

DEKALB COUNTY DRAINAGE BOARD MEETING

May 22, 2025

Drainage Commissioners Present:

Bruce Bell, II, Chair
Kellen Dooley, Member
James A. Miller, Vice-Chair
Steve Kelham, Member
William L. Hartman, Member

Others Present:

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

Guests:

Dustin L. Sewelin, 1777 CR 72, Erwin Selke Drain
Michael Smith, 7183 Lorin Lane, Erwin Selke Drain
Brent and Joann Ritenour 1883 CR 72, Erwin Selke Drain
Michael Westrick, 1830 San Giovanni Court, Erwin Selke Drain
Ronald Westrick, 7121 Lorin Lane, Erwin Selke Drain
Jeanne Shaw, 7047 CR 17, Erwin Selke Drain
Matt Shaw, 5407 CR 31, Erwin Selke Drain
Tyler and Brooke Harrell 7052 CR 19, Erwin Selke Drain
Jim and Kathleen Fisher, 7163 Lorin Lane, Erwin Selke Drain

Chairman Bruce Bell called the Drainage Board Meeting for May 22, 2025, to order at 8:30 a.m.

APPROVAL OF MINUTES

The first item of business was the approval of minutes from the May 15, 2025, meeting. Mr. Bell asked for a motion to approve the minutes. Commissioner Jim Miller motioned to approve the minutes as presented, and Commissioner Bill Hartman seconded the motion. Mr. Bell asked if there was any discussion about the minutes. Commissioner Jim Miller asked that a name be removed from the guest list to reflect those who attended the meeting more accurately. Chairman Bell called for a vote to approve the amended minutes, and the motion carried.

ERWIN SELKE REGULATED DRAIN NO. 439-00-0 RECONSTRUCTION HEARING

Chairman Bruce Bell called the Erwin Selke Regulated Drain No. 439-00-0 Reconstruction Hearing to order at 9:00 a.m. He explained that the purpose of the hearing was to receive evidence because notices had been filed with the board. He stated that the DeKalb County Surveyor's Office mailed landowner notices on April 17, 2025, and a notice appeared in *The Star* Newspaper on Thursday, May 8, 2025.

Chairman Bell asked everyone in attendance to write their name, address, and group affiliation on the sign-in sheet on the podium. He stated that Surveyor Glenn Crawford would report on any petitions filed for the drain reconstruction.

Mr. Bell explained the order of the hearing: The Board would hear the Surveyor's Report, petitions first (if there were any), objections second, and the hearing would end with questions and answers.

Bruce Bell asked Surveyor Glenn Crawford to read into the record The Surveyor Report, which included the history of the drain, the recommendation of the Surveyor, and an explanation of the watershed.

Mr. Crawford began his report, which stated that the County adopted the Erwin Selke-Regulated Drain No. 439-00-0 in 1997 because landowners had petitioned for its adoption. Because it was a private tile, the original date of construction was unknown. The existing tile was 8 inches in diameter and 3,686 feet long. The existing tile needed extensive repairs or changes to function properly. The Surveyor's Report also stated that, in the Surveyor's opinion, the drain required reconstruction because it could not properly perform its intended function as changes to its design were inadequate to drain the land within the watershed. It continued that the Erwin Selke Drain No. 439-00-0 no longer conformed to maps, profiles, and plans prepared at the time of its adoption. The Erwin Selke Watershed contained 245.25 acres in total, with 42 parcels. Mr. Crawford finished his report by stating that the proposed reconstruction for the Erwin Selke Drain No. 439-00-0 system would consist of the following:

1724 feet of 10-inch Dual Wall Tile
 500 feet of 12-inch Dual Wall Tile
 1160 feet of 15-inch Dual Wall Tile
40 feet of 24-inch Dual Wall Tile
 3,424 total feet of tile with all the fittings and parts necessary for a complete system.

The total engineer's estimate for pipe, fittings, stone, installation, and restoration was \$108,964.56

The estimated Cost Per Acre was $\frac{\$108,964.56}{245.25 \text{ acres}} = \444.30 per acre

The final cost of the project would determine the amount charged to each landowner. Bids would be taken for all aspects of the project. The project would not exceed the engineer's total cost estimate by more than 10 percent, or the project would be stopped and rebid. A copy of the Surveyor's Report is included in these minutes.

Mr. Bell then asked if any Board member or other person had questions to ask the Surveyor about the technical aspects of the Surveyor's Report, but no one asked questions.

Chairman Bell then asked Mr. Crawford if all lands within the watershed were assessed. Mr. Crawford said, "Yes." Bruce Bell asked Mr. Crawford if all benefits assessed were not excessive. Mr. Crawford answered, "Yes." Mr. Bell asked Mr. Crawford if the costs, damages, and expenses of the reconstruction were less than the benefits accrued to the owners of the land benefited by the reconstruction. Mr. Crawford responded, "Yes."

Bruce Bell asked if anyone in favor of the project wished to speak.

Brent Ritenour came forward. He stated that his property was at the start of the Selke line. Troy Bungard displayed his parcel on a screen as Mr. Ritenour explained that the drain ran behind and along the edge of his property. Mr. Ritenour said that he and his wife had lived in their home since they had built it sixteen years earlier, and the extensive flooding had grown worse over the last ten years. He pointed out the circular drive on the property and stated that it flooded each spring, and the "tile upright was underwater this year by several feet." The Surveyor's Office went out each

year to auger the drain, or, he said, the entire property would flood. He stated the area behind his barn was always flooded. He explained that the situation was frustrating from January to April, when the water was released. He supposed the tile did not work anymore.

Chairman Bruce Bell thanked Mr. Ritenour and asked if anyone else would like to speak in favor of the reconstruction project.

Jim Fisher stepped forward. He stated his property was on Lorin Lane, and the drain went across his property. He supported the reconstruction because heavy rain caused standing water in the back of his property between his and his neighbor's property. He added that sometimes the drain backed up, and the water remained in the area for several months. He mentioned he was concerned about a sump pump that emptied into the drain. Jim and Kathleen Fisher submitted one letter of support and one letter explaining an issue to be considered. A copy of the letters is included in these minutes.

Mr. Bell thanked Mr. Fisher for his time and asked if anyone else wanted to speak in favor of the drain, but no one came forward.

Bruce Bell told the Surveyor to read or summarize any timely written objections. He stated that the Board would consider each objection separately and decide whether to approve or deny it.

Surveyor Crawford summarized two written objections by Michael D. Westrick regarding parcel #17-09-35-400-030.000-001 and parcel #17-09-35-400-029.000-001, which stated that his land did not need additional drainage. A copy of the letters is included in these minutes. Glenn Crawford summarized his letter of response, which stated that Mr. Westrick's land was in the Erwin Selke Watershed Number 439-00-0. A copy of the letter is included in these minutes.

