

DEKALB COUNTY DRAINAGE BOARD MEETING

June 19, 2025

Drainage Commissioners Present:

William L. Hartman, Member
Kellen Dooley, Member
James A. Miller, Vice-Chairman

Others Present:

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

Appointed Members Serving

Jan 2025- Dec 2027

Steve Kelham, Member
Bruce Bell, II, Chairman

Guests:

John Hunt, AES Utility Permit
Angie Wallace, New Era Depot

Chairman Bruce Bell called the DeKalb County Drainage Board Meeting for June 19, 2025, to order at 8:30 a.m.

APPROVAL OF MINUTES

The first item of business was the approval of minutes from the June 5, 2025, meeting. Mr. Bell asked for a motion to approve the meeting minutes. Commissioner Jim Miller motioned to approve the minutes as presented, and Mr. Steve Kelham seconded the motion. Having a motion and a second, Mr. Bell asked if there was any discussion. Hearing none, he called for a vote, and the motion carried.

Chairman Bruce Bell then requested a motion to approve the minutes from the June 12, 2025, Drainage Board Meeting. Commissioner Dooley motioned to approve the minutes with one correction: he asked that his name be spelled correctly on page 73. The Surveyor's Office Staff noted the correction had already been made. Commissioner Bill Hartman seconded Commissioner Dooley's motion. Having a motion and a second, Mr. Bell asked if there was further discussion, but hearing none, he called for a vote. The motion carried.

MINOR SUBDIVISIONS

Bruce Bell introduced the first of two minor subdivisions on the meeting agenda. He asked for a representative for the **New Era Depot Minor Subdivision** to step forward. Angie Wallace with Compass Land Surveying introduced herself to the Board. She stated the parcel owners would tear down an existing barn and build a residence. She knew a county-regulated drain crossed the parcel in the northwest corner. Glenn Crawford agreed. He stated the Surveyor's Office was pleased with the design, and Ms. Wallace added that the family was downsizing.

Bruce Bell asked if anyone would motion to approve the New Era Depot Minor Subdivision on Parcel No. 01-09-27-200-003 in the Northeast quarter of Section 27 in Jackson Township on the George Reeve Regulated Drain No. 329-00-0. Mr. Kellen Dooley motioned to approve the minor subdivision, and Jim Miller seconded the motion.



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Chairman Bell asked if there was any discussion, but since there was none, he called for a vote, and the motion carried. He thanked Ms. Wallace for her time and introduced the next minor subdivision.

Mr. Bell introduced the Shane's Acres Minor Subdivision, and Surveyor Glenn Crawford explained that the parcel was 5.69 acres on the south side of CR 2. The owners were splitting the existing lot into two for a family member. The new lot would be a future homesite.

Chairman Bell asked if Mr. Crawford approved of the minor subdivision, and he nodded so Mr. Bell asked for a motion to approve the Shane's Acres Minor Subdivision on County Road 2 in Hudson IN, and Section 3 of Fairfield Township on the Adam Deetz Regulated Drain No. 5175-00-0 and Watershed and the David Bair Open Drain 212-00-0.

Commissioner Bill Hartman motioned to approve the minor subdivision, and Commissioner Jim Miller seconded the motion. Chairman Bell asked if there was further discussion, but since there was none, he called for a vote, and the motion carried.

UTILITY PERMITS

Bruce Bell introduced a utility permit on the agenda for the morning. John Hunt, the plant manager for AES, stepped forward to discuss a utility permit agreement on Woodland Trail in Auburn. He stated AES would be within 50' of the James Ferguson Warner Lateral 86-53-0 but would not cross under it. They planned to stay within a utility easement along the back of the properties. However, a new design ran the project along the front of the homes, but he wanted a permit to be safe. He said he would alert the Surveyor's Office of the final location of the utility work.

Mr. Lanning requested that AES work with the Office, as it had before. Field inspectors could mark the path of the James Ferguson Warner Lateral Regulated Drain No. 86-53-0 just to be safe, and Mr. Hunt should communicate the final location of the utility work. The utility permit on the agenda would remain in the drain file for perpetuity.

Mr. Bell requested a motion to approve the AES Utility Permit Agreement on Woodland Trail in Section 30 of Jackson Township and Auburn, IN, on the James Ferguson Warner Lateral Regulated Drain No. 86-53-0. Commissioner Jim Miller asked Glenn Crawford if he approved of the utility route. He answered that the route was 50' from the drain and parallel to it. He did not foresee an issue with the drain. Commissioner Bill Hartman asked why the original path of the work was not along the road, and Mr. Hunt answered that the utility easement for Woodland Trail lay along the back of the properties with the right-of-way of the James Ferguson Regulated Ditch No. 86-00-0. Commissioner Jim Miller motioned to approve the Utility Permit Agreement as presented, and Mr. Steve Kelham seconded the motion.

