

Description	MInutes of Meeting	
Date	12/19/2011	Location Commissioners Session Room
Time	Speaker	Note
8:55:28 AM		
9:00:42 AM	Call Meeting to Order Pledge of Allegiance Opening Prayer Roll Call Attendance	
9:01:48 AM	Resolution 2011-1258 Approve Minutes of December 15, 2011	Commissioner Rupp made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.
9:02:00 AM	Resolution 2011-1259 Approve Agenda As Presented or Amended	Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.
9:02:57 AM	Resolution 2011-1260 Hold Executive Session pursuant to ORC §121.22(G)(1) to discuss the compensation of a public employee or official	Commissioner Barnaby made the motion and Commissioner Rupp seconded the motion. Roll call vote: Rupp, yes; Genter, yes; Barnaby, yes. Motion carried unanimously.
9:34:50 AM	OUT OF EXECUTIVE SESSION	No action taken.
9:35:03 AM	Amanda Podach and Curt Jones Soil and Water Conservation District, Department Update	Amanda Podach has been busy with education and school programs; planning meetings for conservation camp, the Area 1 Environthon; and the Black Swamp Educators Workshop. Curt Jones reported the district has planted 3 oak savanna projects for total of 1050 trees and 42 acres. They have been planning and designing waterways and structures. They plan to plant 2 oak savanna projects in the spring. Many of the oak savannas are still in pots. Weather conditions this year have made it difficult to get them all in They submitted 11 EQIP application for grassed waterways, cover crops and field windbreaks. They replaced trees on 2 sites for the Emerald Ash Borer project.

		<p>There is another landowner in Mill Creek that also qualifies for this project. Mr. Jones presented a conservation plan map for the area behind the Robert Fulton Building in the Spring of 2012. The rows will consist of 4 separate rows of White Pines trees, Norway Spruce, Douglas Fir and Arborvitae. 2 rows will be mowed, 2 will not. Ms. Podach indicated that around front they will place wildflowers, butterfly gardens and bird feeders that SWCD offers.</p> <p>Mr. Jones indicated that they conducted 9 interviews for the SWAT Conservationist position and hired Kyle Snyder, a current employee of the SWCD. He will begin this new position on 1/1/2012. They have prepared the annual report for use in the county's annual report and they have attended the annual meter/open house for the Williams County SWCD.</p> <p>Mr. Jones noted that there have been some requests made regarding their building. The first being lights for their sign out front. Commissioner Rupp indicated that the new maintenance supervisor will make that a priority. They would also like the grass from the parking lot to the road grassed. They will be obtaining a lawnmower with a blade so they can take care of the snow removal. They need additional storage. They plan to have a semi-trailer placed out there until as it will hold its value and can be cut down for scrap when no longer needed. He further noted that there is a need for more parking. Commissioner Rupp stated that there is existing drainage on the north side of the building. This could easily be turned into additional parking. A call needs to be made to the previous owner for state drawings to see where the pipes run.</p>
9:52:53 AM	Recess	
10:00:30 AM	<p>1st Hearing on Proposed Ditch Improvement 2117- Petitioned for by Eric L. Patty, et al.</p>	<p>Commissioner Barnaby opened the hearing and performed a mass swearing in for all those in attendance that wish to give testimony later in the hearing. He turned the hearing over to Rod Creager, Chief Deputy Engineer. Mr. Creager briefly explained the ditch process as it follows Ohio Revised Code 6131. He presented a PowerPoint presentation and gave the following report:</p> <p><u>PROJECT INITIATION</u></p>

This project was initiated through a Single County Ditch Petition filed with the Fulton County Commissioners by Mr. Eric Patty and others on October 31, 2011. The petition calls for the installation of a new outlet for the Deer Creek Estates Subdivision storm water detention basin located in the Northeast Quarter of Section 13, Town-7-North, Range-6-East in Clinton Township, Fulton County, Ohio.

