

DEKALB COUNTY DRAINAGE BOARD MEETING

August 8, 2024

Drainage Commissioners Present:

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

Others Present:

Tyler Lanning, Lead Survey Tech
Shannon Kruse, Attorney
Glenn Crawford, County Surveyor
Troy Bungard, Survey Tech
Katie Rutan, Office Clerk
Rebecca Wright, Office Manager

Guests:

John Hunt, AES

Absent: Michael V. Watson, Member

Chair Bruce Bell, II, called the August 8, 2024, regular DeKalb County Drainage Board meeting to order at 8:30 a.m.

APPROVAL OF MINUTES

Sandy Harrison moved to approve the minutes of the August 1, 2024, meeting as the standard minutes of the DeKalb County Drainage Board. James Miller seconded, but Bill Hartman abstained from the vote because he was not in attendance at the August 1, 2024, meeting. The motion carried.

Plats and Development Drainage Plans

Mr. Bell moved the meeting forward to the Bear Creek Estates South Drainage and Development Plans on the North side of CR 56 in Jackson Township. Mr. Lanning said that the routing committee asked Sauer Surveying to make some changes to the plan at the meeting held on August 7, 2024. Mr. Lanning indicated the Surveyor's Office would bring the drainage plan before the Drainage Board for approval in a couple of weeks when the necessary changes had been made and approved by the routing committee.

UTILITY PERMITS

Bruce Bell then introduced the utility permit for AES at 5066 County Road 39. Mr. Bell asked if anyone was present to discuss the permit. John Hunt, the plant manager with AES, stood up and said they hoped to install some fiber infrastructure on the east side of County Road 39 under the George Matson open drain No. 73-00-0. Mr. Lanning added that the Surveyor's Office did not have an issue with the project and that AES communicated well with the office. He also stated that AES had communicated about when the project would begin. Bill Hartman moved to accept the motion and Jim Miller seconded, and the motion carried.

SURVEYOR'S REPORT

Tyler Lanning explained that the Surveyor's Office had its interstate meetings with Ohio later in the day. He said the proceedings of Ohio drainage meetings were very different than Indiana.

Ohio had commissioners who made all the decisions where Indiana had drainage board members. He explained that Bill Hartman planned to be there, but we needed board approval because he would be the member representing the entire board. Mr. Lanning made a motion to approve Bill Hartman to represent the DeKalb County Drainage Board to the Williams and Steuben Counties Drainage Boards. Jim Miller moved to accept the motion. Sandy Harrison seconded the motion, and the motion carried.

Mr. Lanning explained he had been contacted by the City of Garrett about a lot being developed on Industrial Drive. Mr. Bungard brought up the location on the map to better illustrate the project for the board. The engineering firm contacted the office about a variance for the drain. Mr. Lanning explained that there was a wetland on the lot involved in the project. IDEM was also involved in the project as some of the water from the wetland was from a neighboring property. Because of the wetland, the proposed parking lot and structure would be within the right-of-way of the drain on the property. The firm was seeking advice about how to proceed with the project. Mr. Lanning asked the board for its feedback to take back to his contact at the engineering firm. He appreciated the communication prior to beginning the project.

Jim Miller asked about the proposed parking in relation to the wetland and stated his preference would be to shift the project out of our right-of-way. He also asked if there was development on the other side of the open ditch. Bruce Bell answered that there was Washler and TFC Canopy. He also said there was a shallow, open drain on the north side of it.

Mr. Miller asked about the other side of the ditch and its 75' right-of-way and whether The Board had granted a variance to that property. Mr. Lanning was not certain about if the neighboring property had a variance. Mr. Lanning answered Mr. Miller's question about parking, saying that the firm was checking how much of the wetland they could use.

Bill Hartman suggested staying out of the wetland and putting parking on the other side of the property.

Mr. Lanning confirmed the board's advice to keep the project further east and keep it out of the wetland. Mr. Miller said he would like to know the dimensions of the building and the distance between it and the parking lot. Glen Crawford commented that it is difficult to give an opinion when the dimensions were not present. Ms. Kruse suggested the engineers keep the parking lot gravel and avoid a variance altogether.

Mr. Lanning continued the surveyor's report and said the Higbea project was continuing. Mr. Bungard projected a map of the project to clarify the progress for the board.

