

DEKALB COUNTY DRAINAGE BOARD MEETING

October 26, 2023

Drainage Commissioners Present:

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

Guests:

Greg Eriean
Shannon Mark

Others Present:

Glenn Crawford, County Surveyor
Tyler Lanning, Lead Survey Tech
Michelle Lassiter, Secr. /Drainage Board Adm.
Shannon Kruse, Attorney

Absent:

William L. Hartman, Member

Chair Bruce Bell, II, called the October 26, 2023, regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

APPROVAL OF MINUTES

A motion was made by Mike Watson to accept the Minutes of October 12, 2023, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Sandy Harrison, and the motion carried.

APPROVAL OF CLAIMS

Mr. Bell asked for a motion for Ms. Kruse's November stipend of \$1,295.00. Jim Miller moved to approve Ms. Kruse's November stipend of \$1,295.00. Sandy Harrison seconded the motion, and the motion carried.

Mr. Bell then asked for a motion for Ms. Kruse's 2023 miscellaneous additional hourly legal services provided in the amount of \$1,062.50. Mike Watson moved to approve Ms. Kruse's additional hourly legal services for \$1,062.50. Jim Miller seconded the motion, and the motion carried.

PLATTED SUBDIVISION DRAINAGE PLANS

LONG ESTATES SECTION V – SOUTHWEST CORNER OF COUNTY ROAD 43 & COUNTY ROAD 60

The Board reviewed the drainage plan for the Plat of Long Estates Section V, located at the southwest corner of County Road 43 and County Road 60. This plat is for a one-lot minor subdivision, platted as 11.734 acres, and located within the watersheds of the *Thomas Stafford Tile Regulated Drain No. 354-00-0*, the *Daniel Hursey South Open Regulated Drain No. 48-80-0*, and the *Daniel Hursey Open Regulated Drain No. 48-00-0*.

Mr. Lanning brought the property up on the maps, showing where the previous four subdivisions for Long Estates were located, and explaining there was an existing pond. Mr. Lanning also showed where the *Thomas Stafford Tile Regulated Drain No. 354-00-0* ran through the north section of the parcel at an angle from northwest to southeast and the *Daniel Hursey South Open Regulated Drain No. 48-80-0* ran through the southern portion of the parcel at an angle going southwest to southeast.

Shannon Mark from On the Mark Land Surveying was present. Mrs. Mark stated that the driveway would not cross the county-regulated drains present on the property. The driveway would be on the east side of the pond between the two drains and cut south to where the house would be constructed.

drain dipped further downstream and that should help the situation. Mr. Lanning stated the roadside ditch overseen by the County Highway Department needed to be worked on.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the application for a subdivision, I approve for there is adequate site drainage and the property borders an open ditch. The landowner will need to apply for an outlet connection permit, should they wish to connect to the open drain."

Jim Miller moved to approve the plat drawings dated 10.07.2023, as submitted by Nolan R. Mark, On the Mark Land Surveying, with the Surveyor's recommendations, the motion was seconded by Sandy Harrison, and the motion carried.

UTILITY PERMITS

FRONTIER COMMUNICATIONS – COUNTY ROAD 56 BETWEEN STATE ROAD 327 & COUNTY ROAD 17

Mr. Lanning presented the utility permit request explaining that Frontier would be laying new fiber parallel to County Road 56 in the southside road right-of-way, crossing the *Don VanFleit Tile Regulated Drain No. 234-00-0*, and within the right-of-way of, and crossing the *Don VanFleit Lateral 5 Spur 1 Tile Regulated Drain No. 40-25-1*. Mr. Lanning stated the County Surveyor's staff were not sure how effective the Lateral 5 Spur one tile was functioning as there was a building and pond constructed on top of the tile's supposed location.

Mr. Crawford stated that he approved Frontier's utility permit conditional to:

- The installer hydrovac'ing the county-regulated tiles when crossing them to ensure no damages occur to the tiles during the crossings.
- and
- The installer calling the surveyor's office at least 48 hours before work within the county-regulated drains' rights-of-way so field inspectors can inspect the drains during the crossings.

Mrs. Lassiter stated she had added those conditions and a condition that the installer is supposed to have a copy of the executed utility permit agreement onsite at all times to the utility permit agreement's first page.

There was a short discussion regarding when the Board should require bonds for utility permits. It stated that there should be a solid policy set as to what criteria should be used for the requirement.

Mike Watson moved to approve Frontier's Utility Permit Agreement for crossing the *Don VanFleit Tile Regulated Drain No. 234-00-0*, within the right-of-way of, and crossing the *Don VanFleit Lateral 5 Spur 1 Tile Regulated Drain No. 40-25-1* with the surveyor's conditions. Jim Miller seconded the motion, and the motion carried.

CHANGE ORDERS

JAMES FERGUSON WARNER LATERAL TILE DRAIN NO. 86-53-0

Change Order #4 for \$1,890.00 for Knott Excavating was presented. It was explained that this change order was for additional work not included in the contract for final grading and seed for an 18" lateral at Allen Diller's residence and for the removal of a temporary construction entrance. This would bring the total labor for the project to \$81,555.00, which was still under the engineering labor estimate of \$82,336.00.

Mr. Greg Eriean of 2653 County Road 68 took the podium to ask when the repair of his driveway would be completed.

Mr. Lanning stated that the grading and installation of #53 stone had been done across the cut section of the driveway and Knott's Excavation was supposed to be out the following week to put down the asphalt.

Mr. Erieau stated that was the same thing he had been told two weeks ago. Mr. Lanning responded that he did not have a set date. Mr. Crawford stated he would call Tim Knott to make sure he gets the repair done before the asphalt plant closed.

Mr. Erieau stated he would like to have it done before the first snow. Mr. Bell stated that there was no promise the repair would be completed before the first snow, but it would be done.

Mr. Erieau stated he was happy with how everything else was completed.

Jim Miller moved to approve Change Order #4 for \$1,890.00 for Knott Excavating for the *James Ferguson Warner Lateral Tile Drain No. 86-53-0*. Sandy Harrison seconded the motion, and the motion carried.

E. P. SHERWOOD TILE REGULATED DRAIN NO. 162-00-0

Change order #3 for \$2,205.00 for Knott Excavating was presented. It was explained that this change order was for additional work not in the contract to make repairs on William Papaik's property replacing a damaged driveway culvert, grading, and topping it with #53 stone. This would bring the total labor for the project to \$51,730.00, well under the engineering labor estimate of \$67,471.00.

Jim Miller moved to approve Change Order #3 for \$2,202 for Knott Excavating for the *E. P. Sherwood Tile Drain No. 162-00-0*. Mike Watson seconded the motion, and the motion carried.

COMPLETION AFFIDAVITS

E. P. SHERWOOD TILE REGULATED DRAIN NO. 162-00-0

The Knott Excavating Completion Affidavit for the reconstruction of the *E. P. Sherwood Tile Regulated Drain No. 162-00-0* was presented to the Board for acceptance. Mr. Watson asked if everyone in the watershed was happy with the final product. Mr. Lanning stated that the office assumed so. The only property heard from was Mr. Papaik and he was happy.

Mr. Watson moved to accept the Knott Excavating Completion Affidavit for the reconstruction of the *E. P. Sherwood Tile Regulated Drain No. 162-00-0*. Sandy Harrison seconded the motion, and the motion carried.

CERTIFICATION OF DRAINS

The Board was presented with the certification paperwork for the 2020 reconstruction of the *Ozro Freeman Tile Regulated Drain No. 175-00-0*, which included the Clifford Excavating completion affidavit. Mrs. Lassiter explained that this drain was reconstructed by consent and waiver while Mike Kline was the County Surveyor and Nathan Frye was the First Deputy. The only current staff member employed at the time was Bill Rychener who was very new to the department. Mr. Crawford was familiar with the project as he had bid on it as a contractor.

Mr. Frye never audited or finalized the project. Mr. Frye had started the project out by paying invoices out of the maintenance fund, and looking through Board minutes was instructed by then Board Chair Randy Deetz and Ms. Kruse to move those payments to the reconstruction fund, which was only partially done. Mrs. Lassiter and Mr. Bungard had worked together to get the fund corrected, the project audited, and the certification paperwork completed for presentation. Mrs. Lassiter had worked with Mrs. Clifford to ensure that the Cliffords' books showed that there were no outstanding payments for the labor. Mr. Frye had not held back the 15% retainage. He had paid each Clifford Excavating invoice in full. Mr. Clifford had graciously signed the completion affidavit.

The Board thanked Mrs. Lassiter for all the hard work put into cleaning up and finalizing the project so it could be completed and billed out.

Jim Miller moved to approve the certification of the 2020 reconstruction of the *Ozro Freeman Tile Regulated Drain No. 175-00-0* for \$90,811.20 to be billed to Walter Prosser as per the consent & waiver approved. Sandy Harrison seconded the motion, and the motion carried.

SURVEYOR'S REPORT

Mr. Bell asked for the Surveyor's Report and the surveyor's staff provided the following information:

Mr. Lanning informed the Board that the office staff discovered the *John Ketcham Tile Regulated Drain No. 334-00-0* had never been setup on periodic maintenance and had a negative \$25,000 balance due to repair work that was done in connection with the Pizza Hut reconstruction and preparations for the drain's reconstruction. Mr. Lanning asked how this would affect the upcoming reconstruction hearing for the drain and the planned eventual relinquishment of the drain to the City of Auburn.

Ms. Kruse responded that according the Indiana Drainage Code the drain could not be turned over to the City of Auburn while it had a negative balance. She further stated she did not believe the reconstruction hearing should be postponed. Ms. Kruse went on to say that either the City of Auburn could pay the maintenance fund to zero or the Board would need to hold a second public hearing to set the drain up on periodic maintenance and the City would have to wait for the account to come to \$0.00 before it would be turned over to her. It was decided that staff would inform the City of Auburn of the situation.

The Board was informed that the office had received a notice from the Indiana Department of Natural Resources that IDNR had issued a permit for the Indian Springs Campgrounds Bridge off County Road 64 over the *Frank Yarde Open Regulated Drain No. 27-00-0*. To date no application for a variance for the bridge had been turned into the office.

Ms. Kruse was asked how the office was to proceed regarding the invoice that was sent to David Schmucker on County Road 60 for the repairs made on the *George Wade Tile Regulated Drain No. 31-00-0* since there has been no communication from Mr. Schmucker and no payments made.

Ms. Kruse stated that per the IC 36-9-27-48 the Board would need to hold a hearing at a regular meeting to determine and set the amount to be assessed against Mr. Schmucker's property on his annual assessment to be sent out by the County Auditor and County Treasurer. Mr. Schmucker would need to be notified via regular and certified mail of the hearing so he would be aware and have the opportunity to attend. It was decided that Mrs. Lassiter would send a letter to Mr. Schmucker for a hearing at the first Board meeting in December.

Mr. Crawford informed the Board that the State Road 8 crossing for the reconstruction of the *Guy Plater Tile Regulated Drain No. 112-00-0* was scheduled for November 8, 2023.

There being no further business or discussion, Mr. Bell once again thanked everyone for attending the meeting and declared the meeting adjourned at 9:05 a.m.


Bruce Bell, II, Chairman


Michelle Lassiter, Secretary