Surveyor Glenn Crawford also read into the record a petition filed by Tyler Harrell on behalf of 32 additional landowners in the watershed. It stated objections based on the following five reasons: a historical irresponsibility by developers and the county, ongoing drain maintenance taxes, unequal benefit, scope beyond maintenance, and the responsibility of risk in low-lying development. The following watershed members signed the petition: Kristina Hathaway, Eric Hathaway, Jessica Knepper, Elisabeth Wilson, Mike Heemsoth, Mark Colby, Bruce Badders, Denise Harris, Scott Harris, John Godwin, Erin Godwin, Steve Borns, Marla Housel, Shane Compton, Deanna Willibey, Bruce M. Willibey, Kim West, Ron Westrick, Dustin Sewelin, Denise Sewelin, Kristin Short, Richard L. Short, Karen Straughn, Jeanne R. Shaw, Matthew Shaw, Betty J. Gorrell, Christine Simpson, Jason Cook, Ellie Cook, James Knepper, and Brooke Harrell. A copy of the petition is included in these minutes.

Surveyor Glenn Crawford read his response into the record. It stated that the residential structures were in place before the drain was adopted in 1997. It was adopted at the request of landowners. The response addressed the drain maintenance tax and clarified that the assessment was collected in 2022 and 2025 and received \$2541.55, which had been used each year to maintain the drain. The account was depleted and in the red. Mr. Crawford's response also stated that the reconstruction was meant to provide relief for watershed members, as clay tile was not permanent and eventually broke down. When maintenance issues became costly and ineffective, reconstruction was often considered. A copy of his response is included in these minutes.

Mr. Bell asked if anyone wished to speak against the project.

Jeanne Shaw stepped to the podium. She stated her land had been in her family for longer than 80 years, and she was being charged more than \$19,000. Her land would not receive \$19,000 in benefits, and she lived on social security. She expressed regret that other watershed members had drainage and basement problems, but she would not benefit from the reconstruction.

To address the point about irresponsible construction in low-lying areas, Joanne Ritenour stepped forward and said she took offense that she should have been educated about flooding issues. She said her grandparents had owned her property before her, and it had “never flooded in that area until the tile was put in.” She stated she was at her grandmother’s house when “they came presenting about this tile. So, we built knowing it didn’t flood there. Then after we built, then it started flooding.” She added that as the temperature increased, the standing water created a stench and attracted mosquitoes.

Tyler Harrell stepped to the podium. He asked if he could get a copy of the response letter. Lead Survey Technician Tyler Lanning offered his copy of the letter to Mr. Harrell, and Mr. Harrell asked if the overland flow paths and watershed could be shown on the map displayed on the screen. He stated that the landowners to the north had standing water all year. He conceded that they dealt with the same water and smells that other watershed members experienced. He explained that the water for the northern parcels did not utilize the tile but followed the overland flow path into the culvert on County Road 17 at the very end of the watershed. After entering the ditch, the water went under and across the road. He added that when he built his home, his land didn’t flood. Later, it did. However, he knew there were other tiles in the area that had been installed (probably) around the same time as the Selke tile, so he tracked down a private 12-inch tile that was broken and took responsibility to fix it.

He asked about the history of the Erwin Selke drain, and Tyler Lanning answered that landowners had petitioned the County to adopt it. Mr. Harrell said he was highly disappointed that the County would adopt any tile that ran under homes. He conceded that no one in the room had made the decision, but the responsibility now fell on those sitting in the room.

Tyler Lanning supposed that when a tile was private, it was difficult to decide who was responsible for fixing it when it broke and who would pay each portion of the cost. However, the Indiana Drainage Code dictated how a regulated drain was funded, so the process seemed fair and impartial. He also suggested that one possibility for the County adopting the drain was to fund and perform some of the necessary maintenance.

Mr. Harrell pointed out that just because landowners “shared” a drain did not mean they all “shared the benefit of the drain.” However, now the County wanted landowners to “share the cost.” He compared DeKalb County to Noble County, which allowed landowners to take responsibility for a drain. He challenged the Board to find a more effective way to fund the Erwin Selke Reconstruction Project. Ms. Kruse interjected that the Indiana Code, in this manner, offered an impartial method.

Mr. Bell asked Tyler Harrell how he would suggest the Board split the cost. Mr. Harrell stated that it was not his area of expertise, but it should be within the expertise of the Board. Mr. Harrell added that he thought a better way would be to assess those benefiting from the reconstruction. Bruce Bell asked Mr. Harrell who was benefiting. Mr. Harrell responded, “I think you should look at that. Is it the northern people or not?” Mr. Bell said it was the position of the Board that everyone in the watershed benefited.

Tyler Harrell asked about the maintenance log and drain taxes on the Erwin Selke Drain. Mr. Tyler Lanning answered that the drain had been assessed in 2022 and 2025. It collected about \$2500.00 each year. He explained that a drain can be collected for four years in a row unless it is close to the maximum amount it can hold in its drainage fund. The maximum amount the Erwin Selke could have in its fund was about \$10,000. Because the Erwin Selke Maintenance Account had been close to its maximum amount, the watershed members had not paid drainage assessments until 2022, when the account was depleted by numerous maintenance issues, which included cleaning tree roots from the drain. Performing maintenance had sent the account into the red. When an account was negative, it “was flagged for collection,” which was why it was collected in 2022 and again in 2025. Mr. Harrell asked if there was a way to see the account collection versus expenditure. Mr. Lanning said yes, the Office could run a report. Mr. Lanning also suggested that using Beacon as a reference could help landowners trace when a drain had been collected.

Mr. Harrell felt that convincing all the watershed owners they were benefitting equally would be difficult for the Drainage Board. He also asked why the drain tile was being rerouted and increased in size when an 8” tile had worked for years. Surveyor Glenn Crawford explained that rainfall had increased, and impervious surfaces had developed, which added to drainage in the Erwin Selke Watershed. He explained that the roughness coefficient for clay tile was less, which made it difficult for 8” clay tile to remain uniform. He explained that the 8” tile had worked but was insufficient for all the homes within the watershed with their sump pumps and the rainfall.

Tyler Harrell asked why the drain was being rerouted. Mr. Troy Bungard explained that the tile was being rerouted for the homes and to make it more serviceable. Some of the existing tile ran under homes, driveways, and a garage. It was difficult to service the tile that was blocked by permanent structures.

Mr. Bell asked if there were any further questions or comments from any other person present. There being none, Mr. Bell moved forward with the hearing by stating that he would now entertain a motion to approve or deny the written objections and asked if there were questions about the decision-making process.

Dustin L. Sewelin stepped to the podium and read the Indiana Code 36-9-27-112. He asked if the assessment and what the Board could consider when making decisions about reconstruction projects was public knowledge. Ms. Kruse stated that the Board accounted for many factors when it considered reconstructions, including property values and soil types. She added that the Surveyor’s Office looked at the history of the drain and if reconstructing it “wildly benefited” any person, which was “pretty rare” in DeKalb County, as the drainage issues were relatively similar. Mr. Sewelin felt that data about soil types and flow rates was “out there,” but had not been thoroughly considered. Tyler Lanning stated that flow rates were considered when designing reconstruction projects, which explained why the reconstruction plan utilized 12” tile rather than 8” tile. Mr. Lanning said the information was available for inspection at the Surveyor’s Office. Surveyor Glenn Crawford added that each reconstruction project was designed to have a minimum velocity of 2 feet/second, and he used .02 CFS/acre. He explained that he accounted for any standpoints in engineering design. Mr. Sewelin asked if he could see the report. Mr. Crawford responded that he did not put the information into a report, but he could show Mr. Sewelin his math and spreadsheet calculations. Mr. Sewelin agreed.