Mr. Lanning explained that the Surveyor's Office continued the discussion about crop loss and referred to a draft of a proposal. He asked the board to read through it for commentary. He explained that the Office went with reimbursement for damage outside of the right-of-way as the drainage code dictated that crops planted within the right-of-way "are at the risk of the owner."

Jim Miller asked about adding something about a half-acre. He suggested that a sentence be added to indicate that the policy would prorate for half or quarter acreage. Bruce Bell asked

about fully compensating farmers outside of the right-of-way and if it was for the Board to say what someone should be compensated. Mr. Lanning asked how to establish what “fully” meant. Ms. Kruse suggested that farmers could bring evidence to argue that their crop cost more than the standard amount set by the policy. Mr. Hartman asked about the cost of crops per acre, and Mr. Bell answered that corn can be \$800-\$1200/acre but beans were less. After some discussion about crop type and soil yield in DeKalb County, Board members discussed establishing an average from several years and paying that amount.

Mr. Lanning explained setting an amount was the difficult part of writing a policy and referenced the Board’s discussion from the August 1, 2024, meeting and if it was wise to wait until crop average yield costs had been published. Ms. Kruse asked how often crops were damaged outside the right-of-way. She suggested if it didn’t happen often, a policy might not need to be written. Mr. Lanning clarified that sometimes the maps of drain tile are incorrect which causes crop loss as contractors attempt to locate tile to reconstruct a drain. This was also a new problem as, in the past, the Surveyor’s Office didn’t go through crops to complete projects but put off projects until crops were off the fields.

Mr. Bell added that communication with landowners would be key as projects move forward. Mr. Bungard said that projects get pushed back as timelines on current projects were prolonged for unforeseen issues. He went on to say that it was possible to push back projects until crops were off the fields, but that would mean fewer projects could be completed in a year and more maintenance would be done instead. Ms. Kruse suggested that the policy make a general statement that the intent of The Board was to make the landowner as whole as possible. She added that the policy should state repayment was coming out of the appropriate drainage fund, so landowners knew they were paying themselves back and neighbors were paying neighbors.

Jim Miller voiced concern for tenant farmers whose lease may expire prior to them seeing a benefit from a completed project. Mr. Miller also noted that vineyards have been planted in the county recently.

Ms. Kruse noted that the state code said the surveyor should exercise “due care” to structures inside and outside the right-of-way. Jim Miller asked if it was legal to decide repayment of crop loss on a case-by-case basis. Ms. Kruse answered it was. Mr. Bell emphasized that his goal was to keep projects moving and he hoped crop loss could be avoided at the same time. Mr. Lanning said crop loss could not be avoided during reconstruction, but if the board wanted to avoid it, he would reschedule projects to avoid it. However, that might make The Surveyor’s Office less productive. Mr. Miller said he had spoken to a landowner who said getting the project done was much more valuable than the value of the crop loss.

Sandy Harrison said she thought most farmers looked at the benefit of a completed project and not just the crop loss.

Mr. Hartman added that as a landowner, he recognized instant increased land value. He noted several landowners who would notice increased yield because of finished projects. Mrs. Harrison said she would take out the cost per acre.

As part of the Crop Loss Compensation Policy, The Board discussed the idea at length of tenant farmers who might not receive the benefit of repayment. The repayment would go to the landowner and if the renter's lease expired in too short a time, he might not see the benefit of a completed project.

Mr. Bungard suggested that contractors or survey technicians stake drain routes ahead of time for farmers, so they know to stay out of the right-of-way for an upcoming project. Sandy Harrison said that currently, she was dealing with a utility project and farmers and an assumed route. Because of poor communication, farmers had become frustrated by how the repayment of crop loss had been handled by the utility company. She felt that our drainage board should avoid that situation at all costs.

DISCUSSION

Jim Miller asked a question about stone and an excavation company for a current project.

There being no further discussion, Bruce Bell adjourned the meeting at 9:25.

Bruce Bell, II, Chair

Rebecca Wright, Drainage Board Secretary

DEKALB COUNTY DRAINAGE BOARD

NO.	NAME	PHONE (HOME)	PHONE (CELL)	EMAIL	MAILING ADDRESS
1	John Hunt	260-530-6396			WSS
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DATE 8-8-2024