due to one little green spot on a ditch and 'm not even sure of how much I actually missed to fail." So he is setting as a small business guy and not getting paid due to little failures. Dave stated, but if you know where they are then hit them with the backpack and get back out and go back on to the next one, we have to get those things under control. Seth stated, it has to be a hotter mix to kill the wooded species that he is saying, you're going to have to have someone experienced on an injector. Chadd stated, "They have all injectors on their rigs. This is where he puts his \$300 a gallon mixture in. Chadd isn't sure how much more money he can put on these ditches. He can't hire a kid to do a backpack or his 60 year old employees will just leave. Seth stated, "There are one or two options, come in with a hotter mix hit it the first time see what didn't make it and then come in with a hotter mix with a backpack on a four wheeler, or if the honeysuckle gets to thick might have a to come in with a machine with a brush cutter, but the brush cutter machine is going to be way more experience than doing a backpack. Seth stated, "I understand what Chadd is saying on his mixtures, he is not sure what Oscar uses and he doesn't want to know, but Oscar does come back and fix what he failed. Chadd doesn't have the exact spot to know where to go to and what he failed. So with the new drone we would video the ditch as low as we could and we would do the whole ditch and then we could hand the videos off to the contractor and say the ditch failed and make it easier for the contractor to know exactly where the failure was located." In the contract it says you have physically went and seen the ditch and you know what needs to be done. So if there is an irrigator in the way then that would be on the contractor figure out how to get around that irrigator due to the contract. Dave also said to Chadd that you see the ditches before you bid them off, so to come back and state that Right of Way cannot access a part of a ditch then it would come back on contractor. So for the 2021 spray packet final sprays for Right of Way Rick said we have to be fair and treat both contractors the same according to the contract. Next spring Chadd would need to come back and hit them again so we could pay them 40% right now of each ditch that he failed and then after he comes back and sprays the ditches then the county would pay them the other 40%. Moving forward Chadd will hit these spots with legal mixtures and he will go after them with avenges. This is his goal and this is what he does for counties so he wanted to come in and discuss these issues. If we have to get out with backpacks to get to the spots we can't get to then we most likely will not be bidding again. Dave Sommers made motion to pay Right Of Way half of the amount due until they come back and finish motion passed 2-0.

RE: SET HEARING #772 WILLIAM GRAHAM ARM #2 TILE –RECONSTRUCTION

Option A: tiling the whole way through and tie end rough estimate is \$18,000 currently there is only \$2400 in the account. Option B: all open trench up to the road 667 feet distance 50 foot of tile under the road \$ 5600. Option C: nothing more than open trench to Mr. Holfast property 170 feet and 500 feet of tile \$14,600. Obviously the cheaper route is straight open ditch. Very small watershed.

Can we make a closed ditch an open Hollie cannot find anything that says we can't do this? Mr. Holfast does not want this an open at all because he does not want us going through his trees. Hearing was made for Feb. 13th 2023 @ 9:15 a.m.

RE: DILLON & COWAN DITCH

State road 110 tree removal cost roughly 6 acres \$5,000 an acre \$47,500 to remove trees and dipping 13,100 feet \$2.00 foot \$73,700 account is bringing in \$9,000 a year and currently have \$13,500 in account it would be 7 years to pay back. Maintenance is about \$5.00 an acre right now. Going to Bid this out this year but we can always raise our maintenance if we have to. Seth is going to put a bid out for \$75,500 to stay out of bonding. Bids need turned in before Feb. 13th 2023.

MINUTES- November 2022 minutes- Approved 3-0.

CLAIMS:

Amazon- drone \$1,376.88
Rochester Ford \$1,068.17
Fulton County Treasurer- Fuel \$22.90
L.I. Excavating \$8,607.07
Quill- copy paper
Quill- supplies \$424.98
Zimpleman Excavating \$1,050.75 w/o 415 replace outlet
CardMember Services – Office Supplies \$271.00
Hollie-Shorter \$750.00

ADJOURNMENT

FULTON COUNTY DRAINAGE BOARD

Surveyor

ATTEST: Lacey Holloway, Drainage Board Secretary

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