

**MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF AUGUST 29, 2019**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday August 29, 2019. Answering roll call was Randall J. Deetz; Michael E. Krehl; Donald D. Grogg and Jacqueline R. Rowan.

ABSENT: William Hartman

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

IN ATTENDANCE: Rodney Firmi; Randy Sexton; Derek Simon

**APPROVAL OF MINUTES:** A motion was made by Jacqueline Rowan to approve the Minutes of August 22<sup>nd</sup>, 2019 as standard minutes taken by the DeKalb County Drainage Board, seconded by Mike Krehl, motion carried.

**APPROVAL OF CLAIMS (for September):** A motion was made by Don Grogg to approve the claims as presented in the amount of \$1,306.74, seconded by Mike Krehl, motion carried.

- Attorney Fees month of September \$1,294.92
  - STAR newspaper
    - C&W Reconstruction Delbert McBride 11.82
- TOTAL \$1,306.74

*It was noted that these claims are for September however they are being presented today due to not meeting the first week of September.*

**UTILITY PERMIT – CITY OF GARRETT:** Nate Frye presented a Utility Permit Request for the City of Garrett for a project on State Road 327 where a water main extension as per plans dated 7-18-19 with installation of 1,515 linear feet of 12” water main along State Road 327 between County Road 54 and County Road 56 will take place.

The county regulated drain involved is the *Elias Schopf Drain Number 242-00-0*

Jacqueline Rowan moved that the Board approve the Utility Permit for drain crossings in regard to the above drain and to authorize the Chairman to sign on behalf of the Board, seconded by Don Grogg, motion carried.

**REPORT CREAGER VS COBURN:** Nate Frye presented a report as written by DeKalb County Surveyor Mike Kline in regards to the private drainage dispute.

Chairman Deetz stated that once the report has been approved that starts the clock ticking in setting a hearing. The Board took time to review the report; discussion was held and it was determined that Board member Bill Hartman who is absent needs to be allowed time to review the report therefore, this is tabled until the next meeting.

**AUBURN CITY PLAN COMMISSION PETITION – BRIDGEWATER NORTH PROJECT SECTION II:** Present is Derek Simon, Professional Engineer with MLS Engineering who have designed Section II of Bridgewater North subdivision which will be located within the property located at Morningstar Road and County Road 35 consisting of fifty-three (53) lots. The property currently drains the overland sheet flow into *Cedar Creek Drain Number 470-00-0* on the northwestern portion of the property. With the proposed design there will be three detention basins and basins two and three will outfall into open drains; one outfalls to Cedar Creek and the other to *Walter Smith Drain Number 20-00-0*. There will be a new detention pond installed on the west of the property and that will outfall into Cedar Creek. If the 15” pipe were to clog it will overtop the ponds to the north, reverting to the original route.

Don Grogg moved to approve the drainage plan for the Bridgewater North Project Section II as presented on plans and specifications by MLS Engineering dated 6/05/19 with a revised date of 8/15/19, subject to any new evidence presented at the Auburn City Plan Commission meeting and requests the Administrative Assistant to pass this decision of the Drainage Board to the City of Auburn Plan Commission, seconded by Mike Krehl, motion carried.

**DISCUSSION – FRED T. MILLER DRAIN NUMBER 91-00-0:** Chairman Deetz spoke with Rocky Squier who was asked to give his estimate on what tree replacement would be; that letter was presented and discussed. With that was the question of where monies can be taken from in order to compensate for the trees that were removed/destroyed outside of the right-of-way on Kent Hunter's property.

It was the consensus to turn this over to the county attorney (Jim McCanna) and the DeKalb County Commissioners as the Drainage Board has no funding to pay for damages.

**PLAN COMMISSION PETITION – REPLAT of SS&S FARMS:** Present is Randy Sexton, Sexton Associates representing Sam P. and Sandy A. Reinoehl who own property located on County Road 19 and County Road 4 south and west of Ashley Indiana. This is being platted to give them the ability to build a pole barn west of the home site, the rest of the ground will remain farm ground.