Mr. Sewelin asked a follow-up question about whether the tile would be perforated, solid tile, or dual wall. Mr. Troy Bungard displayed the reconstruction plan, and Glenn Crawford said it was dual wall, and the Office ran solid tile around areas where trees grew. Plans usually alternated

between solid and perforated tile bedded in #8 stone. Mr. Crawford explained that the Erwin Selke Reconstruction plan began with a perforated tile at County Road 17 and switched to solid tile along the woods. Troy Bungard also pointed out areas of solid tile. Mr. Lanning discussed the pond on Dustin Sewelin's parcel. Mr. Lanning stated that the reconstruction plan was designed not to drain Mr. Sewelin's pond.

Dustin Sewelin also said he would lose a small portion of hay during the reconstruction project. Mr. Bell clarified that Mr. Sewelin's objection was the way it was assessed, the way it was designed, and the way it interfered with his pasture. Mr. Sewelin confirmed Bruce Bell's statement and added that "the technical data," like flow rates, soil composition, and wetlands, was unavailable to the public.

Mr. Tyler Harrell returned to the podium and asked if the Office could confirm if there was more than one cost assessment that the Board considered when deciding the way the Erwin Selke reconstruction would be assessed for landowners. Mr. Tyler Lanning answered that the Board had discussed two options, but since the State Code dictated that the entire watershed should be assessed, the Board had chosen to assess the entire watershed, which included the northern parcels. Mr. Harrell also stated that when he came to The Surveyor's Office to view paperwork that the landowner notices said would be available, it wasn't. Members of the Office were able to provide him with copies of it, but the paperwork listed in the landowner notice was not readily available.

Ron Westrick came forward and asked if everyone had been assessed \$16,000. Troy Bungard answered that the State Code dictated that the benefited acreage was included in the calculation for each landowner. The total cost of the reconstruction was totaled and divided by the number of acres in the watershed, which gave a cost per acre. Then, each landowner was assessed based on the number of acres they owned that benefited from the reconstruction. Mr. Bungard noted that the cost per acre for the Erwin Selke Reconstruction was roughly \$440/per acre. Ron Westrick asked if that meant that if one person owned one acre, their bill would be \$440. Mr. Bungard said it did. Mr. Westrick said he could not afford his bill and did not think he should have to pay for it.

Mike Westrick addressed the Board and stated that most of the drainage from his and his brother's property went to the ponds west of County Road 17. He felt that the reconstruction was costly and unnecessary.

Mr. Bell asked if anyone else would like to speak against the reconstruction, but no one came forward. He stated the Board needed to decide whether to approve or deny each objection. Ms. Shannon Kruse read the Indiana Drainage Code Section that determined whether an objection should be approved or denied. Ms. Kruse added that if the Board approved an objection, the assessments would have to be refigured. Chairman Bruce Bell asked if anyone had questions about the process.

Mr. Glenn Crawford asked if the northern landowners would be open to running a lateral from the proposed tile north to service many of their parcels. Brooke Harrell asked if it would alleviate the flooding on County Road 19. She stated that County Road 19 flooded for months on end. She felt it presented a safety concern as the county road was the only way to access her driveway, and during periods of flooding, an ambulance or emergency vehicle would have difficulty reaching her property.

Mr. Bell stated that it would not be packaged in, but it would be included in the reconstruction of the E.P. Griffin. Ms. Harrell stated that they had owned the property for ten years, and the road

had flooded the entire time. She did not feel confident agreeing to a lateral when it would not alleviate her concern, as she had seen the County ignore flooding.

Mr. Harrell answered Glenn Crawford's question about the lateral. He said he was uncomfortable having the County take responsibility for a tile in his backyard.

Commissioner Bill Hartman asked if the watershed could be redefined to exclude the northern end. He thought removing the northern end would reduce the flow rate, which would allow the tile size to be reduced. Mr. Crawford stated that the northern parcels did not utilize the tile. The water from the northern end followed the overland flow path into the culvert on County Road 17. Their water did not contribute to the decision to increase the tile from 8" to 12".

Tyler Lanning added that the tile Mr. Hartman and Mr. Crawford were discussing was missing. He explained the tile did not run to County Road 17 but ended further to the east where it turned into an open ditch. Part of the reconstruction plan was to install tile up to CR 17 and work an overland swale to relieve the swamp that currently held the water before it released into the culvert. Specifically, the plan called for tile, a structure, and a swale.

Tyler Harrell added that he was unsure of where his private 12-inch tile ran, but Glenn Crawford said if the County hit it, they would tie it in.

Chairman Bruce Bell asked if there were any further questions.

Mr. Bell stated that the Board needed to accept or deny the written objections.

Commissioner Kellen Dooley asked Troy Bungard to display Michael D. Westrick's property. Mr. Bungard and Mr. Lanning identified the parcels that Michael Westrick and Ron Westrick owned. Commissioner Bill Hartman confirmed the overland flow path. Tyler Lanning confirmed that the water flowed to the southwest. Bruce Bell asked if there were further questions or comments about Michael Westrick's letter about the parcel associated with the Tax ID #17-09-35-400-030.000-001. He also asked if someone would make a motion to approve or deny the objection.

Commissioner Dooley asked what it meant to deny a landowner's objection, and Ms. Kruse stated that the schedule assessments would remain unchanged for the parcel. Mr. Lanning clarified that accepting an objection removed the parcel from the watershed.

Commissioner Kellen Dooley motioned to deny the objection by Michael D. Westrick for parcel #ID #17-09-35-400-030.000-001, and Commissioner Jim Miller seconded the motion. Having a motion and a second to deny the objection, Mr. Bell asked if there was further discussion. Hearing none, he called for a vote, and the motion carried with a vote of 5-0.

Chairman Bell then introduced an objection by Michael Westrick on Tax ID #17-09-35-400-029.000-001. Bruce Bell asked for a motion regarding the objection, and Commissioner Bill Hartman made a motion to approve the letter of objection. Since no one seconded the motion, it failed. Chairman Bell asked if there was a motion to deny the letter of objection by Michael D. Westrick on Tax ID #17-09-35-400-029.000-001, and Commissioner Jim Miller motioned to deny the letter of objection. Mr. Steve Kelham seconded the motion. Having a motion and a second to deny the objection by Michael Westrick, Mr. Bell asked if there was further discussion. Hearing no further discussion, Chairman Bell called for a vote, and the motion carried by a vote of 4-1.

Commissioner Kellen Dooley asked Attorney Shannon Kruse how the Board should proceed in addressing the petition. She answered that the 34 landowners shared the same 5 objections, and the Surveyor's response to them was the same. She instructed the Board that if the testimony from the landowners during the hearing singled them out in some way, the Board should approve the

petition for the landowner. Otherwise, the petition could be treated as one because it was submitted as one.

Bruce Bell stated that the Board had a petition signed by 34 landowners who all had the same objections. He said he would entertain a motion to either approve or deny the objections from 34 landowners, as presented.

