

**DEKALB COUNTY CEDAR CREEK DRAINAGE BOARD**

June 27, 2023

**Drainage Commissioners Present:**

Dennis Taylor, Chairman  
 James Deetz, Vice Chairman  
 Bruce Laub, Member

**Others Present:**

Tyler Lanning, Lead Survey Technician  
 Shannon Kruse, Attorney  
 Katie Rutan, Surveyor's Office Clerk

**Guests:**

Mike Watson  
 Nellie Peffley

**Absent:**

Glenn, Crawford, County Surveyor  
 Michelle Lassiter, Secr. /Drainage Board Admin. Asst.

Chair Dennis Taylor called the meeting of the DeKalb County Cedar Creek Drainage Board to order at 8:30 a.m.

**APPROVAL OF MINUTES**

A motion was made by Bruce Laub to approve the Minutes of May 11, 2023, with changes to the language that there would be 200 live-stake trees to be planted on the creek bank to help stabilize the bank and the members did not like the \$66,000.00 estimated for tree plantings as the standard minutes of the DeKalb County Cedar Creek Drainage Board. The motion was seconded by Jim Deetz, and the motion carried.

**CONSENT & WAIVER RECONSTRUCTION**

**CEDAR CREEK REGULATED OPEN DRAIN NO. 470-00-0:** Discussion of Bids for Reconstruction of a Portion of Cedar Creek in Eckhart Park, Auburn, Indiana.

Nellie Peffley District Director of the DeKalb County Soil & Water Conservation District presented the updated estimate of \$340,000.00 for the reconstruction of a portion of Cedar Creek within Eckhart Park. Included was also a new payment distribution breakdown of the LARE Cedar Creek Stream Stabilization Project along with the current bids. The project's design report from December 2022 estimated the cost at \$192,254.32. An updated engineer estimate from April 2023 was \$289,431.00. The new estimate included a \$100,000 LARE Grant contributing 29.40%, a \$100,000 contribution gift from the Maumee River Basin Committee contributing 29.40%, \$70,000 from DeKalb County contributing 20.60%, and \$70,000 from The City of Auburn contributing 20.60% for the project. The project received two bids. Flatland Resources, LLC bid \$340,013.33 and, according to Ms. Peffley, with the potential cost savings of \$53,179.65, would bring the total cost to \$286,833.68. The Stanger Group, Inc., bid \$312,502.00 and with the potential cost savings of \$45,000.00, would bring the total cost to \$267,502.00.

Ms. Peffley informed the Board that Eric Ditmar City of Auburn Parks Department Superintendent, Cedar Creek Drainage Board Chairman Denny Taylor, and County Commissioner Mike Watson met with the Maumee River Basin Commission regarding additional funding for the project. The Maumee River Basin Commissioner proposed an additional \$100,000 contribution from the MRBC, however, the determination would not be made until October 2023 when the MRBC Board meets. Ms. Peffley explained to the Board members she had also been in contact with the IDNR and there was a possibility that more money could be available for the LARE Grant. However, the determination would not be made until July. Ms. Peffley informed the Board that would leave both DeKalb County and the City of Auburn with a \$70,000 investment not including the additional funds from IDNR.

Ms. Peffley informed the Board that she spoke to the County Attorney and was advised to reject both bids and plan to rebid the project due to the potential additional funding from the Maumee River Basin Commission and because both bids presented alternates. This would give additional time to determine the exact needs of the project and avoid bid alternates. The Board members were reminded that rebidding could bring in new contractors however, they run the risk of losing the current bidding contractors.

Mr. Taylor clarified to the Board that the \$100,000 amount could be less as the contribution was based on 29.40%, not a dollar amount. If the bids came in lower, the additional funds would pay up to 29.40% of the bid but not more than \$100,000. Mr. Taylor went on to explain that there were problems with the current bids meeting requirements and adding contingencies. It was also explained to the Board that MRBC's 29.40% contribution was based on the higher bid to match the LARE Grant. Mr. Taylor stated the project seemed more doable with the additional funding and consideration of the ditch assessments.

