

DEKALB COUNTY DRAINAGE BOARD MEETING

April 13, 2023

Drainage Commissioners Present:

Bruce Bell, II, Chair
 Sandra M. Harrison, Vice-Chair
 William L. Hartman, Member
 James A. Miller, Member

Others Present:

Glenn Crawford, County Surveyor
 Katie Rutan, Surveyor's Office Clerk
 Shannon Kruse, Attorney
 Troy Bungard, Surveyor's Office Tech
 Michelle Lassiter, Secr. /Drainage Board Adm

Guests:

Sue Miller	Derek Young
Justin Hoffman	Tonya McFerron
Derek Miller	Joe Herendeen
Angie Wallace	Taylor King

Absent:

Michael V. Watson, Member

Chair Bruce Bell, II, called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

APPROVAL OF MINUTES

Mrs. Lassiter apologized for not having the March 30, 2023, and April 6, 2023 minutes ready in time for approval before the meeting explaining she has been out of the office due to illness.

DRAINAGE PLANS**ASSMAN CORP. – 300 NORTH TAYLOR ROAD, GARRETT**

The Board reviewed the drainage plan for Assman Corp. Parking Lot Expansion Development Plan at 300 North Taylor Road, Garrett. This project was located within the watersheds of the *Fred Groscup North Tile Drain No. 352-60-0* and the *Garrett City Open Drain No. 44-00-0* and the *Cedar Creek Open Drain No. 470-00-0*.

Justin Hoffman, Design Engineer with Brooks 1st Construction, presented the drainage plan, explaining the addition to the parking lot would expand the parking lot to the west on Assman's north parcel. He reported that all water discharges to the northwest and the plan accounts for the stormwater drainage from the existing parking lot and the expansion. Mr. Hoffman stated the proposed drainage plan will capture more stormwater and the retention area will not obstruct any existing flow. The parking lot would be constructed from asphalt. Mr. Crawford stated the parking lot expansion was at the top end of the *Fred Groscup North Tile Drain No. 352-60-0*.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the proposed drainage plan for the Assman Corp. parking lot expansion, I approve the plans as the proposed runoff coefficient of .3 is less than the existing runoff coefficient of .38, and the difference of stormwater will be stored onsite in a retention pond."

Jim Miller moved to approve the drainage plan drawings dated 02.28.2023, signed and stamped by Justin Hoffman, Professional Engineer, of Brooks 1st Construction, with the Surveyor's recommendations. The motion was seconded by Sandy Harrison, and the motion carried.

REPLAT OF THE AMENDED PLAT OF RICHLAND FARMS – COUNTY ROAD 28

The Board reviewed the drainage plan for the Replat of the Amended Plat of Richland Farms, at the northeast corner of County Road 28 and County Road 19. This development was located within the

watersheds of the *David Link Regulated Open Drain No. 211-00-0* and the *Cedar Creek Regulated Open Drain No. 470-00-0*.

Angela D. Wallace, Land Surveyor, for Compass Land Surveying, Inc., presented the plans and explained that the landowner was combining lots 19 and 14 to enlarge the parcel to construct a pool. Mr. Crawford stated that all stormwater from the site drained into the existing pond.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the proposed subdivision replat I see no drainage issues."

Bill Hartman moved to approve the drainage plan drawings dated 03.22.2023, signed and stamped by Angela D. Wallace, Land Surveyor, of Compass Land Surveying, Inc., with the Surveyor's recommendations, the motion was seconded by Sandy Harrison, and the motion carried.

FREEMAN FARMS SUBDIVISION – County Road 10

The Board reviewed the drainage plan for the Freeman Farms subdivision, located along County Road 10 between County Road 35 & County Road 39. This development was located within the watersheds of the *John Hoffelder Regulated Open Drain No. 153-00-0*, the *Lewis Dibbling Regulated Open Drain No. 74-00-0*, and the *Cedar Creek Regulated Open Drain No. 470-00-0*.

Joseph R. Herendeen, Land Surveyor, for Sauer Land Surveying, Inc., presented the plans and explained that the landowners were platting off one six-acre lot. Mr. Crawford approved the plan given the proximity to the *John Hoffelder Regulated Open Drain No. 153-00-0* for drainage.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the proposed subdivision replat I see no drainage issues."

Sandy Harrison moved to approve the drainage plan drawings dated 04.03.2023, signed and stamped by Joseph R. Herendeen, Land Surveyor, of Sauer Land Surveying, Inc., with the Surveyor's recommendations, the motion was seconded by Bill Hartman, and the motion carried.

VARIANCE

THOMAS HARWOOD OPEN DRAIN NO. 17-00-0

Derek Young, the landowner of 3148 County Road 51, requested a variance to build a pole barn 72 feet from the top-of-bank of the *Thomas Harwood Open Drain No. 17-00-0*. Mr. Young stated the barn would be in the drain right of way by 3 feet. Mr. Crawford explained that the drain was shallow and would not need all of the 75 feet for spoils. Mr. Hartman asked where on the map the barn would be located. Mrs. Lassiter showed the Board the map of the barn's proposed location, along the south side of the driveway. Mr. Miller asked why the barn could not be built on the other side of the driveway where it would not be in the drain's right-of-way. Mr. Young stated the utilities to the house and other outbuildings were run along that side of the driveway. Mr. Miller stated he was not in favor of building in the right of way of the county drains.

Bill Hartman moved to approve Derek Young's variance for encroaching into the right-of-way of the *Thomas Harwood Open Drain No. 17-00-0*, Sandy Harrison seconded the motion, and the motion carried.

LEGISLATIVE UPDATES

Rod Renkenberger, Executive Director of the Maumee River Basin Commission, spoke to the Board regarding new legislation before the State Legislature. Mr. Renkenberger explained he had shared information with Mrs. Lassiter regarding House Bill 1639 on the development of regional watershed commissions. Mr. Renkenberger explained that the legislature was still in session with this and many

other bills up for a third reading the following week. He stated he was the only one who testified at the legislative session against the bill. The Indiana Farm Bureau at the state level was in support of the bill. Mr. Renkenberger stated he questioned what the catalyst for the support of the bill was. He believed money was why no one else was against it. He stated he was also disappointed in the legislative process as the authors of the House Bill had not contacted anyone at the local level when the legislation impacted local communities most.

Mr. Renkenberger further explained that the proposed HB 1639 would form a new watershed commission making the previous commissions no longer needed for counties in the Maumee, Upper Wabash, and St. Joe River Basins, which would dismantle the existing river basin commissions. The duties of the new commissions would not be waterway focused but would be focused on expanding recreation, along with sanitary and stormwater sewer systems. He explained that at one point the bill had included drinking water, which had been removed.

Mr. Renkenberger also explained the bill changed the makeup of the Board. The current watershed commissions included all three County Commissioners, the County Surveyor, and a member of the Soil and Water Conservation District Board from each participating county. The new bill removed the SWCD and County Surveyor representation and included only one member of the county executive. The members of the proposed commissions would be appointed, not elected. Mr. Renkenberger also pointed out that currently, cities had representation on the water basin commissions which would no longer be the case if HB 1639 were passed.

Other points within the bill that Mr. Renkenberger disagreed with were that the bill would give the new watershed commissions the ability to institute additional drainage assessments. The bill would require a county to contain at least ten percent of the watershed to participate in the commission. This would eliminate some counties' participation. The bill at one point would have required the use of the hydrologic unit code (HUCA) to make up the watersheds. However, he believed that might have been amended. Mr. Renkenberger disagreed with the oath the bill would have members take which included prosperity.