Commissioner Kellen Dooley made a motion to approve the petition. Chairman Bell asked for a second, but no one seconded the motion. Chairman Bell asked for a motion to deny the petition by 34 landowners. Mr. James Miller motioned to deny the petition, and Steve Kelham seconded the motion. Having a motion and a second to deny the group petition, Mr. Bell asked if there was further discussion. Hearing none, he called for a vote, and the motion was carried to deny the petition. A member of the audience asked for a roll call. Chairman Bell answered, "Jim was a yes, Steve was a yes, Bill's a no, Kellen was a no, and I'm a yes."

Mr. Bell then stated that the Board would now begin the decision-making process.

- Mr. Bell asked if any member of the Board desired any further evidence to make a decision. Mr. Jim Miller confirmed that portions of the tile were under homes. Mr. Lanning explained that most of the maintenance had been in portions of the tile filled with tree roots and not in portions of the tile under homes. He stated that, if necessary, the Office could dig up driveways to perform maintenance. The Board members responded no.
- Mr. Bell asked if the Board should be adjourned and reconvened to another date to obtain further evidence. The Board members replied no.
- Mr. Bell asked if the schedule of reconstruction assessments should be changed in any way. Bruce Bell, Commissioner Miller, and Steve Kelham voted no, and Commissioner Hartman and Commissioner Dooley voted yes.
- Mr. Bell asked if the Surveyor's Report should be approved as finally presented. Bruce Bell, Commissioner Miller, and Steve Kelham voted yes, and Commissioner Hartman and Commissioner Dooley voted no.

Mr. Bell then requested the Board attorney read the Findings of Fact for the Board to consider and asked for a motion regarding the Findings of Fact. A copy of the Findings of Fact is included in these minutes.

DEKALB COUNTY SURVEYOR'S OFFICE

220 East Seventh Street, Suite 130, Auburn, IN, 46706
Phone (260) 925-2222; Fax (260) 927-4746



GLENN M. CRAWFORD
DeKalb County Surveyor

March 12, 2025

ERWIN SELKE Drain No. 439-00-0 Reconstruction Report

The existing Drain was adopted as a regulated system in 1997.

Existing tile by record: 3,686 feet of 8-inch diameter

The drain is in need of reconstruction in the Surveyor's opinion because;

- (1) It will not perform the function for which it was designed and constructed;
- (2) It no longer conforms to the maps, profiles, and plans prepared at the time when the legal drain was established and;
- (3) Changes have made the drain inadequate to properly drain the lands affected without extensive repairs or changes.

The drain has deteriorated to a non-working condition, was not designed to handle the present amount of drainage from the watershed, and is endangering occupied residences with flooding.

With the increase in rainfall due to increased intensity of storm events, with the age of the tile and the deterioration of the tile and collapsing due to tile failure, with the poor grade and slope of the tile which decreases the water carrying capacity of the tile, with missing and incomplete portions of the drain, and with the general poor condition of the tile system, the Erwin Selke Drain No. 439-00-0 is in need of reconstruction.

Total acres in the tile watershed	245.25 acres
Total land parcels in watershed	42

The proposed reconstruction for the Erwin Selke Drain No. 439-00-0 system would consist of the following:

1724 feet of 10 inch Dual Wall Tile
500 feet of 12 inch Dual Wall Tile
1160 feet of 15 inch Dual Wall Tile
<u>40 feet of 24 inch Dual Wall Tile</u>
3,424 feet total of tile with all the fittings and parts necessary for a complete system.

DeKalb County Surveyor's Office

Total engineer's estimate for pipe, fittings, stone, installation, and restoration is \$108,964.56

Estimated Cost Per Acre is $\frac{133,964.56}{245.25 \text{ acres}} = \546.23 per acre

133,964.56 *

MRD

The final cost to the landowners will be determined by the final cost of the project.

Bids will be taken for pipe and fittings, stone backfill, installation of pipe and stone, and restoration of the site. The bids for the project cannot exceed the engineer's estimate by more than 10% or the project must stop and be rebid.

I would respectfully ask the Drainage Board to approve the reconstruction of the Erwin Selke Drain No. 439-00-0.

Glenn M Crawford

DEKALB COUNTY SURVEYOR
RECEIVED

MAY 05 2025

COURTHOUSE
AUBURN, IN 46706

5/2/2025

DeKalb County Drainage Board,

We are in favor of the reconstruction of the Erwin Selke drain for the following reasons:

- Standing water from the clogged drain causes several problems
- Unsanitary conditions from stagnant water.
- Owners cannot maintain yards properly
- Excavating in our yards almost yearly
 - Expensive excavation costs for the county
 - Troublesome leveling and reseeding
 - Inconvenience to property owners

Please allow us to speak in favor of the reconstruction at the public hearing on May 22, 2025.

Thank you,

James and Kathleen Fisher

7163 Lorin Lane
Huntertown, IN 46748
260-446-9551

James Fisher
Kathleen M Fisher

5/5/2025

Dekalb County Drainage Board,

After consideration of rerouting the Erwin Selke drain, we have the following concern:

Our basement sump is routed into the current county drain. It is a concern for the following addresses:

7143 Lorin Lane

7163 Lorin Lane

7183 Lorin Lane

Please keep this in mind when altering the Erwin Selke drain.

Kind Regards,

James and Kathleen Fisher

7163 Lorin Lane
Huntertown, IN 46748
260-446-9551

James Fisher
Kathleen Fisher

DEKALB COUNTY SURVEYOR
RECEIVED
MAY 07 2025
COURTHOUSE
AUBURN, IN 46706

**NOTICE OF PUBLIC HEARING FOR THE
RECONSTRUCTION OF A COUNTY REGULATED DRAIN
AS REQUESTED BY THE DEKALB COUNTY DRAINAGE BOARD**

MAY 22, 2025

NOTICE IS HEREBY GIVEN THAT this Drainage Board will hold a public hearing for the reconstruction of a county-regulated drain and will receive evidence at the hearing for the following matters:

DRAIN NAME: ERWIN SELKE **DRAIN NO.** 439-00-0

DATE OF HEARING: MAY 22, 2025 **TIME:** 9:00 A.M.

PLACE: DeKalb County Courthouse
2nd Floor, Derald D. Kruse Commissioner's Court
Auburn, Indiana

DEKALB COUNTY SURVEYOR
RECEIVED

MAY 05 2025

COURTHOUSE
AUBURN, IN 46706

Drain is located in: Butler Township, DeKalb County

1. THAT a portion of the drain will be reconstructed:
 - a. THAT the reconstruction report of the surveyor and schedule of assessments made by the Board have been filed and are available for public inspection in the office of the surveyor of DeKalb County.
 - b. THAT the surveyor has estimated that the total reconstruction cost to the entire watershed for the reconstruction of the drain under I.C. 36-9-27-66 is in the sum of \$133,964.56.
 - c. THAT you will have up to five (5) years to pay this assessment, plus interest.

YOUR COST OF RECONSTRUCTION IS ESTIMATED TO BE \$6,271.56.