The Deer Creek Estates Subdivision improvements were constructed in 1993. The developers originally proposed that the drainage from the subdivision be discharged through a new 21-inch pipe installed across downstream farm land into Branch 4-e-1 of Turkeyfoot Creek but failed to secure the easement for the installation. Since no new outlet could be installed, it was determined that the storm water from the subdivision would be detained and then metered into an existing 10-inch outlet at the same rate that it entered the existing tile under pre-development conditions. A detention area was established on the lots along the north side of Deer Run and a 6-inch meter line was installed from the detention basin into the existing catch basin on the subdivision property line. From the existing catch basin the subdivision drained through the existing 10-inch clay tile to Branch 4-e-1 of Turkeyfoot located about 1,100 feet to the north.

The 10-inch outlet has recently been reported to have experienced several problems. There have been more frequent tile repairs needed and the detention area in the subdivision is sometimes slow to drain. Storm water over flows the detention area from time to time and stands on the adjacent field. Several of the owners got together and attempted to make improvements through mutual agreement. The mutual agreement group could not come to terms concerning costs and assessments so that effort was abandoned and this petition was filed.

The view of this proposed drainage improvement was conducted by the Fulton County Commissioners on November 28, 2011. The view gave the board of county commissioners and the county engineer an opportunity to gather field information about the proposed improvement. Four landowners attended the view and offered comments as to how they will be affected by the proposed drainage improvement.

He presented pictures taken of the proposed improvement area after a recent 3" rain event. The pictures illustrated debris and flooding. He then went back and took pictures

about a week after the event thereby showing that most of the water had receded.

He took questions from those in attendance. Mr. Greg VanGunten, Counsel for Landowner Felipe Coronados. He recommended that the ditch be cleaned out to see if that ameliorates the problem before we go through this whole process. He alleged that the farmland is draining into the subdivision. Mr. Creager indicated that the cleaning will help and he can schedule that this be dipped out. He indicated that the problem will still remain that the tile is too small. He further indicated that the development has actually intruded on the farmground.

PROJECT OBJECTIVES

The objectives of the proposed improvement are to replace the deteriorating existing storm water detention basin outlet for the Deer Creek Estates Subdivision with a new higher quality outlet, possibly increasing capacity by separating rural residential storm water runoff from agricultural drainage and to provide a mechanism for the consistent future maintenance of the outlet.

PROBLEMS OBSERVED

The drainage problems observed and reported are mostly related to the depth and duration of the ponding in the detention area within the Deer Creek Estates Subdivision. No washouts or other problems were observed over the existing 10-inch tile line. Any work required on the open ditch outlet can be completed through the county ditch maintenance program.

WORK PROPOSED

The work plan calls for the replacement of the existing 10-inch clay outlet with a new 12-inch smooth wall conduit. In order to separate the farm drainage from the subdivision detention basin drainage, parallel header tiles or sub-mains, one 6-inch and one 8-inch, are proposed to be placed on either side of the new 12-inch conduit to pick up farm drainage laterals that are now connected to the existing 10-inch drain which will be eliminated. An inlet riser is proposed to be placed on the 6-inch sub-main to drain surface water the ponds on the farmland. A new detention basin outlet structure will be installed. Erosion control

features will also be part of the work plan as will the restoration on adjacent lawns and filter strips.

CONSTRUCTION ESTIMATE

The preliminary construction estimate for the work plan proposed in the petition is based on information that was obtained through aerial photos, field observations and information provided by the owners involved in the mutual agreement improvement effort. The total estimated cost for all of the work proposed in the petition including contingencies, construction financing, engineering and administrative costs is \$32,014.29.

PROJECT BENEFITS AND ESTIMATED ASSESSMENTS

Assessments for the proposed improvement will be based on the benefits received from the improved detention basin outlet. The type and quantity of drainage runoff contributed by each parcel will be considered. The location of parcels relative to the location of the work will also be given consideration.

Estimated assessments will be computed once a final work plan estimate is completed. Owners will be notified of any estimated assessments and assessments will be considered at the final hearing if this project proceeds beyond the first hearing.

Preliminary assessment computations, considering the area drained, the rate of runoff based on land use and the number of house drains connected to the system, generates assessments in the range of between \$1,944 and \$4,431 for the ten house lots. The 9.82 acres of farmland drained would be assessed an estimated \$2,255 while the acre and a half of township road would be included at \$1,992. The total project estimate at this time is \$32,014.99.

MAINTENANCE

The Ohio Revised Code requires that all drainage improvement projects be placed on a permanent maintenance program. Maintenance activity is limited to the maintenance of the items originally constructed through the drainage improvement petition. Maintenance is paid for by periodic ditch maintenance assessments to

the parcels in the watershed. The amount of the maintenance assessment is in proportion to the original ditch assessment for each parcel.

Mr. Creager explained at the time the development was put in back in 1993 enforcement was not there for storm water management. Also at that time, it met regulation and was working fine. The Landowners agreed at that time they would maintain it.

Mr. Coronodos asked if this were to be fixed would there still be water in Mr. Patty's yard? Mr. Creager stated that there would, but the duration and extent would be limited.

Commissioner Barnaby asked the County Clerk to read 2 letters received on this matter into the record.

1. A letter received from Landowner, Brandon R. Johnson, dated December 7, 2011:

"My name is Brandon R. Johnson, owner of 13025 Deer Run in Wauseon, OH 43567. I would like to state that I am against this project you would like to do. My property is for sale and is close to being sold. This has not been a problem except when we get a huge amount of rain; even then, I only have a minute amount of water in my yard which is not a big deal. The excess remains one night then is gone the next, also it is only a small portion of the yard that has a low spot. With the amount of rain that we have been experiencing this is expected to happen. There are yards flooded everywhere that are in a greater need of help than my yard. So I am against this project, it is a waste of time and money."

2. A letter received from Petitioners, Eric & JoAnn Patty, dated November 21, 2011, addressed to Commissioner Barnaby:

"I am requesting help from you and the other County Commissioners for the first time since we became taxpayers in the state of Ohio 14 years ago. As you know on behalf of six households in the Deer Creek subdivision I filed a Single County Ditch Petition. Those homeowner names are also on the petition. After struggling with this problem since we purchased our home, and realizing it has been an existing and on-going problem for many of us since the subdivision was started; it is time that our County and Township governments correct what was allowed to be done wrong from the start of the development. Enclosed you will find pictures dated 2006, and new pictures taken

in May this year. Having witnessed and being one of those who have been affected the most significantly by this problem since 1998, I can tell you with confidence it has only compounded with new construction around us. When we purchased our home, the two lots on the end of Deer Run were vacant. Since then those homes and many new building structures mainly new homes and second garage buildings have been built around us and the ponding water now covers a larger area and takes significantly longer to reside. I would assume all of those buildings were built with a permit issued by the county. The Roth's at 13110 Deer Run have experienced problems with water in their basement several times. The Lutz's at 13070 Deer Run, the Robinson's at 13150, the Patty's at 13200, and the homeowner at 13205 all have seen the standing water on our properties get worse and cause damage to some of the improvements we have made to our homes in Deer Creek Estates. There are a few angry neighbors who wonder "how did this get approved, or not get approved by our local governments at the start of the development" and "why do I have to pay for it now". I don't have an answer to those questions, but I do know that based on the work completed by the County Engineers office, that everyone identified on his drawing and the list of homeowners he compiled have some financial responsibility for taking care of it. We attempted to resolve this issue by means of a "volunteer project" with the help and support of the Clinton Township Trustees and the neighbors of Deer Creek Estates. Unfortunately there were some neighbors opposed to that process of resolution, so the homeowners in favor and Ivan Hite the president of the Clinton Township Trustees all willingly signed the petition you now have to make a judgment on. I have also enclosed the letters we distributed to the neighbors on behalf of us who are most affected, and urge you to review the subdivision site plan drawing. I have enclosed the pictures from 2006 and the photos taken recently dated 2011. The drawing shows a new tile to the creek that was never installed which may or may not have even worked at the beginning of the development. It only stands to reason that connecting as it was done to an old farm tile that was installed previously for a specific parcel of land and an entirely different purpose was both wrong and inadequate for what is required today. Please also plan for the County Commissioners to meet and consult with the Clinton Township Trustees on this matter. The neighbors who need and now request your support of this petition feel strongly we have the support of the Township Trustees. Regardless of what was done wrong or not done at all in the beginning, the County Engineer has done the necessary

		<p><i>work this time that shows what needs to be done and who's water was and now is contributing to the problem. It is upon you and the other commissioners to act now and approve this petition for those of us suffering from the damages."</i></p> <p>Commissioner Barnaby then took verbal testimony for or against the project:</p> <p>Felipe Coronodos - there are no problems in his yard. He is not in favor as he is not affected by it. If the project is done, there is still going to be water in Patty's yard.</p> <p>Debra Westhoven- lives closest to the road. She doesn't know how much of their water is going on to the Patty's but would like to know her assessment. It was her understanding that something was broken. Now she has learned that it is working the way it was designed to. She pays taxes in this county and will be assessed more for this, why are they responsible for this? No one ever talked to her; she doesn't understand what is going on. Why is it so imperative to have it fixed now when it has been an issue all this time? Everyone has problems with water, not just the Patty's, although she does not. She is not in favor of the improvement.</p> <p>Greg VanGuntten- He stated that people move out in the country for a number of reasons, they then suffer disappointments when things are not as they expect. From what he has learned, there are 1-2 people that are affected by this, besides the farmers. If the Patty's are talking about moving away from this nuisance, they should move away but not tag everyone with the expense of having this fixed, just to get the price tag on the house that he wants. It's just un-American.</p> <p>Eric Patty- there are 6 homeowners that signed the petition.</p> <p>Felipe Coronodos; Debra Westhoven – both alleged that those homeowners signed not knowing fully what they were signing because they were told it was broken.</p> <p>Commissioner Genter reminded the landowners to keep this portion restricted to testimony only.</p>
11:12:37 AM	Hearing Closed	
11:12:42 AM	Deliberations	Mr. Creager explained to Ms. Westhoven that she owns 1.64 acres of land on the highest ground and 6/10 of an acre drains back onto her neighbors to the south.

	<p><u>Resolution 2011-1265</u> Commissioners' Finding for the Improvement; Order County Engineer to Complete the Schedules, Maps, and Survey – 2117 Patty</p>	<p>Commissioner Genter asked Mr. Patty if he was aware that his land was in a detention area when he bought it. Mr. Patty stated that he was aware, but that it would go away in a reasonable amount of time. It used to, but does no longer. Mr. Patty stated that he has invoices that he can bring to the Board for broken tiles that have been scoped and fixed at this expense.</p> <p>Commissioner Genter stated that the farmer has more skin in the game than is on the schedule so the assessments should be fine-tuned to reflect the true benefits received for farm ground vs. residential. This formula may have been calculated when corn was \$3.00/bushel. It is a lot higher than that now. He also indicated that this could be inside the urban growth area of the city of Wauseon. Commissioner Barnaby indicated that the cleaning should go to everyone. Commissioner Barnaby made the motion to have the Engineer's office prepare the reports and Commissioner Genter seconded the motion contingent on the assessments reflecting the true benefit and also finding out if this is within the urban growth area of Wauseon. A roll call vote was taken: Genter, yes; Barnaby, yes. Motion carried unanimously.</p> <p>The Engineer shall file his report on April 19, 2012 at 10:00 a.m.</p>
<p>11:36:39 AM</p>	<p>OLD BUSINESS: Review Estimated County Revenues for Tax Year 2012</p>	
<p>11:37:43 AM</p>	<p>NEW BUSINESS:</p> <p>RESOLUTIONS:</p> <ul style="list-style-type: none"> · <u>Resolution 2011-1261</u> Award Bids for 2012 Construction Materials 	<p>Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.</p>
<p>11:38:13 AM</p>	<ul style="list-style-type: none"> · <u>Resolution 2011-1262</u> Transfer Funds and Appropriations; Increase Appropriations; and Lower Purchase Orders for Various Departments 	<p>Commissioner Genter made the motion and Commissioner Barnaby seconded the motion. Motion carried unanimously.</p>

11:39:52 AM	· Resolution 2011-1263 Approve Draw Down of Funds from Ohio Department of Development under FY10 CHIP Grant	Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.
11:40:32 AM	· Resolution 2011-1264 Approve Purchase Orders and Travel Requests	Commissioner Barnaby made the motion and Commissioner Genter seconded the motion. Motion carried unanimously.
11:41:16 AM	ADJOURN	Commissioner Genter made the motion and Commissioner Barnaby seconded the motion.

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