Having a motion and a second to approve the AES Utility Permit Agreement for Woodland Trail, Chairman Bell asked if there was any discussion. Hearing none, he called for a vote, and the motion carried. Bruce Bell thanked Mr. Hunt for his attendance.

CONSENT AND WAIVER

Mr. Bell introduced the Consent and Waiver for Coburn Kaleo Farms Use Variance for the Henry Geddis Lateral 2 Drain No. 157-02-0 and Parcel #11-11-24-200-008. Lead Survey Tech Tyler Lanning explained that the landowner obtained the southern neighbor's signature. He projected the map of the current drain and the map of the proposed reconstruction plan.

Mr. Lanning added that after the Drainage Board approved the Consent and Waiver, the Use Variance would proceed to the next stage for the landowner and the establishment of Coburn Kaleo Farms, which was to be used for agrotourism.

Chairman Bell asked for a motion regarding the Consent and Waiver for the Coburn Kaleo Farms Use Variance on the Henry Geddis Lateral 2 Drain No. 157-02-0 and Parcel #11-11-24-200-008. Mr. Steve Kelham motioned to approve the consent and waiver, and Commissioner Kellen Dooley seconded the motion. Having a motion and a second, Mr. Bell asked if there was further discussion. Since there was none, he called for a vote, and the motion carried unanimously.

DEKALB COUNTY DRAINAGE BOARD ELECTRONIC MEETINGS POLICY

Chairman Bruce Bell introduced the DeKalb County Drainage Board Electronic Meetings Policy and asked Drainage Board Attorney Shannon Kruse to explain the resolution.

Ms. Shannon Kruse said that Indiana legislation had passed a resolution allowing board members to attend meetings virtually. She highlighted points for the Board. Specifically, she noted that members could vote for certain items but not for others if the vote was done by roll call. For example, board members could approve utility permit agreements and minor subdivisions by roll call, but not budget items or reductions in staff. She noted that board members could not attend a hearing virtually. She stated that three members had to be physically present, and board members could attend two consecutive meetings virtually.

She also noted that the governor just signed an addendum to the Indiana Open Door Policy, which dictated that appointed members and their terms be noted on agendas.

Mr. Bell clarified that if a Board member appeared remotely, a vote had to be by roll call. He also questioned the attendance policy. In response, Ms. Kruse read, "All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote. At least fifty percent of the members must be physically present at a meeting at which a member will participate by means of electronic communication. A member may attend two consecutive meetings by electronic communication." She clarified that if someone wanted to spend a cold month in Florida, he could, and he could virtually attend the two Drainage Board Meetings for that month.

Bruce Bell requested a motion to approve the DeKalb County Drainage Board Electronic Meetings Policy. Commissioner Kellen Dooley motioned to approve the policy, and Mr. Steve Kelham seconded the motion. Chairman Bell asked if there was further discussion, but since there was none, he called for a vote, and the motion carried. A copy of the policy is included in these minutes.

SURVEYOR'S REPORT

Moving to the Surveyor's Report, Tyler Lanning brought estimates from Fry Excavating for tree removal for the Erwin Selke Drain No. 439-00-0 the Board requested during the June 12, 2025, meeting. He pointed out several places along the tile where trees would need to be removed and explained conversations with landowners about removing their trees. He reported that the estimate totaled approximately \$15,000. Commissioner Dooley clarified that tree removal cost \$10,000 and tile replacement cost \$5000. Mr. Lanning agreed and continued that the original guess was \$20,000, so the estimate was lower than projected. With the suggested maintenance increase, the account could be paid back within three years rather than five. The Board and Surveyor's Office discussed possible meeting dates. They decided August 7, 2025, was conducive for everyone as the Office needed at least 30 days to prepare and send landowner notices.

Chairman Bell felt \$15,000 was more palatable than \$30,000 or \$40,000. He felt that having the E.P. Griffin as a looming reconstruction to be billed to the northern landowners who shared the Erwin Selke Watershed was a concern. Surveyor Glenn Crawford felt the E.P. Griffin was a larger safety issue because of the flooding along County Road 19.

Bruce Bell asked the Surveyor's Office would face some of the same issues with the E.P. Griffin Reconstruction as it had with the Erwin Selke Reconstruction Project. Commissioner Dooley answered that it was "a later issue," as the maintenance should alleviate the flooding concerns and provide relief. Commissioner Hartman asked what grade was in the existing tile. Surveyor Crawford answered that the tile was flat at the start, but eventually it went uphill quite a bit. Bill Hartman also asked if it would flow well once the tree roots were gone. Tyler Lanning said it would.