YOUR PERCENTAGE OF THE RECONSTRUCTION COST IS 4.68%

Tax ID Number	Parcel Acres	BENEFITTED ACRES
17-09-35-400-030.000-001	11.49	11.48

2. THAT for all the proposed items above you have until five (5) days before date of hearing to file written objections with the Drainage Board together with written evidence in support of your objection; and:
 - a. THAT your failure to file an objection constitutes a waiver of your right to thereafter object, either before the Drainage Board or, on the ground stated therein, in court to any final action of the Board.
 - b. THAT each objection and all evidence filed up to five (5) days prior to date of hearing will be given consideration. Objections may be sent to the DeKalb County Drainage Board administrative office, 220 East Seventh Street, Suite 130, Auburn, IN 46706.
 - c. THAT thereafter the Board will issue findings and an order adopting the final schedule of assessment as finally determined by them, and notice of the Board's decision will be published according to law.
 - d. THAT you will have twenty (20) days from said date of publication for judicial review of the findings of the Drainage Board.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL
THE DEKALB COUNTY SURVEYOR'S OFFICE AT (260) 925-2222.

*This parcel of ground that I own does not
require additional drainage. I therefore am
not paying for something I do not require.*

yours.

Michael D. Westrick
MD

**NOTICE OF PUBLIC HEARING FOR THE
RECONSTRUCTION OF A COUNTY REGULATED DRAIN
AS REQUESTED BY THE DEKALB COUNTY DRAINAGE BOARD**

MAY 22, 2025

NOTICE IS HEREBY GIVEN THAT this Drainage Board will hold a public hearing for the reconstruction of a county-regulated drain and will receive evidence at the hearing for the following matters:

DRAIN NAME: ERWIN SELKE **DRAIN NO.** 439-00-0

DATE OF HEARING: MAY 22, 2025 **TIME:** 9:00 A.M.

PLACE: DeKalb County Courthouse
2nd Floor, Derald D. Kruse Commissioner's Court
Auburn, Indiana

DEKALB COUNTY SURVEYOR
RECEIVED

MAY 05 2025

COURTHOUSE
AUBURN, IN 46706

Drain is located in: Butler Township, DeKalb County

1. THAT a portion of the drain will be reconstructed:
 - a. THAT the reconstruction report of the surveyor and schedule of assessments made by the Board have been filed and are available for public inspection in the office of the surveyor of DeKalb County.
 - b. THAT the surveyor has estimated that the total reconstruction cost to the entire watershed for the reconstruction of the drain under I.C. 36-9-27-66 is in the sum of \$133,964.56.
 - c. THAT you will have up to five (5) years to pay this assessment, plus interest.

YOUR COST OF RECONSTRUCTION IS ESTIMATED TO BE \$4,496.08.

YOUR PERCENTAGE OF THE RECONSTRUCTION COST IS 3.36%

Tax ID Number	Parcel Acres	BENEFITTED ACRES
17-09-35-400-029.000-001	08.23	8.23

2. THAT for all the proposed items above you have until five (5) days before date of hearing to file written objections with the Drainage Board together with written evidence in support of your objection; and:
 - a. THAT your failure to file an objection constitutes a waiver of your right to thereafter object, either before the Drainage Board or, on the ground stated therein, in court to any final action of the Board.
 - b. THAT each objection and all evidence filed up to five (5) days prior to date of hearing will be given consideration. Objections may be sent to the DeKalb County Drainage Board administrative office, 220 East Seventh Street, Suite 130, Auburn, IN 46706.
 - c. THAT thereafter the Board will issue findings and an order adopting the final schedule of assessment as finally determined by them, and notice of the Board's decision will be published according to law.
 - d. THAT you will have twenty (20) days from said date of publication for judicial review of the findings of the Drainage Board.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL
THE DEKALB COUNTY SURVEYOR'S OFFICE AT (260) 925-2222.

This parcel of ground that I own does not require additional drainage. I therefore am not paying for something I do not require.

Yours,
Michael P. Wortschick
MOWB

DEKALB COUNTY SURVEYOR'S OFFICE

220 East Seventh Street, Suite 130, Auburn, IN, 46706

Phone (260) 925-2222; Fax (260) 927-4746

**GLENN M. CRAWFORD**DeKalb County Surveyor

May 22, 2025

ERWIN SELKE Drain No. 439-00-0**Objection Response: Michael Westrick**

The land owned by Mr. Westrick is within the Erwin Selke watershed and utilizes the existing tile system for drainage.

Glenn M Crawford

5-16-2025

**Petition to the DeKalb County Drainage Board Regarding the Erwin Selke Drain
Reconstruction Assessment**

DEKALB COUNTY SURVEYOR
RECEIVED

MAY 16 2025

COURTHOUSE
AUBURN, IN 48708

To the Honorable Members of the DeKalb County Drainage Board,

We, the undersigned property owners within the Erwin Selke regulated drain watershed, respectfully submit this petition to formally express our opposition to the current proposal that would assess the cost of the Erwin Selke drain reconstruction equally across all parcels in the watershed.

We believe that this assessment, as proposed, is unfair and unjustified for the following reasons:

1. **Historical Irresponsibility by Developers and the County**
The current issues with the Erwin Selke regulated drain are not solely the result of age or natural wear, but stem from years of neglect, poor planning, and irresponsible development. Developers have been permitted to build in low-lying areas without proper drainage consideration, and the county has failed to enforce regulations or provide adequate oversight to prevent the current situation.
2. **Ongoing Drain Maintenance Taxes**
Property owners within this watershed have paid a maintenance tax on this regulated drain every year since its designation. These funds were intended to preserve and maintain the drain's function. We question why, despite this continued funding, such a substantial reconstruction is now necessary — and why we should pay again, particularly when past funds have seemingly not been used effectively.
3. **Unequal Benefit**
The proposed improvements will drastically increase the property values and development potential of a small number of select parcels, particularly those in poorly drained or low-lying areas. Conversely, many of us will see no practical benefit — only the financial burden. A fair and equitable system would place the majority of the cost on those who stand to gain the most.
4. **Scope Beyond Maintenance**
The outlined project is not simply a replacement of existing infrastructure. It includes an **upgrade to a larger system** and **rerouting** of the drain. These enhancements go beyond basic maintenance and directly support new development — again, primarily benefiting a few at the expense of all.
5. **Responsibility of Risk in Low-Lying Development**
Property owners who choose to develop or build in low-lying or flood-prone areas must accept the responsibilities and costs that come with such decisions. These private development choices should not be subsidized by neighboring property owners who neither created nor benefit from the drainage issues.

In conclusion, we strongly urge the Drainage Board to reevaluate the funding mechanism for this reconstruction project. A more targeted assessment, based on proportional benefit and responsibility, is both fairer and more just. Until such an approach is adopted, we oppose the current plan and any blanket assessment placed on all parcels in the watershed.

