

**DEKALB COUNTY DRAINAGE BOARD HEARING
FOR THE RECONSIDERATION OF THE DECISION
FOR THE RECONSTRUCTION AND PERIODIC MAINTENANCE
OF THE ERWIN SELKE REGULATED DRAIN NO. 439-00-0**

August 7, 2025

Drainage Commissioners Present:

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

Appointed Members Serving

Jan 2025- Dec 2027

Steve Kelham, Member
Bruce Bell, II, Chairman

Others Present:

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

Guests:

Brent and Joann Ritenour
Jim and Fisher

Jeanne Shaw
Ron Westrick

Matt Shaw
Michael Westrick

Chairman Bruce Bell called the hearing to order at 9:30 AM and stated the hearing was to reconsider the decision for the reconstruction and periodic maintenance of the Erwin Selke Regulated Drain No. 439-00-0. He stated that notices were sent by first-class mail on June 30, 2025, and published in *The Star* Newspaper on July 29, 2025. He asked each person in attendance to write their name on the sign-in sheet posted on the podium in the front of the room.

Bruce Bell said, "On May 22, 2025, this board approved the reconstruction of the Erwin Selke drain at the engineer's estimate of \$133,964.56. On June 12, 2025, the Surveyor's office called for a public meeting of the board to present new information to the Board on the possibility of an alternative, less costly plan for the drain. On June 12, 2025, the Board voted to stay the judicial review period for the Reconstruction Hearing, which was previously approved. On June 19, 2025, the Board voted to call this hearing to reconsider the approved reconstruction decision and to receive evidence to consider an alternative drainage project."

Mr. Bell explained the procedure for the hearing, stating that first, Surveyor Glenn Crawford would present an alternative plan in detail. Then the Board would hear technical questions from landowners and the answers from the Surveyor and his office. The Board would evaluate the path forward and either affirm the decision made on May 22, 2025, or dismiss it. Finally, depending on the action taken by the Board, an amended maintenance portion might occur.

Chairman Bell asked Surveyor Glenn Crawford to present his recommendation after conducting further research following the May 22, 2025, decision. Mr. Crawford explained that Lorin Lane had multiple problems with flooding. The existing tile could not be vacated, as per the reconstruction plan, because sump pumps were tied into it. If the vacated tile failed later, it could cause basements to flood. Mr. Crawford said that his recommendation was to increase the maintenance rate so the Office could remove problematic willow trees along the tile, roots impeding and creating holes within the tile, and replace damaged tile.

Mr. Bell asked if the Board had questions. Attorney Shannon Kruse stated that, according to Surveyor Glenn Crawford's recommendation, the maintenance rate would be increased, the Board's decision for the reconstruction of the drain would be vacated, and the Surveyor's Office would remove trees and tree roots and replace sections of tile.

Chairman Bell asked if the Board or anyone present had questions about the plan, but no questions were asked. Chairman Bell then asked if anyone present wished to speak in favor of dismissing the reconstruction hearing.

Brent Ritenour stepped forward and pointed out that the first tree marked for removal was on his property. He stated that the tile had worked for years but had deteriorated over time. He also asked if the willow trees were causing all the problems. Mr. Lanning answered that the willow trees were causing many of the issues, and the tile would be replaced. Mr. Ritenour said that when he and his wife heard about the cost for other landowners, they felt it was prohibitive. They felt that if increasing the maintenance rate would work and limit harm to the personal wealth of others, he was in favor of it. He wanted the tile to be maintained, but he did not want to call each year about broken tile. He and his wife had left the reconstruction hearing feeling as if approving the reconstruction was the wrong decision because it had placed such a financial burden on others.

Mr. Ritenour asked if the tile would be perforated or solid. Mr. Lanning stated that the tile would be plastic and double-walled.

Ron Westrick stepped forward and said that supposedly, thirty acres of his property drained into the tile. He would pay as much as anyone else, but he should not have to pay \$1,000 a year if he didn't have water going into the tile. He liked the idea of being fair to everyone. If increasing the maintenance allowed a fair and equal method of maintaining the tile, he supported it.

Mr. Bell asked if anyone else wanted to speak in favor of dismissing the reconstruction decision. Mr. Lanning read a letter submitted by Brooke and Tyler Harrel. A copy of the letter is included in these minutes.

Harrell Brooke and Tyler
7052 CR19 Auburn IN 46706
260-410-6919

Date: August 4, 2025

To:
DeKalb County Drainage Board
DeKalb County, Indiana

Subject: Support for Periodic Maintenance Plan – Erwin Selke Drain

Dear Members of the Drainage Board,

I am writing to express my support for the proposed periodic maintenance plan for the Erwin Selke Drain, rather than pursuing a full reconstruction at this time.