Commissioner Dooley said \$15,000 was inexpensive compared to a reconstruction, but he didn't want to "kick the [reconstruction] can too far down the road." Chairman Bell agreed that the Erwin Selke should not wait more than ten or fifteen years. Jim Miller agreed that the E.P. Griffin was needed and knew it would be expensive. Mr. Lanning assured the Board that the Office kept reconstruction plans, so when reconstruction was needed, they could be revised for the needs of the new time.

Mr. Bell asked about the prudence of an informational meeting before sending the landowner notices, so the Erwin Selke Watershed would understand the purpose of the increase. Commissioner Kellen Dooley asked Mr. Steve Kelham for his thoughts, and Mr. Kelham said in his estimation, increasing the maintenance was a good decision.

Bruce Bell asked Shannon Kruse for her advice. Ms. Kruse advised that any decision needed to be part of a hearing process because the Board had already decided to reconstruct the Erwin Selke: It would need to give evidence of why it was vacating its decision in favor of a maintenance increase. The maintenance hearing landowner notices should include that trees would be removed. She advised the Board and the Surveyor about the future hearings and the information that needed to be included.

Bruce Bell asked for a motion about the Hearing of the Decision for the Reconstruction of the Erwin Selke Drain No. 439-00-0, and Commissioner Dooley motioned to set the hearing on August 7, 2025. Commissioner Miller seconded the motion. Having a motion and a second, Chairman Bell asked if there was further discussion. Hearing none, he called for a vote, and the motion carried unanimously.

Commissioner Bell then asked for a motion about the Hearing for a Maintenance Increase for the Erwin Selke Drain No. 439-00-0. Commissioner Bill Hartman motioned to set the date for the hearing on August 7, 2025, and Steve Kelham seconded the motion. Having a motion and a second, Mr. Bell asked if there was further discussion. Hearing none, he called for a vote, and the motion carried.

DISCUSSION

Bruce Bell asked if the Surveyor's Office or Drainage Board Members had other items they wished to discuss. Surveyor Glenn Crawford said he would like to set the date for the Ora Bohler Drain No. 54-00-0 hearing at the next Drainage Board meeting, which was scheduled for July 3, 2025. Tyler Lanning thought the Office would have cost estimates by then. Ms. Shannon Kruse asked if there would be any special assessments or contributions over and above the normal assessment from the grain company. Mr. Lanning said nothing was lined up, but it could be discussed at the next meeting.

He added that some landowners had mentioned possibly paying up front, but he did not have confirmation from anyone. He said the Office would set an informational meeting before sending landowner notices so watershed members could see the design before the hearing, and the Office could adjust the design if needed.

There being no further discussion, Bruce Bell adjourned the meeting at 9:18 AM.


Bruce Bell, II, Chairman


Rebecca Wright, Drainage Board
Secretary

DEKALB COUNTY DRAINAGE BOARD
JUNE 19, 2025 RESOLUTION

**Resolution Establishing the Policy by which Members of the DeKalb County
Drainage Board May Participate by Electronic Means of Communication**

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended IC 5-14-1.5-1 et seq. (Act), effective June 12, 2025 by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication; and

WHEREAS, a member of the governing body may participate by any means of communication that

- Allows all participating members of the governing body to simultaneously communicate with each other; and
- Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting; and

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

WHEREAS, the County's Drainage Board (Board) is a governing body of DeKalb County, Indiana:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Drainage Board of DeKalb County, Indiana:

Section 1. (a) The provisions of the Act, including definitions, apply to this resolution.
 (b) This resolution shall be known as the "Electronic Meetings Policy" of the Board and applies to the Board and any committee appointed directly by this Board or its presiding officer.

Section 2. (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 3. (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

Section 4. The minutes of a meeting at which any member participates by electronic means of communication must:

- (1) identify each member who:
 - (A) was physically present at the meeting;
 - (B) participated in the meeting by electronic means of communication; and
 - (c) was absent; and
- (2) identify the electronic means of communication by which:
 - (A) members participated in the meeting; and
 - (B) members of the public attended and observed the meeting if the meeting was not an executive session.

Section 5. No member of the Board may participate by means of electronic communication in a meeting at which the Board may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Board's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. This resolution shall be effective from and after adoption by this Board and compliance with IC 36-2-4-8.

Adopted this 19th day of June, 2025.

DEKALB COUNTY DRAINAGE BOARD:


Bruce Bell, II, Chairman

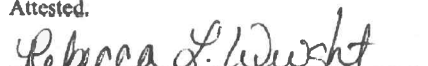

James A. Miller - Vice-Chairman


William L. Hartman, Member


Kellen Dooley, Member


Steve Kelham, Member

Attested.


By Rebecca Wright, Administrative Assistant

6/19/2025