DEKALB COUNTY SURVEYOR
RECEIVED

MAY 16 2025

COURTHOUSE
AUBURN, IN 46708

Respectfully,

[Space for Signatures and Addresses]

Kristina Hathaway	Kristina Hathaway	7137 CR 19
Eric Hathaway	Eric Hathaway	7137 CR 19
Jessica Knepper	Jessica Knepper	7138 CR 19
Elizabeth Nelson	Elizabeth Nelson	7155 CR 19
MILSE HEGG	MILSE HEGG	7177 CR 19
MARK COLBY	MARK COLBY	7203 CR 19
Timothy Nicol	Timothy Nicol	1809 CR 7A
Bruce Boldus	Bruce Boldus	7281 Lorin Lane
Debbie Harris	Debbie Harris	7180 Lorin Lane
Scott Harris	Scott Harris	7180 Lorin Lane
John Godwin	John Godwin	7143 Lorin Ln
Erin Godwin	Erin Godwin	7143 Lorin Ln
STEVE BORNIS	STEVE BORNIS	7140 Lorin Ln
Marla Hoxse	Marla Hoxse	7120 Lorin Ln
THE COMPTON	THE COMPTON	7120 Lorin Ln
Deanna	Deanna	7123 Lorin Ln
Daniel M. Wilkley	Daniel M. Wilkley	7123 Lorin Ln
Tim Wilkley	Tim Wilkley	7121 Lorin Ln
Ron Wilkley	Ron Wilkley	7121 Lorin Ln
DUSTIN S. SWEELIN	DUSTIN S. SWEELIN	1777 CR 72
Denise Sewelin	Denise Sewelin	1777 CR 72
Kristin Short	Kristin Short	1755 CR 72
Richard L. Short	Richard L. Short	1755 CR 72
Karen Strough	Karen Strough	7289 CR 17 1/2 CR 72
Jaane Strough	Jaane Strough	7247 CR 17
Watt Davis	Watt Davis	7047 CR 17
Betty J. Gorrell	Betty J. Gorrell	2011 CR 72
Christine Singer	Christine Singer	7051 CR 19
Tamara Cook	Tamara Cook	7057 CR 19
Ellie Cook	Ellie Cook	7051 CR 19
James Knapp	James Knapp	7138 CR 19
Brooke Harrell	Brooke Harrell	7052 CR 19
Gyle Harrell	Gyle Harrell	7052 CR 19

260-410-6919



DEKALB COUNTY SURVEYOR'S OFFICE

220 East Seventh Street, Suite 130, Auburn, IN, 46706
Phone (260) 925-2222; Fax (260) 927-4746



GLENN M. CRAWFORD
DeKalb County Surveyor

May 22, 2025

ERWIN SELKE Drain No. 439-00-0
Objection Response: Objection Petition

Below are responses in consideration to the points of objection outlined in the petition.

1. Historical Irresponsibility by Developers and the County

Residential structures along and above the Erwin Selke Drain were constructed and in place prior to the drain being adopted as a County Regulated Drain in 1997. The Erwin Selke Drain was petitioned by the landowners within the watershed to change the drain from a private tile to a County Regulated Drain.

2. Ongoing Drain Maintenance Taxes

The Erwin Selke Drain has not been collected every year. Within the last five years, it was collected twice, pay year 2022 and pay year 2025. On years of collection, the watershed receives \$2,541.55 toward maintenance. The continued maintenance needed for the poor condition of this drain system has depleted the maintenance account to a negative balance.

3. Unequal Benefit

This reconstruction is intended to supply relief to watershed members from continuous flooding and drainage issues.

4. Scope Beyond Maintenance

Clay tile is not indefinite, and reconstruction of poorly functioning drains becomes necessary to provide adequate drainage for a watershed when maintenance can no longer provide relief for landowners within the watershed.

5. Responsibility of Risk in Low-Lying Development

With understanding of the Responsibility of Landowners to take consideration and care in choosing development sites, we also must ensure that our County Regulated Drains operate properly and provide adequate drainage to all members of the watershed.

The goal of our Surveyor's Office is always to work productively with the residents of DeKalb County, seeking to find the most beneficial and impartial solutions possible. We are appreciative of the involvement of the residents from within the watershed and we want to continue to collaborate with residents and the drainage board to discuss options that will best serve all involved.

Glenn M Crawford

DEKALB COUNTY DRAINAGE BOARD FINDINGS OF FACT

NAME OF DRAIN: Erwin Selke

NUMBER: 439-00-0

THE BOARD MAKES THE FOLLOWING FINDINGS OF FACT FOR THE RECONSTRUCTION OF A DRAIN:

These are the proposed findings, which are not final until adopted by the Board:

1. The public hearing has been and is being recorded in digital form.
2. The petition previously filed for this drain is admitted into evidence.
3. The drain has been classified and previously placed on the priority list of the long-range plan of the Board.
4. There are no damages to any landowner.
5. None of the benefit factors of Section 112 of the Indiana County Drainage Board Code are excluded, except:
 - (1) The watershed affected by the drain to be maintained.
 - (2) The number of acres in each tract.
 - (3) The total volume of water draining into or through the drain to be reconstructed, and the amount of water contributed by each landowner.
 - (4) The land use.
 - (5) The increased value accruing to each tract of land from the reconstruction.
 - (6) Whether the various tracts are adjacent, upland, upstream, or downstream in relation to the main trunk of the drain.
 - (7) Elimination or reduction of damage from floods.
 - (8) The soil types, and
 - (9) Any other factors affecting the reconstruction.
6. All landowners who received notices of the proposed assessment have lands within the watershed.
7. Notices by mail and by newspaper have been properly and timely made as required by the Indiana County Drainage Board Code for a public hearing.
8. That any and all assessments are paid at the same base rate per acre with a reconstruction.
9. The Surveyor's report with maps and drawings to the Board is received as evidence and approved by the Board, and the facts therein are found to be true.
10. That all lands included in the watershed are assessed.
11. That no land outside the watershed is assessed.
12. None of the benefits assessed against any landowner are excessively applied.
13. No further evidence is required for the Board to make a decision.
14. All persons desiring to speak, in person or by counsel, have been permitted to present their evidence orally or in writing.
15. All timely objections, if any, have been heard, discussed, replied to by the Surveyor, and ruled on by the Board.
16. All persons present have been given adequate opportunity to ask questions of the Surveyor, the Board, or any other persons present.
17. No person has objected to the procedure of the Board during the public hearing.
18. The Board has jurisdiction over this drain under the Indiana County Drainage Board Code.
19. The drain is in need of periodic maintenance after the reconstruction.
20. That any drains combined into one unit in the public hearing are done so per the following requirements: There was no combination of drains.