In my view, periodic maintenance is a more responsible and cost-effective approach. It allows the county to preserve and improve the drain's functionality without the significant financial burden and disruption that reconstruction would entail. Regular upkeep will help prevent major issues from developing and extend the life of the existing infrastructure.

Importantly, this strategy also provides valuable time for our county surveyor to better understand the unique challenges posed by this drain and its complicated watershed. With a clearer picture of the system's behavior and problem areas, future decisions can be made with greater precision and confidence. In the meantime, this plan offers a path to deliver relief more quickly to those currently affected, rather than waiting for a long-term reconstruction process to unfold.

I appreciate the board's thoughtful consideration of all options and encourage you to move forward with the maintenance-focused strategy. Thank you for your continued service and commitment to responsible drainage management in DeKalb County.

Sincerely,



Brooke Harrell

Mr. Bell stated, "The Board will now decide on the dismissal or confirmation of the reconsideration of the reconstruction hearing." Mr. Jim Miller asked Ms. Kruse to explain the Indiana Drainage Code as it applied to members of a watershed. Ms. Kruse discussed Indiana

Drainage Code Section 36-9-27-39, "Periodic maintenance of drains; schedule of assessments." She continued that Mr. Crawford and the Surveyor's Office had come up with how much they thought the maintenance of the drain would be, and that's how they set the cost.

Mr. Bell asked, "Does any member desire any further evidence to make a decision?" All Board members answered no.

Mr. Bell asked, "Should this hearing be adjourned or recessed, or reconvened at a later date?" All Board members answered no.

Mr. Bell asked, "Should the prior decision made by the Board on May 22, 2025, be dismissed?" Commissioner Jim Miller answered, "Yes." Mr. Steve Kelham answered, "Yes." Commissioner Bill Hartman answered, "Yes." Commissioner Kellen Dooley answered, "Yes."

Bruce Bell said, "The Decision of the reconstruction hearing has been dismissed and is now vacated. We will now continue with the amended periodic maintenance hearing portion for this hearing."

The Chairman asked the Surveyor the following questions:

"In the amended periodic maintenance report, are all lands within the watershed assessed?" and "Are all benefits assessed not excessive?" Surveyor Glenn Crawford answered "Yes" to both questions.

Mr. Bell asked for timely written objections, but there were none. He then asked if anyone present wanted to speak in favor of the maintenance project or ask questions.

Mr. Jim Fisher stepped forward and stated that he lived on Lorin Lane, and his maple tree would have to be taken out. He said that over the years, he had standing water on his property for more than a month at a time, so he was in favor of the maintenance project. He added that across the street from his parcel, there was a piece of tile in need of repair.

Brett Ritenour stepped forward again and asked if there was something that could be done to prevent homeowners from planting landscaping and trees in the path of the trees. Mr. Tyler Lanning answered that homeowners could utilize Beacon on the Surveyor's website to view the county tile as it crossed their property. He gave a detailed explanation of the plan to clear trees and brush and how it would reveal the path of the drain. He agreed that, as building expanded and neighborhoods were constructed, homeowners increasingly mistakenly planted trees over drains. However, it was illegal to do so, and the Office had the authority to remove them when they became problematic.

Mr. Glenn Crawford read into the record his Maintenance Rate Report. A copy of the Report 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

June 19, 2025

Erwin Selke Drain No. 439-00-0
Maintenance Rate Increase

Previous: \$6.50/Acre
Proposed: \$13.00/Acre
Previous Annual: \$2,541.56
Proposed Annual: \$5,083.12
Watershed Acreage: 245.25 Acres

Problematic trees within the right-of-way of the Erwin Selke Drain have created several issues in recent years, from substantial root ball obstructions within the tile. This had led to repeated damaged tiles and flooding within residential parcels. The proposed increase to the maintenance rate will provide an adequate amount of funding to remove several problematic trees, replace broken and damaged tile, and support proper upkeep of the system for future issues that may arise.

The Surveyor's Office has proposed raising the base rate by \$6.50, bringing the current maintenance rate from \$6.50/acre to the proposed \$13.00/acre. This will increase the annual funding from \$2,541.56 to \$5,083.12. Following the state drainage code, Ag will be the base rate, Residential will be twice the base rate, and Commercial will be three times the base rate. Hearing notices containing this proposed information were delivered to the residents of the Erwin Selke Watershed.

Glenn M Crawford

Ron Westrick stepped forward again and questioned why he had to pay \$1000 or one-fifth of the yearly maintenance cost when he did not have water going into the tile. Mr. Lanning asked Mr. Troy Bungard to display the map of the watershed. He also discussed LIDAR data and how it provided information for maintenance rates. Mr. Westrick asked if his assessment could be amended so it was "more fair." Commissioner Jim Miller stated that Indiana Law dictated the way the County figured maintenance assessment and reconstruction rates.

