

DEKALB COUNTY DRAINAGE BOARD MEETING

April 22, 2021

Drainage Commissioners Present:

Chairman Randall J. Deetz
Vice Chairman, Michael E. Krehl
William L. Hartman, Member
Michael V. Watson, Member
Bruce Bell II, Member

Others Present:

First Deputy Surveyor Nathan Frye
Drainage Board Admin. Asst. Michelle Lassiter
Attorney Shannon Kruse

Guests:

None

Absent:

Surveyor Michael C. Kline

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

APPROVAL OF MINUTES

A motion was made by Mike Krehl to approve the Minutes of April 15, 2021 as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Mike Watson. Chairman Deetz asked for a vote, motion was approved by all members who attended the meeting voting in the affirmative, and with Member Bill Hartman abstaining due to his absence from the April 15, 2021 meeting.

SURVEYOR'S REPORT

Mr. Deetz asked for the Surveyor's Report and Mr. Frye presented the following:

- Mr. Frye provided the Board had with the April 19, 2021 Schedule of Claims for invoices paid from the drain funds stating the invoice taken from the *Guy Platter Drain 112-00-0* maintenance fund was for dipping of the drain.
- *Fritz Bartels Drain 408-00-0*: Mr. Frye presented the Board with a Surveyor's Report, Engineering Cost Estimate, and Assessment Rolls for the *Fritz Bartels Drain 408-00-0* in preparation of the upcoming hearing for reconstruction. The following information came out of the project discussion:
 - The County Road 68 right-of-way was 40 feet wide, with the actual roadway being outside of the right-of-way. The tile size was being upsized from 12 inches to 15 inches due to road runoff. The manhole on the northeast side of the intersection would be outside the road right-of-way. If possible, 30 inch square concrete inlets would be used for the manholes instead of the four foot manholes listed on the cost estimate, which would result in lower costs to the project. There also would be an 18 inch HDPE culvert installed over the outlet in Stanley Freeman's field to continue to provide access for large equipment in the field. The road crossing for the drain would normally be done by the project contractor. In the past the County Highway Department sometimes had provided backfill materials, when that happened the Highway Department had paid for the materials. The cost estimates had the DeKalb County Highway paying for two manholes, including the manhole outside of the right-of-way. After some discussion the Board directed Mr. Frye to transfer cost the manhole located out of the right-of-way from the Highway Department's special

assessments to the land owners of the watershed. This decision was based on the manhole collecting field runoff, not just road runoff, as well as the Highway Department paying assessments on right-of-way acreage to the drain maintenance fund.

- Dr. Mark Souder land owner of 3154 County Road 68, Auburn would need to sign a Land Owner Consent acknowledging that he understood the existing over land drainage pattern flow was through his property and the reconstructed drain would end at his property line possibly increasing that over land flow pattern. The Land Owner Consent would need to be recorded against the property deed in the DeKalb County Recorder's Office. The document would cover the County's liability regarding the drain overland flow with future land owners. Mr. Frye asked Ms. Kruse for her assistance in putting that Land Owner Consent document together. Ms. Kruse asked Mr. Frye to email the technical drainage language to her for use in the agreement.
- The leg of the drain requested by Roland Seiler of Seiler Farms would become Lateral 1 and would be funded by the main drain's maintenance funds. This reconstruction would be changing the course of the drain and adding a length to the drain.
- Mr. Frye had spoken with the land owner of the largest portion of the watershed, Stanley Freeman, and Mr. Freeman was agreeable to the route and design. Mr. Freeman had told Mr. Frye the project could be done during the summer, there was no reason to until after harvest in the fall. Mr. Frye will be ready to request bids after the 20 days post-hearing waiting time required by State Statute.

Mr. Deetz asked for a motion regarding a public hearing for the project. Mike Watson moved to hold a reconstruction and maintenance public hearing for the *Fritz Bartels Drain 408-00-0* on June 17, 2021 at 9:00 a.m. in the Commissioners Court. Bill Hartman seconded the motion. The motion carried with a unanimous vote.

Ms. Kruse advised the legal advertisement should state the reconstruction would be changing the course of the drain, adding a length to the drain, and converting the tile to an open drain in the last leg of the drain.

- *Guy Platter Drain 112-00-0*: Mr. Frye informed the Board the contractor was to have done touch up on the north side of State Road 8 on Monday, April 19, 2021 and then begin on the south side of State Road 8. Mr. Frye was going to reach out to the contractor to see if he would be done by April 30, 2021. If not, then Mr. Frye would bring a request for an extension to the April 29, 2021 Drainage Board meeting.
- *Krumlauf Drain 1008-00-0*: Mr. Frye informed the Board he had received a call from the Allen County Surveyor's Office regarding the Allen County/DeKalb County/Noble County joint drain *Krumlauf Drain 1008-00-0* which is a branch of Willow Creek. The drain was located in the southwest corner of DeKalb County east of State Road 3 in line with County Road 72. Mr. Frye gave some background to the Board explaining the DeKalb County Surveyor's Office received a complaint of beavers in the drain, conducted a site check of the drain, and unaware that it was a joint drain, directed the individual to speak with Allen County's Surveyor's Office regarding the need for maintenance on the drain.