21. The drain cannot be made to perform the function for which it was designed and constructed, and cannot be made to properly drain all affected land under current conditions.
22. That the work proposed by the Surveyor to be performed on this drain does the following:
(Check the items that apply)
 - A. ☐ Converts all or part of an open drain to a tiled drain.
 - B. ☐ Converts all or part of a tiled drain to an open drain.
 - C. ☐ Adds an open drain to a tile drain.
 - D. ☐ Adds a tiled drain to an open drain.
 - E. ☒ Increases the size of a tile, if any.
 - F. ☒ Deepens an open drain, if any.
 - G. ☒ Widens an open drain, if any.
 - H. ☒ Extends the length of the drain.
 - I. ☒ Changes the course of the drain.
 - J. ☐ Includes construction of a drainage detention basin.
 - K. ☐ Includes construction of a drainage control dam.
 - L. ☐ Provides for an erosion control structure.
 - M. ☐ Provides for grade stabilization structure, and;
 - N. ☐ Makes any major changes to a drainage system that would be of public utility.
23. That there has been no credible evidence presented to the Board to vacate the drain.
24. That the proposed improvement will result in benefits to the watershed above the costs of reconstruction, in that it will:
 - (a) Result in the reclamation of approximately 0 acres of agricultural land.
 - (b) Result in increased safety on public highways in or near said watershed.
 - (c) Result in longer life and fewer repairs of public highways in or near said watershed.
 - (d) Decrease the threat of insects, pests, and their related diseases.
 - (e) Increase yields of farm crops from land within the watershed.
 - (f) Increase the values of land within the watershed.
 - (g) Reduce damage from flooding.
 - (h) Other (Specify)
25. There has been no evidence that the drain has been abandoned by the Board.
26. That all relevant documentation in the files of the Surveyor and the Board regarding this drain is received into evidence by the Board.
27. The schedule of assessments as originally filed is adopted by the Board.
28. The Administrative Assistant of the Board shall publish notice of the Board's Final Order as required by the Indiana Drainage Board Code.
29. That the Final Order form of the Board is approved for this drain and is adopted to the extent it can be made consistent with these Findings and the Final Order of the Board.
30. The costs, damages, and expenses of the reconstruction do not exceed the benefits that result to the owners of all land benefited.
31. The damages assessed by the Board, if any, are adequate.
32. The damages assessed by the Board, if any, are only against land in the watershed.
33. The costs, damages, and expenses of the reconstruction are less than the benefits accruing to the owners of the land benefited by the reconstruction.

Kellen Dooley moved that the Board approve the Findings of Fact, numbers 1 through 33, as submitted, and Bill Hartman seconded the motion. Having a motion and a second, Chairman Bell asked if there was further discussion, but hearing none, he called for a vote. The motion carried.

Mr. Ron Westrick asked how long landowners had to file a lawsuit. Mr. Tyler Lanning answered, "20 days," and Ms. Kruse answered with the Indiana Drainage Code Number.

Mr. Bruce Bell asked for a motion to adopt or dismiss the Reconstruction. Commissioner Kellen Dooley motioned to dismiss the Petition for Reconstruction of the Erwin Selke Drain No. 439-00-0, and Bill Hartman seconded the motion. Having a motion and a second, Bruce Bell asked if there was further discussion. Commissioner Dooley pointed out that if 37 out of 42 parcels were against the reconstruction, a high percentage of the watershed was against it. Chairman Bell called for a vote to dismiss the petition for reconstruction. The motion failed by a vote of 2-3.

Chairman Bell then asked if there was a motion to adopt the Petition for Reconstruction of the Erwin Selke Drain No. 439-00-0, and Commissioner Jim Miller motioned to adopt the petition. Mr. Steve Kelham seconded the motion. Having a motion and a second, Mr. Bell called for a vote, and it carried by a vote of 3-2.

FINAL ORDER OF RECONSTRUCTION OF THE ERWIN SELKE DRAIN NUMBER 439-00-0

The DeKalb County, Indiana, Drainage Board (hereinafter referred to as "Board") now renders its Final Order for the reconstruction of the Erwin Selke Drain, the same being Number 439-00-0 in the records of the Surveyor of DeKalb County, Indiana.

1. Date of Filing. No petition was filed. The Surveyor of DeKalb County (hereinafter referred to as "Surveyor"), while preparing reports in the reconstruction for the receiving drain, proceeded to prepare the reconstruction report for this drain on or about March 12, 2025.
2. Jurisdiction. That the existing drain is regulated and within the jurisdiction of this Board, according to I.C. 36-9-27-15.
3. Report of Surveyor. That the Board referred the Erwin Selke Drain herein to the Surveyor to prepare a report according to I.C. 36-9-22(c), which report was filed and presented to this Board on March 12th, 2025, in the Derald D. Kruse Commissioner's Court, Courthouse, Auburn, Indiana.
4. Schedule of Assessments. That the Board then prepared a schedule of assessments and damages according to I.C. 36-9-27-50, naming each landowner benefited or damages, his/her address, percent of total cost to be assessed against each tract of land based upon benefit received, showing the amount of each assessment based on the total estimated cost of improvement, and showing the amount of each owner's annual assessment based on the total estimated cost of periodically maintaining said improvement.
5. Legal Notice of Hearing. Legal notice of hearing was published according to I.C. 36-9-27-52(a) as follows:
 - a. In *the Star*, a newspaper of general circulation in DeKalb County, Indiana.
 - b. On May 8th, 2025, which date was not less than ten (10) days before the date of said hearing.
6. Mailed Notice of Hearing. Notice of hearing was sent on April 17th, 2025, by First Class United States mail in a five-day return envelope to each owner named in the schedule of damages and assessments as filed with the Surveyor's report herein, which notice was mailed not less than thirty (30) days, nor more than forty (40) days, before said hearing date, all per I.C. 36-9-27-52(a).

7. Department of Natural Resources Notice. Since the improvement proposed does not involve the construction or reconstruction of a regulated open drain, notice of said hearing was not sent to the Indiana Department of Natural Resources.
8. Objections Filed. At least five (5) days before said hearing, the following objections to the proposed improvements were received.

OBJECTOR

OBJECTION FILED

- | | |
|------------------------|---|
| 1. Michael D. Westrick | A. Too costly for too little benefit |
| 2. Michael D. Westrick | A. Too costly for too little benefit |
| 3. Tyler Harrell | A. Historical irresponsibility by developers and the county
B. Costly maintenance assessments plus a costly reconstruction
C. Benefit of a few at the expense of all
D. An upgrade to an existing system, constituting support for new development
E. Responsibility of Risk in low-lying development |
| 4. Kristina Hathaway | A. Historical irresponsibility by developers and the county
B. Costly maintenance assessments plus a costly reconstruction
C. Benefit of a few at the expense of all
D. An upgrade to an existing system, constituting support for new development
E. Responsibility of Risk in low-lying development |
| 5. Eric Hathaway | A. Historical irresponsibility by developers and the county
B. Costly maintenance assessments plus a costly reconstruction
C. Benefit of a few at the expense of all
D. An upgrade to an existing system, constituting support for new development
E. Responsibility of Risk in low-lying development |
| 6. Jessica Knepper | A. Historical irresponsibility by developers and the county
B. Costly maintenance assessments plus a costly reconstruction
C. Benefit of a few at the expense of all
D. An upgrade to an existing system, constituting support for new development
E. Responsibility of Risk in low-lying development |
| 7. Elisabeth Wilson | A. Historical irresponsibility by developers and the county
B. Costly maintenance assessments plus a costly reconstruction
C. Benefit of a few at the expense of all |

- D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
8. Mike Heemsworth
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
9. Timothy Niebel
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
10. Mark Colby
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
11. Bruce Badders
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
12. Denise Harris
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
13. Scott Harris
- A. Historical irresponsibility by developers and the county

- B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
14. John Godwin
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
15. Erin Godwin
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
16. Steve Borns
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
17. Marla Housel
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
18. Shane Compton
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development

19. Deanna Willibey
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
20. Bruce M. Willibey
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
21. Kim West
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
22. Ron Westrick
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
23. Dustin Sewelin
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
24. Denise Sewelin
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development

25. Kristin Short
- E. Responsibility of Risk in low-lying development
 - A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
26. Richard L. Short
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
27. Karen Straughn
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
28. Jeanne R. Shaw
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
29. Matthew Shaw
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
30. Betty J. Gorrell
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all

- D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
31. Christine Simpson
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
32. Jason Cook
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
33. Ellie Cook
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
34. James Knepper
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development
35. Brooke Harrell
- A. Historical irresponsibility by developers and the county
 - B. Costly maintenance assessments plus a costly reconstruction
 - C. Benefit of a few at the expense of all
 - D. An upgrade to an existing system, constituting support for new development
 - E. Responsibility of Risk in low-lying development

And that failure of any landowner to object five (5) days before said hearing to said petition, report, or schedules, thereby waived any other objections according to I.C. 36-9-27-52(b).