Mr. Lanning asked Mr. Westrick what a "fair assessment" would be. Mr. Westrick felt that the total cost of yearly maintenance should be divided equally among the total number of watershed members. Mr. Lanning restated that the Indiana Drainage Law provided the method by which the Office figured maintenance rates. Mr. Westrick restated that he was "happy to pay whatever amount, but I feel the amount should be fair." Mr. Westrick then sat down.

Mr. Bell asked, "Should the schedule of amended periodic maintenance assessments presented in this hearing be changed?" All the Board Members responded, "Yes." He then asked, "Should the Surveyor's Report for amended periodic maintenance be approved as finally presented?" All the Board Members responded, "Yes." Chairman Bell then asked, "Does any member desire any further evidence to make a decision?" All the Board Members responded, "No." The last question Bruce Bell asked was, "Should the hearing be adjourned or recessed and reconvened at a later date?" All the Board Members responded, "No."

Chairman Bell asked Ms. Kruse to read the Findings of Fact. A copy of the Findings of Fact is included in these Minutes.

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 PERIODIC MAINTENANCE 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 petitions, if any, previously filed for this drain, are admitted into evidence.
3. The Surveyor's fact sheet shall be accepted as part of the evidence, and the facts thereon are true.
4. The drain has been classified and previously placed on the priority list of the long-range plan of the Board.
5. There are no damages to any landowner.
6. 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 maintained, 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 maintenance.
7. All landowners who received notices of the proposed assessment have lands within the watershed.
8. 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.
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.
29. The drain requires periodic maintenance.

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. That this drain can be made to:
 - A. Perform the function for which it was designed and constructed.
 - B. To properly drain all affected land under current conditions, by periodically:
 1. Cleaning it.
 2. Spraying it.
 3. Removing obstructions from it, and
 4. Making minor repairs to it.
22. That the work proposed by the Surveyor to be performed on this drain:
 - A. Does not convert all or part of an open drain to a tiled drain.
 - B. Does not convert all or part of a tiled drain to an open drain.
 - C. Does not add an open drain to a tile drain.
 - D. Does not add a tiled drain to an open drain.
 - E. Does not increase the size of a tile, if any.
 - F. Does not deepen an open drain, if any.
 - G. Does not widen an open drain, if any.
 - H. Does not extend the length of the drain.
 - I. Does not change the course of the drain.
 - J. Does not include construction of a drainage detention basin.
 - K. Does not include construction of a drainage control dam.
 - L. Does not provide for an extensive erosion control structure.
 - M. Does not provide for extensive grade stabilization structure, and
 - N. Does not make any major change 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. There has been no evidence that the drain has been abandoned by the Board.
25. That the Board receives all relevant documentation in the files of the Surveyor and the Board regarding this drain into evidence.
26. That the Board adopts the schedules of assessments as filed.
27. That the Administrative Assistant of the Board shall publish notice of the Board's Final Order as required by the Indiana County Drainage Board Code.
28. That the Final Order form of the Board is approved for this drain.

**FINAL ORDER OF PERIODIC MAINTENANCE OF THE
ERWIN SELKE REGULATED DRAIN NUMBER 439-00-0**

The DeKalb County, Indiana, Drainage Board (hereinafter referred to as "Board") now renders its Final Order for periodic maintenance of the Erwin Selke Regulated Drain, the same being Number 439-00-0 in the records of the Surveyor of DeKalb County, Indiana. After due consideration of all the reports, evidence, testimony, and other information presented throughout the course of this proceeding, the Board now enters its FINDINGS:

1. Date of Filing. No petition was filed. The Surveyor of DeKalb County (hereinafter referred to as "Surveyor"), while preparing reports in maintenance for the receiving drain, proceeded to prepare the maintenance report for this drain on or about June 5, 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. 36-9-27-38, which report was filed and presented to this Board on June 12, 2025, in the Derald D. Kruse Commissioner's Court, 2nd Floor DeKalb County Courthouse, Auburn, Indiana.
4. Combination of Regulated Drains for Assessment Purposes. There was no combination of drains
5. Schedule of Assessments. The Board then prepared a schedule of assessments and damages according to I.C. 36-9-27-39, naming each landowner benefited or damaged, his address, percent of the total cost to be assessed against each tract of land based upon benefit received, showing the nature of the work to be performed and frequency thereof, and showing the amount of each owner's annual assessment based on the total estimated cost of periodically maintaining said drain.
 - 5A. Prior maintenance assessments, if any, on this drain are amended by the new maintenance assessments.
6. Legal Notice of Hearing. Legal notice of hearing was published according to I.C. 36-9-27-40 as follows:

In the Star, a newspaper of general circulation in DeKalb County, Indiana, on July 29, 2025.