Mr. Frye stated the Surveyor's Office had looked through all of the Drainage Board and Surveyor's Office records and found a small file with minimal information on the drain, other than maps of the drain and the indication it was a three county drain. Mr. Frye stated he was unsure if Allen County was aware that Noble County also was a part of the drain watershed. The staff is unsure of when it became a regulated drain, or which county has jurisdiction over the drain. However, as the majority of the drain is in Allen County, staff assumes Allen County has jurisdiction.

The Allen County Surveyor's Office stated the drain collects fifty cents an acre in assessments, has approximately \$2,000.00 dollars in the fund, and the work required to remove the beavers, lodges, and dams would cost between \$15,000 and \$16,000. Allen County would like to know if DeKalb County would be agreeable to putting the drain in the red for approximately ten years and would be willing to hold a joint public hearing to increase the assessment rate for the drain. After some discussion, the Board asked Mr. Frye to contact Allen County's Surveyor's Office, ask for copies of all their records on the drain, make sure they are aware of Noble County's connection to the drain, and get more details as to the scope of the work proposed for the drain. Once the Board has all of the information available they will make a decision on the request.

- *Nicodemus Spindler Drain 451-00-0*: Mr. Frye informed the Board Gene Clifford of Clifford Excavating had requested to reconstruct the *Nicodemus Spindler Drain 451-00-0*. Mr. Clifford is purchasing on land contract the Jon & Kathy Grogg property located on the northwest corner of County Road 14 and County Road 23. The drain is located perpendicular to County Road 14, running north and south, crossing County Road 14, west of County Road 23. The drain runs into a swale connecting to an unregulated open ditch. The drain maintenance fund has approximately \$28,000. Mr. Clifford is working with two other primary property owners in the drain's watershed. The group wished to be permitted to use more than 75% of the maintenance fund for the reconstruction. They would then pay for the remainder of the cost. In addition, Mr. Clifford wanted to know if only the three primary property owners could sign consents and waivers, or if all property owners in the watershed had to sign consents and waivers.

Ms. Kruse referenced the State Code, and determined the State Code would not permit more than 75% of the drain fund to be used for the reconstruction project. In addition, Mr. Clifford could not sign a consent and waiver. The Groggs would need to do so as the owners of record with the County, and all property owners within the drain's watershed would have to sign consent and waivers. The DeKalb County Highway Department would need to sign a consent and waiver as well since the drain crossed County Road 14. The principal property owners could decide to either buy out the other watershed property owners' portion of the project or there could be a public hearing. Ms. Kruse stated the consent and waivers should have a line stating which three property owners would be paying for the full cost of the project, spelling out a date as to when the full amount or letter of credit was to be provided to the county and that the project could not begin before that date. Ms. Kruse also advised the engineering cost estimates and assessment rolls should be compiled and provided to the three principals before anything more happens so they are sure they want to take the project on.

Mr. Frye stated that he would pass the information along to Mr. Clifford and Mr. Clifford would more than likely be to a near future Drainage Board meeting.

- *Frederick Groscup Jr Drain 335-00-0*: Mr. Frye informed the Board he and Mike Watson would be meeting with the City of Auburn's Mayor and Engineering Department Director on Tuesday, April 27, 2021.
- *William Bickel Drain 113-00-0*: Mr. Frye stated he has spoken with the Noble County Surveyor, Randy Sexton. Mr. Sexton had met with Noble County landowners in the Bickel watershed with the majority of them being agreeable to the proposed reconstruction plans. Mr. Frye would put the engineering cost estimates and assessment rolls together and bring them to the Drainage Board meeting in two weeks for review.

An inter-county drainage board meeting would need to be held to certify the previous reconstruction on the upper portion of the drain and to discuss the lower portion reconstruction, with the potential for setting a date for a public hearing. Jim Crowl had in the past been the fifth member of the DeKalb County/Noble County Joint Drainage Board. Staff will reach out to see if he is interested in continuing in that position.

- Mr. Frye informed the Board he had received updated calculation from D.A. Brown Engineering Consultants regarding Heritage Estates Section II. The calculations were good and did not make any significant changes to what the Board had heard in the presentation on April 15, 2021. Mrs. Lassiter stated the Board's recommendation letter had been sent to the Garrett Planning Commission.
- Mr. Frye stated that Surveyor Mike Kline was reviewing the designs for the *C.B. Kagey Drain 225-00-0* and the *George Matson Lateral 11 Drain 73-11-0*.

Mrs. Lassiter informed the Board she was working on gaining an OCRA grant writing certification which entailed attending a virtual class on Thursday, May 6, 2021. She asked if there were someone else who might be able to take notes for the minutes that day or even if the Board might consider not holding a meeting that day. It was decided that either Mrs. Lassiter or Jan Bauman, County Auditor would start the recording software and Ms. Kruse could take notes in case the recording failed.

There being no further business, meeting adjourned at 9:38 a.m.

Randall J. Deetz, Chairman

Michelle Lassiter, Administrative Assistant