

MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF AUGUST 22, 2019

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday August 22, 2019. Answering roll call was Randall J. Deetz; Michael E. Krehl; Donald D. Grogg; Jacqueline R. Rowan and William 'Bill' Hartman.

ALSO PRESENT: Drainage Board Attorney Shannon E. Kruse; Administrative Assistant Brenda Myers; Surveyor Mike Kline and staff member Nate Frye.

IN ATTENDANCE: Jim Deetz

APPROVAL OF MINUTES: A motion was made by Don Grogg to approve the Minutes of August 15th, 2019 as standard minutes taken by the DeKalb County Drainage Board, seconded by Bill Hartman, motion carried.

INFORMATIONAL – STRAUSS BROTHERS DRAIN NUMBER 23-00-0: Mike Kline asked if a decision had been made on the Lonnie and Teresa Brown request.

Chairman Deetz stated that no decision had been made, to update everyone, the Browns went to the Assessor and had their property changed from residential to agricultural and now are asking for a refund for the difference in cost. There was a hearing, an objection was filed with the Board and was denied at said hearing.

Drainage Board Attorney Shannon Kruse stated that the opportunity for them to change their assessment was after they received notice and before the hearing; they could have objected and the Board could have taken that under advisement at the hearing. It was again iterated that this is a one-time reconstruction and it will not occur yearly. According to the Indiana Drainage Board Code it states that *[if judicial review of the findings and order of the Board is not requested under Section 106 of this chapter within twenty (20) days after the date of publication of the notice, the findings and order become conclusive]*; all landowners would have to be notified and the reconstruction (hearing) would have to be completely redone in order to make a change such as is being requested.

A motion was made by Don Grogg to deny the request, seconded by Jacqueline Rowan, motion carried.

SAM POMEROY DRAIN NUMBER 350-00-0: Mike Kline stated that Roger Steinman came into his office with a drawing that showed a line going through the property of Jeff Pomeroy in order to tie into the drain. Mike said he wrote on the bottom of that that he could only approve the connection and it could not be more than a six (6") inch connection. Jeff Pomeroy then came into the office and said that is not what was agreed to, he did not want him coming across the property, it had been agreed to go out into the field and to stay out of his yard. Mike said he explained to Jeff that he could only approve the connection, not the route. Mike said that Greg Owens (contractor) called per Mike's request to look at the tile once he had it opened up; the tile was plugged full and water sitting on top of the ground, there was no way to make a connection. The system needs replaced on Mr. Goings property who said there were wet spots that led him to believe the tile isn't working properly. Mike said he doesn't have money in the fund to replace the tile, there is only \$3,800.00 in the fund, so there would need to be a reconstruction project or an amended maintenance hearing to raise the assessment amounts. Mike said he would have to run numbers to see which would be more feasible. Chairman Deetz stated that if it were the decision that this needs reconstructed, it would need to go on the list of reconstructions and follow the process.

WILLIAM BICKEL DRAIN NUMBER 133-00-0: Present is Jim Deetz inquiring if there has been any more going on with this drain and to remind the Board and surveyor that it has been one year since the open ditch was completely dredged. A couple of weeks ago there was no cost estimate on the ditch yet and he would like to be taking the Consent and Waiver around to the landowners so when we do get ready to go on this thing, that they are ready.

Mike Kline said he spoke to the Noble County surveyor who agreed he wants to get this done so they are setting up a meeting with LaGrange so they can try to get the culvert lowered and the rest of the open ditch re-dug; they are putting together a profile so he can finalize the costs for Jim but he needs to know if Jim knows how close the new tile is located behind his house so they can get a shot on it.

Jim said that he can tell him exactly where it's at and he also has access to a backhoe so it can be dug up for him to get a shot on the tile.

Mike asked Jim to get that open and then to call him and he'd come up and get it shot, then he can finish his design and get the costs put together.

Jim said they are taking some twenty-four (24") inch tile up because when they (contractor) went through there they couldn't get the depth they needed so they heaped dirt up on top of it, so he would like that fixed.

Mike asked Jim to get to the point where Jim thinks it's good and he will redo everything up to that point and get that all in the cost so everyone knows what that (cost) will be. Mike assured Jim that he would finish this up fairly quick once.

FRED T. MILLER DRAIN NUMBER 91-00-0: Maps that were generated in the surveyor's office were given to everyone to follow along with the routing of the drain and removal of trees on property owned by Kent Hunter. The original right-of-way was highlighted in green (cleared planted tree area) which was broken into two chunks indicating area outside of the original right-of-way that was cleared, and the area inside of the original right-of-way that was cleared; an area in yellow which was naturally wooded area (not intentionally planted) which also had inside and outside the original right-of-way; in blue and white was the current location of the new tile.

Nate Frye stated that trees were planted in a 10 by 10 grid, so if figuring that each tree took up 100 square feet, absolute worst case would be that they cleared 30-31 trees in the original right-of-way and then another roughly 15 outside the original right-of-way. Nate said his concern is that there was, they *'thought'* there was, an understanding with Mr. Hunter about relocating the tile and a conversation that this should have gone through as a Consent and Waiver, that would have allowed them to relocate the tile and would have shifted the right-of-way, which is the concern now, how to address this without the Consent and Waiver in place.

Mike Krehl stated that the surveyor's office did not have the right to do things without notifying the landowners that it was going to be done.

Nate said now there is a plan; they know exactly what happened; they have quantitated numbers on what they cleared, where, and how much; hard numbers are in place to back up the resolution.

Chairman Deetz stated that the bottom line is that 'we' messed up, there needs to be an apology for that mess up leaving out excuses. In looking at this 'map' it shows a total disregard for the whole process and getting to this point is inexcusable. We need to know what types of trees, the sizes of trees, number of trees.

Mike Krehl thought it to be walnut and oak with the biggest tree stump he saw being roughly 12” in diameter but he said he’d have to look at his notes taken when on-site.

Bill Hartman stated that most of this is behind us and what we need to be looking at is what is in front of us; does Mr. Hunter have a number (cost)?

Mike Krehl said he has not been given a number but perhaps he (Kent Hunter) wants to discuss that directly with the Board.

It was clarified that there was no hearing held and no consent and waiver put into place.

Mike Kline stated that he was on vacation but received a call from Philip (his employee) who said he had worked with the landowners and that they all agreed on where the new tile would go; Mike said he told him we’d need to do a consent and waiver and he (Philip) said everyone seems to agree that it’s ok, so they went ahead with putting it in.

Mike Krehl said that Mr. Hunter would disagree with the comment the surveyor just made. Mike said in looking at his notes he saw trees 14” in diameter at the ground level and some 8”.

Chairman Deetz will stop by Squier Pallet and talk to Rocky Squier who can give him the value of the trees that they would be today and then what they would be valued at with the harvest, also an approximation how long it would take to get from today to harvest. Mr. Hunter needs to then be invited to a meeting to discuss this matter.

Drainage Board Attorney Shannon Kruse recommended that in order to resolve this that Mr. Hunter sign a Consent and Waiver to have the new route established so there is no question as to where the drain actually lies.

Don Grogg asked if there was any reprimanding of the employee(s) who handled this and Mike said there was not; he thought he was doing what everyone wanted done. Mike said in talking to Philip over the phone he (Mike) thought he (Philip) had gone through the steps needed and that everyone was onboard with the project, otherwise he would have told him to quit and leave the property.

CEDAR CREEK UPDATE: Nate Frye said that the logjam (County Road 68 and County Road 72 in the scenic waterway) that was of concern has pretty much cleared itself out. The creek has returned to the original bank location on the west side of the creek ravine.

Don Grogg said he received a message that the Allen County Commissioners want to meet about getting Cedar Creek cleaned up all the way down through there.

Chairman Deetz asked about the Waterloo Sewer System and how that was going.

Nate said they should be working on that right now.

INFORMATIONAL: Mike Krehl asked if the other drains on the list were moving forward, hearings, bids, anything.

Mike Kline said he is trying to get stuff set up.

There being no further business, meeting adjourned.

Randall J. Deetz, Chairman

Brenda F. Myers, Administrative Assistant