9. Evidence Concerning Objections. According to I.C. 36-9-27-52(f), on or before the final hearing, the Surveyor caused written evidence to be filed concerning the objections timely filed herein, which evidence is on file in the office of the Surveyor.
10. Hearing. A hearing in connection with said improvement was held on May 22nd, 2025, at 8:30 a.m., in the Derald D. Kruse Commissioner's Court, Courthouse, Auburn, Indiana, at which hearing the objects to said petition were heard and discussed, evidence was had and considered, the proposed improvement was explained, and certain landowners were present.
11. Disposition of Objection:
12. Amendments to Surveyor's Report. Upon the record developed, the following amendments were made by the Board to the report of the Surveyor.
13. Periodic Maintenance. That said improvement will be in need of periodic maintenance and the cost of periodically maintaining the proposed improvement will remain the same rate of \$6.50 per acre for agricultural land use, \$13.00 per acre for residential land use, and \$19.50 per acre for commercial land use per year, with a minimum of \$10.00 per parcel.
14. Reconstruction. The present drain is in need of reconstruction.
15. Type of Improvement. That the proposed improvement is a reconstruction within the meaning of I.C. 36-9-27-34(a) in that: (include only those appropriate)
 - A. It can no longer perform the function for which it was designed and constructed.
 - B. Topographical or other changes have rendered the drain inadequate to properly drain the lands affected without extensive repair or changes.
 - C. It involves the conversion of an open ditch to a tile ditch or vice versa.
 - D. It adds an open or tiled ditch to the existing improvement.
 - E. It involves increasing the size of the tile.
 - F. It involves deepening or widening an open ditch.
 - G. It involves extending the length of a drain.
 - H. It involves changing the course of a drain.
 - I. It involves constructing drainage detention basins or control dams.
 - J. It involves providing for erosion control or grade stabilization structures.
 - K. It involves major changes to a drainage system that would be of public utility.
16. Improvement Justification. According to I.C. 36-9-27-52(i), the Board finds that the proposed improvement will result in benefits to the watershed over the costs of reconstruction in that it will:
 - A. Result in the reclamation of approximately 0 acres of agricultural land.
 - B. Result in increased safety on public highways in or near said watershed.
 - C. Result in longer life and fewer repairs of public highways in or near said watershed.
 - D. Decrease the threat of insects, pests and their related diseases.
 - E. Increase yields of farm crops from land within the watershed.
 - F. Increase the values of land within the watershed.
 - G. Reduce damage from flooding.
 - H. Other (Specify).
17. Special Assessments. None.
18. Damage Awards. None.
19. Reduced Benefits. None.
20. Findings of Fact. After hearing all the evidence presented at the hearing for and against, the Board made the following FINDINGS:
Findings of Fact as adopted in the Minutes Book on Pages 43-61 in the Drainage Board Minute Book Number 18.

NOW THEREFORE, IT IS ORDERED by the Drainage Board of DeKalb County, that:

- A. The Findings of Fact are adopted by the Board as true and accurate for this proceeding.
- B. The report of the Surveyor and the schedules filed herein shall be adopted, and the improvement shall be established. Copies of the same shall be attached hereto and made a part hereof by this reference; and
- C. A periodic maintenance fund be established for the periodic maintenance of the improvement under the terms and conditions outlined in the report of the Surveyor; and
- D. Public announcement of said order is hereby made at the said hearing on this improvement; and
- E. The Administrative Assistant of the Board is directed to cause notice of this action to be published immediately in a newspaper of general circulation throughout DeKalb County, Indiana, which notice shall identify the drainage proceedings and state that the Findings and Order of the Board have been filed and are available for inspection in the office of the Surveyor of DeKalb County, all per and according to I.C. 36-9-27-52(i); and
- F. If judicial review of Findings or Order of the Board is not requested according to I.C. 36-9-27-106(a) through 36-9-27-109(a) within twenty (20) days from the date of publication of the aforesaid notice, the Findings and Order shall become conclusive, and the Surveyor shall proceed to reconstruct the improvement according to law.

Dated at Auburn, Indiana, this 22nd day of May 2025

DEKALB COUNTY DRAINAGE BOARD

Bruce N Bell II Bruce Bell II, Chairman
James A. Miller James A. Miller Vice-Chairman
Kellen Dooley Kellen Dooley, Member
William L. Hartman William L. Hartman, Member
Steve Kelham Steve Kelham, Member

There being no further discussion, Bruce Bell adjourned the meeting at 10:16 AM.

Bruce N Bell II
 Bruce Bell, II, Chairman

Rebecca L. Wright
 Rebecca Wright, Drainage Board Secretary

DEKALB COUNTY DRAINAGE BOARD

NO.	NAME	PHONE (HOME)	PHONE (CELL)	EMAIL ADDRESS	MAILING ADDRESS	PETITION OF INTEREST
1	Dorrian L. Spivey	260-603-0759		dorrian.spivey@gmail.com	1777 CE 32 Huntwood	Fresh Spring Drain
2	Michael Cuth	260-220-0442		wikesaskv@gmail.com	7163 Lorin Ln Huntwood	Travis Selke Drain
3	Debra/John R. Truax	260-477-0822		brad.truax@stillman	1883 CR 72 Huntwood	" "
4	Michael Westrick	260-432-5885		mike.westrick@me.com	1830 San Giovanni CT.	" "
5	Ronald Westrick	260-452-7966		RON Westrick1962@gmail.com	7162 Lorin Ln	Erin Selke
6	Deanne Dagg	260-416-7621		jrsdagg17@gmail.com	10420 N. Auburn, IN	Selke Drain
7	MTT SHAW	260-433-5884		MTSHAW@AMZL.COM	5407 CR 31 AUBURN	SELKE DRAIN
8	Tyle Harrell	260-410-6819		Tyle.Harrell@att.net	7052 CL 19 Auburn	Selke Drain
9	Kathleen Fisher	260-609-2613		jimf3291@gmail.com	7163 Lorin Ln Huntwood	Selke
10	Jim Fisher	260-609-2613		jimf3291@gmail.com	7163 Lorin Ln Huntwood	Selke
11	Brook Harrell	235-6439			7052 CO RD 19	
12						
13						
14						

DATE

5/22/2025