Mr. Renkenberger also spoke about Senate Bill 412 which regarded floodplain mapping. He explained that a related bill SB 242 was written to prevent local communities from using the IDNR's best available flood hazard maps. It would force communities to use old 2006 FEMA maps. Further explaining that the Maumee River Basin Commission had studied all the streams and rivers to help FEMA put the 2006 maps together with the promise they would be updated every five years, which had not happened. Mr. Renkenberger explained SB 242 was being pushed by developers and the Homebuilders Association as a way to force a two-year hiatus for the use of the maps by local communities. These two entities didn't want to be hindered by the regulations the maps allowed communities to use. Mr. Renkenberger stated that SB 242 contradicted SB 412 which required the IDNR maps to be used for flood insurance purposes. He encouraged all in attendance to contact their State Representatives and State Senators.

Mr. Renkenberger reference Senate Bill 414 which was in regards to onsite sewage, holding tanks, and wetlands, stating it would be good to have the county health officer review it.

Bill Hartman said he was concerned that HB 1639 appointed commissioners, not elected officials, and would be instituting ordinances and regulations, taking the decision-making away from the local government by creating a centralized government.

Mr. Renkenberger stated the proposed assessment structure in HB 1639 was to make farmers pay for what would be done in the cities with the money not returning to the local communities for use.

UTILITY PERMIT REQUEST

IMP – COUNTY ROAD 47 BETWEEN COUNTY ROAD 28 & COUNTY ROAD 34

Mr. Crawford explained that IMP would be replacing existing poles and lines within the same locations, with no new additions. Mrs. Lassiter brought up the map showing the locations were on the west side of County Road 47. The project was to be within the drain right-of-way of and cross the *Walter Smith Regulated Open Drain No. 20-00-0*. It would also cross the *Henry Homier Regulated Tile Drain No. 173-00-0*.

Jim Miller moved to approve the utility permit for IMP to replace existing poles and lines within the drain right-of-way of and cross of the *Walter Smith Regulated Open Drain No. 20-00-0*. In addition to crossing the *Henry Homier Regulated Tile Drain No. 173-00-0* with the County Surveyor's recommendations. Sandy Harrison seconded the motion, and the motion carried.

SURVEYOR'S REPORT

Mr. Crawford presented the preliminary reconstruction plan, with the engineer's estimate for the *Fred Groscup South Regulated Tile Drain No. 352-80-0*. He explained the reconstruction plan in the same basic, except for moving the section south of the housing addition away from the tree line, further into the agricultural field owned by Ruoff Investments. The plan also increased the size of the outlet to thirty inches. The engineer's estimate was \$243,266.61, with 216 acres in the watershed, the cost per acre would be \$1,104.71.

Mr. Crawford discussed the option of combining the *Fred Groscup North Regulated Tile Drain No. 352-60-0* with the *Fred Groscup South Regulated Tile Drain No. 352-80-0*, stating the two were in essence already one complete drain. Mr. Crawford ask if combining the drains would be possible. Ms. Kruse stated it would be best to combine the drain first before the reconstruction, providing evidence that all the landowners would benefit. Mr. Crawford explained that replacing the *Fred Groscup South Regulated Tile Drain No. 352-80-0* would improve the function of the *Fred Groscup North Tile Drain No. 352-60-0*, especially the factories at the north end. Mr. Crawford further explained that if the watersheds were combined the reconstruction assessments to each landowner would be reduced. Mr. Bell asked if the county had this situation with others in the past. Mrs. Lassiter, there had been drains in the past that had been combined to keep costs manageable for landowners. Mr. Crawford explained he thought that if the drains were combined it would decrease the assessment rate to \$656.00 an acre.

A discussion then ensued regarding why the drainage system was two drains, and not one, as both drains were installed in 1883. There were questions as to when and how the lower section of the *Fred Groscup North Regulated Tile Drain No. 352-60-0* was vacated. Mrs. Lassiter was to research that in the Board minutes. The Board consensus was that a drain combination made sense and should be done before the reconstruction, but there would need to be a conversation with the City of Garrett regarding the vacated portion, as the Board would want to take control back over that section. Ms. Kruse referenced the Drainage Code stating that the drains could be combined. However, the Board would have to have good evidence of the benefits to all for doing so. The Board also noted that the combining of the drains would extend the time before the reconstruction would take place. It also would mean that landowners would not only pay for the reconstruction of the south drain, but for any future reconstructions of the north drain.

