

**DEKALB COUNTY DRAINAGE BOARD MEETING**

May 4, 2023

**Drainage Commissioners Present:**

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

**Others Present:**

Glenn Crawford, County Surveyor  
 Michelle Lassiter, Secr. /Drainage Board Adm.  
 Shannon Kruse, Attorney

**Guests:**

Layne Lassiter  
 Greg Eriean  
 Donald Lewis

**Absent:** None

Chair Bruce Bell, II, called the May 4, 2023, regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

**APPROVAL OF MINUTES**

A motion was made by Jim Miller to accept the Minutes of March 30, 2023, and April 13, 2023, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Mike Watson, and the motion carried.

**DRAINAGE PLANS****KEN BROWN STORAGE BUILDING – SOUTHEAST CORNER AUBURN DRIVE & COUNTY ROAD 46A**

The Board reviewed the drainage plan and calculations for a storage building for Ken Brown, at 3255 County Road 46A, (southeast corner of Auburn Drive & County Road 46A), within the City of Auburn, in the Northwest 1/4, Section 4, T33N, R13E, Jackson Township, and within the watersheds of the *Cliff Metcalf Lateral 1 Regulated Tile/Open Drain No. 83-01-0 and the Cliff Metcalf Regulated Open Drain No. 83-00-0*.

The Board accepted the Surveyor's Report, which stated "In regards to the proposed 9,600 square foot building on a 2.78-acre lot, I approve due the adequate dispersal area for the building size and there being a city storm drain being available for use on the northwest corner of the property."

Jim Miller moved to approve the drainage plans and calculations for a storage building for Ken Brown at 3255 County Road 46A as recommended by the County Surveyor for plans dated 01.31.2023 as provided by Timothy C. Gouloff of Gouloff-Jordan Surveying and Design, Inc., the motion was seconded by Sandy Harrison, and the motion carried.

**POPEYE'S RESTAURANT – LEY DRIVE BETWEEN RED ROOF INN & AUBURN INN**

The Board reviewed the drainage plan and calculations for a Popeye's Restaurant, at 501 Ley Drive, within the City of Auburn, in the Northeast 1/4, Section 36, T34N, R12E, Keyser Township, and within the watersheds of the *William Peckhart Regulated Open Drain No. 22-00-0, the John Diehl Regulated Open Drain No. 45-00-0, and the Cedar Creek Regulated Open Drain No. 470-00-0*.

The Board accepted the Surveyor's Report, which stated "In regards to the Popeye's Restaurant proposed for 501 Ley Drive, I approve the proposed development and drainage plan due to the City of Auburn 15-inch storm drain being able to handle the additional stormwater runoff the new development would produce. There would be no need for retention."

Mike Watson moved to approve the drainage plans and calculations for the proposed Popeye's Restaurant at 501 Ley Drive in Auburn as recommended by the County Surveyor for plans dated 03.13.2023 as provided by Aby Groups of Burr, IL, given that the application has currently been withdrawn from the City's Plan Commission, should the plans change at resubmission the Drainage Board will need to review and approve any changes, the motion was seconded by Jim Miller. Bill Hartman voted against the motion, the remaining four Drainage Commissioners voted in support of the motion, and the motion carried.

### **GUEST COMMUNICATIONS**

Greg Eriean, 2653 County Road 68, presented asking for the status of the *James Ferguson Warner Lateral Regulated Tile Drain No. 86-53-0* reconstruction project. Mr. Crawford explained that a blockage at the top end of the drain had broken loose filling the trench with water and bacterial sludge. The contractor had to wait until the water level in the trench went down and even then the project completion would be dependent on weather conditions.

### **SURVEYOR'S REPORT**

Mr. Bell asked for the Surveyor's Report and the Board was provided the following information:

*Butler City Regulated Tile Drain No. 200-00-0:* The Board was informed that the property pins for a property located along County Road 28 and owned by Dean Malcolm had been removed during the project. Former County Surveyor Mike Kline had planned as an Indiana Licensed Land Surveyor to reset the pins. However, due to his health issues the last two years he was in office, he had not been able to complete that task. Had Mr. Kline been able to reset the pins there would have been no cost to the landowners within the watershed. Now the Surveyor's Office did not have a licensed land surveyor on staff and needed to do so. Mr. Crawford wanted to ask the Board to permit the drain's maintenance fund to pay for a licensed land surveyor to reset Mr. Malcolm's property pins. Ms. Kruse stated it was the Drainage Board and County Surveyor's responsibility to restore the property pins for Mr. Malcolm. The Board agreed with Mr. Crawford and Ms. Kruse that the maintenance fund should be used for this purpose.