Ms. Peffley informed the Board that she was in discussion with Acres Land Trust on planting bare-root versus five-gallon trees. At this time Acres Land Trust was not opposed to bare-root trees. However, they preferred the trees to be wrapped to avoid destruction by deer. Ms. Peffley reminded the Board that the new trees are required to have a 75% survival rate per IDNR.

Per Ms. Kruse's request, Ms. Peffley explained to the Board the reason for the mitigation of the trees. For every tree removed on this project, five must be planted. Not all of the new 200 trees could be planted in Eckhart Park. According to IDNR regulations, tree replanting must be located within the Cedar Creek flood plain. Acres Land Trust owns land within the watershed and was allowing for the majority of the replanted trees to be planted on their land. Ms. Peffley reminded the Board that the mitigation location was already determined but a decision needs to be made rather to plant bare root or five-gallon trees and that information should be included when requesting bids. The Board members were concerned about the survival rate of the bare root planting. Mr. Watson stated he thought five-gallon trees would be better for Eckhart Park but as for Acres Land Trust that was another matter.

Mr. Deetz voiced his concern as to whether this reconstruction project's benefits outweighed the project cost, as he did not see how the project enhanced drainage. He was also concerned with draining the funds for this project and not having enough funds for maintenance and repairs in other sections of the drain, especially if a major issue arose. He also questioned if the Board was entitled to move forward with this project. Mr. Taylor reminded the Board members that their responsibility was to improve the entire creek and to encourage others when they have an opportunity to make the creek better. Ms. Kruse reminded the Board that when the project was originally discussed in February 2022, at the board meeting, this project would improve bank stabilization by slowing creek bank erosion onsite and downstream. The project would also be an extension of ongoing maintenance on the creek.

Mr. Lanning, in aspect of the funding, informed the Board that Cedar Creek was assessed at \$127,000 per year and has spent around \$87,000 so far this year on maintenance. Ms. Peffley informed the Board that IDNR agreed that the project would help with bank stabilization and improve aquatic life within the stream and was on board with the reconstruction project.

Mr. Laub questioned whether the Board could back out of their commitment to the project. Ms. Kruse explained that the agreement was with the City of Auburn and DeKalb County with the understanding that the funding from the county would come from the Cedar Creek Drainage Board.

Mr. Watson agreed. Mr. Laub acknowledged that the Board made a commitment to the project and that was not what was being decided here today. Mr. Deetz agreed but asked for clarification on what the Board committed to as he did not recollect committing to \$70,000 for the project. Ms. Kruse explained that the engineer's cost estimate was much lower when the commitment was made. She also explained that a contributing factor in committing to the project was the IDNR approval and the drainage code benefit factors were very broad in regards to what can benefit the drain. Mr. Laub voiced he was not in favor of the IDNR dictating the tree-planting aspect of the project. Mr. Deetz agreed and objected to using the project funds for the replanting.

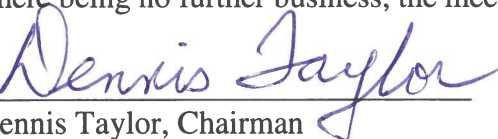
Ms. Peffley stated that the rebid would take place in October 2023 and one of the costlier aspects of the project was the dirt removal. Mr. Laub asked about how many of the 200 trees would be planted in Eckhart Park. Ms. Peffley thought about 37 according to the design map and explained to the Board that the remaining trees would be planted in Acres Land Trust as it was in the flood plain for Cedar Creek and the best option.

Ms. Kruse asked Mr. Lanning if the Surveyor's Office could put together a report on the condition of Cedar Creek regarding logs down and areas that need extra maintenance, as well as the actual balance on the drain for the next Cedar Creek Drainage Board meeting. Mr. Lanning responded that a full inspection on the entire Cedar Creek would be difficult due to its size but could look into attaining as much information as possible.

Mr. Lanning questioned if there was a plan to spray the trees to help increase the survival rate of bare root plantings. Ms. Peffley did not remember seeing anything but would look into that as an option. The Board agreed this would be something to look at including in the rebids.

Mr. Taylor reminded the Board the next Cedar Creek Board meeting would be in October.

There being no further business, the meeting adjourned at 9:17 a.m.

  
Dennis Taylor, Chairman

  
Michelle Lassiter, Secretary