Mrs. Lassiter explained that the northern end of the *Fred Groscup South Regulated Tile Drain NO. 352-80-0* was reconstructed using grant monies in connection with the JAM Center

remodeling/expansion. The lower end was not completed as the project fund ran out before it was completed. The new section was 24-inch tile, while the old, lower end was 15-inch tile.

Mr. Hartman asked if this drain affected Randolph Street. Mrs. Lassiter stated no it did not, showing the drain's location on the GIS maps.

Landowners Sue Miller, 1713 Woodview Drive, Garrett, and Tonya McFerron, 1701 Woodview Drive, Garrett, both spoke regarding the need for the reconstruction of the *Fred Groscup South Regulated Tile Drain No. 352-80-0* and how its flooding impacted their properties. Both landowners wanted to see the drain reconstructed as soon as possible, but they wanted it done correctly. It was explained to them the Board would try to move the project along as quickly as possible. It was also explained that drain reconstructions usually were done after fall harvest in order not to have to pay for crop damages. The Board stated they would hope to have the reconstruction completed by next spring, if possible.

Rod Renkenberger, Executive Director of the Maumee River Basin Commission, took the floor and stated flooding was his area of expertise. He asked if the City of Garrett had a stormwater master plan, explaining that a stormwater master plan looked at current infrastructure and development, then looked at the areas for potential new development and created a plan to design stormwater systems to handle all of the potential stormwater created going forward. Mr. Renkenberger then explained there were OCRA and FEMA grants that could be applied for the reconstruction of county-regulated drains that would reduce the reconstruction costs for landowners. However, FEMA funds would take a longer time frame to acquire, possibly up to two years. Mr. Renkenberger also cautioned the Board, stating the drain may need to be converted to an urban drain and not be an agricultural drain.

Mr. Renkenberger also explained that the current storm conditions were changing so to design a drain to handle future conditions not just the current conditions. Mr. Crawford stated he had upsized the drain to be a 30-inch tile. Mr. Bell asked if it was common for cities to have stormwater master plans. Mrs. Lassiter responded, the City of Auburn had one but she didn't know if the City of Garrett had one. She would have to contact their administration to find out.

Mr. Crawford explained that he had not sized the drain reconstruction for any development of the Ruoff Investment property. When development happened on that property Ruoff would have to pay for and provide their own stormwater system that would more than likely include a retention/detention pond with a release into the *Garret City Regulated Open Drain No. 44-00-0* to the east.

Mr. Bell stated the board needed to reach out to the City of Garrett to inquire about the vacated drain, as the City of Garrett might have a say in what drainage needs were for that area of the city. It was noted that if the City of Garrett wanted the drain upsize the City would need to pay for the upsizing. Mr. Bell tabled the discussion until the Board received some answers from the research of the previous Board minutes and from the City of Garrett.

GUEST COMMUNICATIONS

Taylor King, a reporter from Wane 15, asked if someone from the Drainage Board would like to report on a drainage issue. Mr. Hartman said he would after the meeting.

DISCUSSION

Mr. Miller announced Farm Bureau Drainage School would be on August 30, 2023. Drainage School would be available in person and online. Mr. Crawford asked if Farm Bureau would pay for some of the Board members and Surveyor's staff to attend. Mr. Miller stated that in the past the

DeKalb County Farm Bureau Board had paid for all of the members who wanted to attend. Mr. Miller did state that being a member of the Farm Bureau reduced the attendance cost.

Mr. Hartman stated he had brought the water issues on County Road 7 to the County Highway Department's attention and they would be checking on it.

There being no further business or discussion, Mr. Bell thanked everyone for attending the meeting and declared the meeting adjourned at 9:50 a.m.



Bruce Bell, II, Chairman



Michelle Lassiter, Secretary