*Fred Groscup South Regulated Tile Drain No. 352-80-0:* Mr. Crawford stated that he was waiting on the City of Garrett's infrastructure plans and a copy of the 2007 stormwater master plan for the city. There was a brief discussion regarding the need to have two hearings. The first hearing would be needed to make the vacated portion of the drain a regulated drain once more and to combine the *Fred Groscup South Regulated Tile* with the *Fred Groscup North Regulated Tile Drain No. 352-60-0*. The second hearing would be for the reconstruction of the current south drain. Mr. Crawford stated that he would schedule a meeting with Milton Otero, Garrett's Planning Director, and Todd Fiandt, Garrett's Mayor, to discuss the Board's plans.

### **DISCUSSION**

**Live Streaming of Meetings:** Mr. Watson informed the Board that the State Legislature had passed a State Statute that was signed by the Governor on May 1, 2023, requiring all local executive and fiscal bodies to live stream both video and audio of public meetings. This requirement would go into effect on July 1, 2023. This legislation also required any legislative body meeting in the same venue to live stream public meetings. The legislation also made it possible for Board members to attend the meeting remotely with voting rights. The recording of the live stream would be required to be retained for ninety days after the meeting date. Mr. Watson went on to inform the Board they would need to pass a resolution setting forth the Board's rules for the live streaming requirement. Mr. Watson stated other Boards were also incorporating procedural and conduct rules into the resolution. Mr. Watson further explained that with the Zoom meeting option for members, a roll call vote would

be required by the legislation. Mr. Watson stated that the Commissioners' attorney Andrew Kruse had the language already worked up and it could be sent to the Board members for review and consideration.

Utility Permit Bond Requirements: Mrs. Lassiter reminded the Board that they had voiced during the Surf Internet utility permit request adding a paragraph to the Utility Permit Agreement stipulating when a bond would be required in addition to the \$1,000,000.00 Certificate of Liability Insurance.

Negative Drain Accounts: Mrs. Lassiter informed the Board that several drains had gone negative under the previous county surveyor. The *Frank Yarde Regulated Drain No. 27-00-0* was negative \$34,000.00 and with no further maintenance done on the drain would still be negative \$1,0000.00 at the end of 2024. This drain would collect \$27,327.91 this year. Bill Rychener had been having a strong maintenance approach to keep it open and flowing. Mrs. Lassiter stated she had spoken with Mr. Rychener and unless there is a critical need, no further maintenance will be done in 2023 and 2024. The *Manoah Miller Regulated Drain No. 88-00-0* was currently negative \$19,805.90 and only collected \$4,141.54 yearly. Again, only critical maintenance will be done on this drain. Mrs. Lassiter explained that Mrs. Rutan had been processing claims and there had not been much review of the funds. Mrs. Lassiter had conducted an audit and found these negative drains. Mrs. Lassiter then addressed the *Daniel Wagner South Regulated Drain No. 119-80-0* it also was negative \$6,109.15. It collected \$4,263.42 yearly. The drain had a pump in the system with the monthly bill having gone up to an average of \$300.00 monthly. This would have the drain in the negative for an ongoing timeframe. The Board discussed the need for holding maintenance hearings to increase drain assessments.

Anderson Surveying asking to have the *James Provines Regulated Tile Drain No. 207-00-0* for a subdivision plat to be located at the northeast corner of County Road 39 and County Road 46A. Mr. Crawford had informed Anderson Surveying they would need to hire someone to locate the drain as the Surveyor's Office didn't have the staffing to do so.

Mr. Crawford asked Ms. Kruse if she had sent a letter to David and Esther Schmucker at 6392 County Road 60, Saint Joe, regarding the need for them to pay for the reconstruction of the portion of the *George Wade Regulated Tile Drain No. 31-00-0* on their property. The drain was destroyed when the Schmuckers demolished a barn without a demolition permit and enlarged a pond without a pond permit. Ms. Kruse stated that she had not yet as she had been ill since her return from vacation but would work to get the letter sent as soon as possible.

There being no further business or discussion, Mr. Bell thanked everyone for attending the meeting and declared the meeting adjourned at 9:03 a.m.

  
Bruce Bell, II, Chairman

  
Michelle Lassiter, Secretary