Copies of said published notices are on file in the office of the DeKalb County Surveyor and made a part hereof by this reference.
7. Mailed Notice of Hearing. Notice of hearing was sent on June 30, 2025, by First Class United States mail in a five-day return envelope to each owner of record named in the Surveyor's report and schedule of assessments, which notice was mailed not less than thirty (30) days, nor more than forty (40) days, before said hearing date, all per I.C. 36-9-27-40.
8. Objections Filed. At least five (5) days prior to said hearing, the following objections to the proposed (amended) periodic maintenance were received: No objections were filed.
9. Evidence Concerning Objections. According to I.C. 36-9-27-40(e), at the final hearing, the Surveyor caused written evidence to be filed concerning the objections timely filed herein,

which evidence was considered and is on file in the office of the Surveyor. No objections were filed.

10. Hearing. A hearing in connection with said improvement was held according to notice on August 7, 2025, at 9:30 a.m., in the Derald D. Kruse Commissioner's Court, 2nd Floor of the DeKalb County Courthouse, Auburn, Indiana, at which hearing the objections were heard and discussed, evidence was heard and considered, the proposed periodic maintenance was explained, and certain landowners were present.
11. Disposition of Objection. Upon hearing and pursuit of I.C. 36-9-27-40(f) the following dispositions were made of the objections filed: No objections were filed.
12. Amendments to Surveyor's Report. Upon the record developed, no amendments were made by the Board to the report of the Surveyor and/or the schedule of assessments.
13. Periodic Maintenance. Said improvement requires periodic maintenance, and the estimated cost of periodically maintaining said drain is \$5,080 per year
14. Type of Improvement. Said drain requires periodic maintenance within the meaning of I.C. 36-9-27-34(a) in that by periodically cleaning out, spraying, removing obstructions, and making minor repairs, the drain will perform the function for which it was designed and constructed and will be adequate to properly drain all lands affected under existing conditions.
15. Special Assessments. That, according to I.C. 36-9-27-112: None.
16. Damage Awards. That the following landowners will be specially damaged because of said periodic maintenance: None.
17. Reduced Benefits. That the following landowners who are within the watershed of the proposed periodic maintenance obtain no benefit or less benefit than other landowners: None.
18. Combination of Regulated Drains for Assessment Purposes. That pursuant to I.C. 36-9-27-41, there were no combinations made.
19. FINDINGS OF FACT. After hearing all the evidence presented at the hearing, for and against, the Board made the following findings:

Findings of Fact listed on Pages 111-122 of the Drainage Board Minutes Book Number 18.




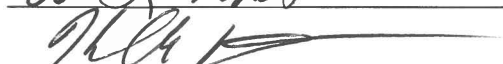
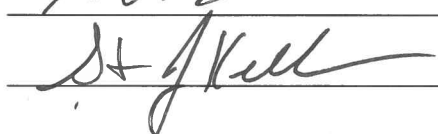
NOW THEREFORE, IT IS ORDERED by the Drainage Board of DeKalb County that:

- 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 (including revisions) shall be adopted, and the periodic maintenance assessments 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 under the terms and conditions outlined in the report of the Surveyor (including revisions); and
- d. Public announcement of said order is hereby made at the said hearing on this periodic maintenance assessment; 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 under and according to I.C. 36-9-27-40(f); and
- f. If judicial review of the Findings and Order of the Board is not requested according to I.C. 36-9-27-106(a) through 36-9-27-108 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 according to law; and

Dated at Auburn, Indiana, this 7th day of August, 2025.

DEKALB COUNTY DRAINAGE BOARD

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


 Bruce Bell, II, Chairman


 Rebecca L. Wright, Secretary

Commissioner Jim Miller moved that the Board approve the Findings of Fact, numbers 1 through 28, as submitted, and Commissioner Kellen Dooley seconded the motion. The motion carried unanimously.

Bruce Bell then stated, "I ask for a motion to adopt or, in the alternative, motion to dismiss the hearing for the amended periodic maintenance of said drain subject to the jurisdiction of the Board."

Commissioner Jim Miller moved for the Board to adopt the Surveyor's Report and order the amended periodic maintenance of said drain, subject to the jurisdiction of the Board. Commissioner Kellen Dooley seconded the motion. Having a motion and a second, Mr. Bell asked if there was further discussion, but hearing none, he called for a vote, and the motion carried.

Bruce Bell then stated, "I now announce that the Board has approved these findings and ordered the drainage project with instructions to the Administrative Assistant of the Board to publish notice of the findings and order."

Chairman Bell asked if there was further discussion, but hearing none, he adjourned the hearing at 10:06 AM.


 Bruce Bell, II, Chairman


 Rebecca L. Wright, Secretary

DEKALB COUNTY DRAINAGE BOARD**DATE 8.07.2025**

Name & Contact Information	Petition of Interest
Brent + John R. [unclear]	
[unclear] [unclear]	
[unclear] [unclear]	
Michael Westrick	
JIM FISHER	
Ron Westrick	