Don Grogg advised Randy to contact the highway department because secondary drives are an issue.

Randy Sexton said the landowner has already done that and noted that the drain being shown has been vacated according to the Beacon site.

Nate Frye said he would have to research that because he was not aware that had been vacated and couldn't explain why the data would conflict between Beacon and GIS. Whether or not it has been vacated is immaterial as it is still in the same watershed Nate said.

Nate Frye gave a report as written by Surveyor Mike Kline as follows:

This plat is in the watershed of the *Albert Higbea Lateral 1 Spur 1 Regulated Tile Drain Number 268-01-1* and the *Paul Reinoehl Lateral 1 Regulated Tile Drain Number 349-01-0*. The plat does not appear to exceed the threshold set by the Drainage Board for additional drainage improvements. This development shall not block off-site drainage across the site. Storm water from this lot shall be directed onto the parent tract and not onto adjoining tracts. This report is subject to any additional information submitted at the Plan Commission hearing.

The Albert Higbea Regulated Tile drains are on the list to be reconstructed and when the drains are reconstructed, an assessment for said reconstruction will be made to all lands in the watershed including lands in this subdivision.

A motion was made by Don Grogg to accept the report of the Surveyor concerning the drainage, subject to any new evidence presented at the Plan Commission meeting and requests the Administrative Assistant to pass this decision of the Drainage Board to the Plan Commission, seconded by Mike Krehl, motion carried.

**PLAN COMMISSION PETITION – REPLAT OF ROLLING RIDGE ESTATES LOT 1:** Present is Randy Sexton, Sexton Associates representing Lyle O. and Janet L. Vian who reside at 1764 County Road 18 where they are doing this simply for estate planning purposes, there is no building being planned.

Nate Frye gave a report as written by Surveyor Mike Kline as follows:

This plat is in the watershed of the *John Potts Regulated Tile Drain Number 39-00-0*, the *John Potts Lateral 1 Regulated Tile Drain Number 39-01-0* and the *Henry Schuster Regulated Open Drain Number 291-00-0*. The plat does not appear to exceed the threshold set by the Drainage Board for additional drainage improvements. This development shall not block off-site drainage across the site. Storm water from this lot shall be directed onto the parent tract and not onto adjoining tracts. This report is subject to any additional information submitted at the Plan Commission hearing.

A motion was made by Mike Krehl to accept the report of the Surveyor as given by Nate Frye concerning the drainage, subject to any new evidence presented at the Plan Commission meeting and requests the Administrative Assistant to pass this decision of the Drainage Board to the Plan Commission, seconded by Don Grogg, motion carried.

**DRAIN VARIANCE – WILLIAM PECKHART DRAIN NUMBER 22-00-0:** Present is Rodney Firmi representing G & B Aggregate, LLC with a request to place a permanent structure within the drain right-of-way to be no closer than ten (10') feet from the top of the bank on the northeast corner of the property.

Chairman Deetz asked if Mr. Firmi was made aware that should there be additional costs related to cleaning of this drain that they would be responsible for that cost and Mr. Firmi said he was.

It was questioned what the reason was to do this and Nate Frye stated that if everything is working properly this should never be used, but if the pond for some reason backs up and overflows, this provides a route for the water to go into the drain directly; the concrete structure creates a hard point to keep the water from eroding a ravine through the bank between the pond and the drain, so it forces the water to flatten out and sheet-flow into the drain; this is the concrete portion of the spillway to stop the erosion.

Jacqueline Rowan moved that based upon the facts stated and the recommendation of the Surveyor, that the Board approve executing a variance, to be no closer than ten (10') feet from the top of bank of the William Peckhart Drain Number 22-00-0, seconded by Don Grogg, motion carried.

**WILLIAM BICKEL DRAIN NUMBER 133-00-0:** Nate Frye stated that Philip met with Jim Deetz and they exposed the new tile that had been installed in the 1990's; the tile was not bed in stone, the plastic was put in and buried. The new tile is collapsing and going flat so Nate said the surveyor is of the opinion that we are going to have to replace the entirety of the tile from the County Line Road to County Road 2.

Mike Krehl said there is also tile on his property that has floated up and that should be fixed at the same time. In talking to Jim and as a property owner himself, Mike said they would like to know what the cost is going to be, maybe this doesn't constitute a hearing if all the landowner's are in agreement. Mike encouraged the surveyor's office to get that done (costs) so this can proceed. Mike said that Jim has been pushing for that (costs).

Nate said he would suggest that the surveyor's office prepare a cost estimate and what the landowner's portion would be if this goes to hearing and what the landowner's portion would be if it is paid for by consent and waiver. Nate said he would make sure that the surveyor gets that prepared.

Chairman Deetz said that they have tried to be mellow in regards to timeframe's but it was one of those things he tried making very clear that timeframe's that the surveyor's office gave would include worse case scenario's, so things like this jumping up should

have already been put in that timeframe. The Bickel drain was said to be prepared for a public hearing (to be held) by mid-October, early November, and they still are not.

Mike Krehl said whether there is a hearing being held or not, nothing can move forward on this without the information needed from the surveyor's office pertaining to costs. It was then asked where we are on the other top five on the list for hearings.

Nate said as far as the other drains on the list, he can comment to the best of his knowledge however he has been focused more on maintenance and Mike and Philip are handling more of the design phase of reconstructions, so he is not in the loop as much as he could be.

On the *Eric Morris Drain Number 416-00-0*, Mike Krehl said on the list it was stated that this was ready for bid.

Nate said it was and then the highway department a month ago said they want the county to directional bore the portion that goes under 427 and not open trench cut, so that change at the last minute put them in a situation where they have to locate utilities that run down both sides of 427. Nate said he is waiting on the City of Auburn to get out there with their truck and do that, so he is actively coordinating with them and will inquire as to why we haven't done that yet. The plan is still viable for this to be at hearing by the end of the year.

On the *Marvin Walker Drain Number 403-00-0*, the last update was that the design was done, the cost estimate was done and Mike was in talks with Rory Walker. Nate said they were hoping to do this hearing by a consent and waiver but it appears it will go to an actual hearing.

Chairman Deetz stated that this list was comprised in order to hold people accountable, the Walker ditch is slated for hearing by early October 2019, we are now at September 1<sup>st</sup> and with the timeframe for holding hearings, Bickel is slated for mid-October and the Guy Platter mid-November and at this point there should be some pretty definitive plans for meeting what has been agreed to by both sides.

Nate said he would do everything he can to get these assessment rolls presented in two weeks so these can get scheduled.

**INFORMATIONAL:** Don Grogg stated that there are some complaints from Hixson Sand and Gravel with not being paid and asked Nate if he could enlighten the Board as to what the problem could be.

Nate said that Hixson received notice at the beginning of the year (and it has been discussed multiple times since then) that the surveyor's office has requested a one-week lead time in front of the Auditor's office as for them submitting invoices so they can be processed. Hixson is not meeting the schedule of the surveyor's office, they collect their invoices to the end of the month and then they send them the Friday after the end of the month. They were warned that if invoices weren't submitted by the deadline they could not guarantee that they would get processed until the next claim run. Nate said that Mike has him going through and validating their material claims against what he's gotten from the contractor's as far as work is done, Mike doesn't want these rubber-stamped and paying them, so Nate said he needs time to process the claims. Nate said he has asked Hixson to submit invoices bi-weekly to avoid these problems but they sit on stuff for the whole month and then bring in one stack at the end of the month which doesn't allow time to go through them.

Don stated that there are also contractors who are upset.

Nate said that he has talked with all the contractors; Fred was upset because Nate did miss a few claims on his part and that was corrected. The contractors that Nate knew were upset he has dealt with personally and they are on good terms now he said. There was discussion on the *James Ferguson Drain Number 86-00-0* as to dipping and seeding and getting it coordinated with the Highway Department for the week of September 9<sup>th</sup>.

There being no further business, meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant