

DEKALB COUNTY COMMISSIONERS' MEETING

June 28, 2021

Commissioners Present: President William L. Hartman
Vice President Michael Watson
Vice President Todd Sanderson

Others Present: Auditor Jan Bauman
Attorney James P McCanna

MATTER OF HUMAN RESOURCES

The Surveyor's Office would like to add a new full time clerical position. Last year the department thought that the new office manager would be able to handle the extra work due to the merging of two departments. There was discussion whether going to 40 hours per week would be a good alternative. Also, Soil & Water would like to make their part time technician full time due to construction going on in the County. There was discussion about the origins of the 35 hour work week for many County departments, and although no one was here when that decision was made many years ago, it was most likely for financial savings.

The Probation Department has a newly created employee handbook.

Half of the lights don't come on in the Annex Building basement when the humidity is very high. President Hartman will talk to Larry Lane about this.

Other HR topics discussed: open and filled positions; IPEP safety grants; and health and voluntary insurance enrollment options have all been entered into payroll now.

MATTER OF MINUTES

Todd Sanderson made the motion to approve the minutes from June 21, 2021 and June 22, 2021. Michael Watson seconded, and all approved.

MATTER OF CLAIMS

Todd Sanderson made the motion to approve General Claims consisting of warrant #132112 through 132120 in the amount of \$9,639.17, and wire transfer #18196 through 18319 in the amount of \$315,192.67. Michael Watson seconded, and all approved.

MATTER OF TRAVEL REQUESTS

Michael Watson made a motion to approve the following travel requests as presented:

- 1) Jan Bauman and Susan Sleeper (Auditor) to travel to Plymouth on July 15th for the 2021 Summer Auditors Association Meeting. Estimated cost of \$72.25 to be paid from department travel.

Todd Sanderson seconded, and all approved.

MATTER OF PAYROLL

Todd Sanderson made a motion to approve payroll for the period June 6-19, 2021. Michael Watson seconded, and all approved.

MATTER OF KENNETH D METZGER PROCLAMATION RESOLUTION 2021-R-15

President Hartman read Resolution Number 2021-R-15, the Proclamation Honoring the Public Service of Kenneth D. Metzger. Michael Watson made a motion to approve Resolution 2021-R-15. Todd Sanderson seconded, and all approved.

MATTER OF LANDOWNERS AND SURVEYOR'S OFFICE

Tom Miller is a 5th generation farmer and resides at 4094 County Road 12, Waterloo. Mr. Miller was speaking on behalf of several landowners and the experience they have had when dealing with the Surveyor's Office. For many years, they have tried to move forward with drainage projects but have experienced extended delays due to lack of cooperation and timeliness from the Surveyor's Office. The number of drains that have been completed has drastically diminished over the years. They would like to explore option on how to encourage the office to function in a more efficient manner and to be more willing to work with the landowners of DeKalb County. Mr. Miller was able to farm all the acreage of his farm when it was purchased in 2003. However, the drainage has diminished over time, and he has tried to work with the Surveyor's Office to get something done. In 2018, he was able to get a petition for doing drainage work, but due to lack of cooperation from the Surveyor's Office, that project has yet to be done. He believes management should explore options to improve staffing in the Surveyor's Office or how to make the current team more efficient. It seems that taxpayers' landowners are not a priority. For example, a solar project south of town was able to get a variance passed in a matter of a 5 weeks after having the full resources of the office to explore and survey the affected tile first. Adequate drainage will substantially improve flood control, water quality, and storm water in the county.

Next, Rory Walker of Walker Farms at 4275 CR 22, Waterloo spoke. He was representing a lot of farmers to try to figure out how to improve what is going on in the Surveyor's Office, what's going on with drainage and Drainage Board, to help drainage and to be more prompt in DeKalb County to get some projects moving. The Surveyor's Office had been very inefficient for years but continues to get worse. He is going back 20 years when his dad had a terrible time getting things through there. He has petitions that have been filed, quotes that are in Drainage Board minutes going back to 2010 where the Surveyor said he would have an answer in a year, but he is still waiting. Tiles are broken down in the fields. Things are getting dramatically worse. It's a hazard to their equipment. Another complaint is the lack of financial information coming out of that office. He used to go into the office in January to get a report on several ditches to see how much that ditch collected and how much it used so he could keep track. The information is very hard to get anymore. He has to go to the Auditor's Office to get up-to-date information. The Surveyor's Office is not keeping that up-to-date unless something has changed since January. Also, there is no comprehension for urgency and time when you go into the office to try to get a project done. A project they are finally making some progress on was something that he began talking to the Surveyor about in December 2014. It was petitioned in 2016 and carried into office in February 2017. Finally, they are now starting to get some work done on that drain. The final issue to cause this meeting today was the fact that farmers who pay taxes and drainage assessments cannot get any reconstruction projects done. Some small projects can get done. Walker Farms works well with the crews that do these smaller projects. But to get large projects done that need to go through Drainage Board, the public hearing is where the holdup is at. Engineering would be part of that. Another thing that brought Mr. Walker in here was something Bill Hartman was quoted as saying in the newspaper after Chris Gaumer had resigned. He said he had hoped to get someone in here that would not back up any projects in DeKalb County. Mr. Walker thought he sure wished they had the same attitude about the Surveyor's Office because of the lack of progress. Mr. Walker and other farmers would like the Commissioners to get extra help for the Surveyor's Office—financially, labor—whatever it takes to get these projects rolling. Inflation is making the problem worse. From the time that Mr. Walker obtained a quote for the project back in 2016 that still is not complete, the cost of the tile has doubled. He doesn't believe money is the problem. As of 5-31-2021, there was \$420,818 in the General Drain fund, and \$5,153,000 in the

Drain Maintenance fund. The Surveyor's Office assesses a drainage fee, and 75% of that can be used for reconstruction projects. We can't seem to be able to access that money. The drain he's working on has \$52,000 in it. He doesn't understand why this drain he had petitioned for work to be done on it was taken off of assessment last year. They are so close to working on the drain, and it has been collecting for all these years, but now that has stopped. It's hard to understand why. We have good contractors in the County who can get these projects done. He urges the Commissioners to talk to them. They will talk about the good and bad things that have been done in the County. The open ditches have been well maintained. The engineering and public hearings are the problem. There are 158,931 acres in DeKalb County, and approximately \$2,825,000 in property taxes. This land doesn't ask for a lot of services from the County or Commissioners, but we do ask for drainage. Talk to the contractors, farmers, and suppliers because you will learn a lot. He's not here to complain. We are just wanting to find out how to solve the problems. Mr. Walker offered to provide the Commissioners back-up data to show some of the inefficiencies if they would like it off the record. He can also provide examples. But the biggest thing is what can we do to improve that office. Outside engineering? More money for good people? He appreciates the Commissioners' consideration.

President Hartman said we're not here to condemn or place blame, but to find solutions. That's why he encouraged them to come to the meeting and present this to the Commissioners today. We need the problem solved. He doesn't know what can be done at this point, but the information gathered today will help in making some decisions. The Commissioners are limited because an elected official runs that office, and the employees are under the Surveyor's jurisdiction. He has complete control over the hiring and firing, etc. The Commissioners have talked about increasing that office's hours to 40 hours per week. The problem goes back decades of not getting enough done to help with the deterioration of our old drainage system. And now all of it is coming to be a problem at the same time.

Mr. Walker added that there are economic development and housing development people getting priority over things that are 20 years old. It's time that the ag people get priority so some of these tiles can get fixed. President Hartman mentioned that the Surveyor's Office has many functions other than County drains, and with the building push going on now they have a lot of variances and plots to deal. They have to do the work and research on that also. Mr. Walker agreed but also said that it comes back to the budget and number of employees, etc. President Hartman said in addition to looking at the number of hours worked per week, the office has requested another employee, and a decision will be made on that soon.

James Miller, a 4th generation farmer who lives at 3708 County Road 12, Waterloo, spoke next. He said that none of them wish to be here today, but there is an issue with the Surveyor's Office with the lack of work being performed by that office. They are asking for the Commissioners' help in rectifying the situation. This has been an ongoing issue for many years. When a new investor to the County gets drain approval from the Surveyor's Office within a very short period of time, we, as multi-generational businesses and taxpayers who wait for years to get approval for drainage work, it becomes apparent there is a major problem. The Commissioners may not realize the implication that this has on a farmer's situation. Every non-performing acre due to drainage issues is income lost every year. This lost income will never be recouped. Only when a County drain is repaired and working well will the nonperforming acres become income producing again. We must still pay taxes on these nonproducing acres. Please take the advice of those present today and rectify the situation soon. The issue will not go away soon. This group is ready to move forward with any and all remedies available at their disposal.

Commissioner Sanderson wanted to drive by these problem areas to see for himself. The Millers each gave more information as to the location of the nonproducing acreage.

Mike Krehl lives at 2043 CR 00 West, Kendallville, and is a landowner in the northwest part of DeKalb County. He said they made a point about the drainage, but he wants to make a point about water getting on roads and the safety issue it poses. Cars hit the standing water. Water is there due to a drainage issue.

Nathan Frye from the Surveyor's Office said he believes the problems are 50-60 years in the making. He said he couldn't argue with the general comments that were being made today. The drain that was fixed a couple months ago was from a petition dating back to 1975. As far as water on the roads, since Mr. Frye has been in the Surveyor's Office, he has work very closely with the Highway Superintendent. He feels that the drainage issue that we can directly influence because we have jurisdiction there the Surveyor's Office has focused on them and gotten them fixed. And that focus on drainage issues has led to other projects not getting done as quickly. The office has a triage list that we go by. Flooding on county roads takes highest properties. The next priority is potential threats to homes. Beyond that we look if it is causing multiple acreages of flooding are looked at over an area that has some pools over a tile. Mr. Frye would welcome more staff members but realizes there are budget limitations. He feels they are doing the best that they can with the resources they have. There have been many changes in the office over the past couple of years. The majority of the staff has only been there a couple of years. Besides the Surveyor, Mr. Frye is the senior member of the office. There is a drafting person on staff now. With his drafting ability, there are now 4 reconstruction projects that are almost completed are ready for the public hearing and legal paperwork. There are another 3-4 drains that are in the early design phases—one of them being Tom Miller's drain specifically. There are another 3-4 drains that are in the field assessment process. Each person in the office has a different priority list to work from since they serve different functions within the office. When the Surveyor's health took a turn for the worse earlier this year, Mr. Frye took a list of 3 projects to the Drainage Board with a plan of action for each, and he feels they have been working accordingly. Prior to last year, they were limited on how much reconstruction work they could do. The General Drain fund had a revolving amount of approximately \$1.4 million. Currently there is about \$440,000 in it. If the 3 reconstruction projects are completed, that \$440,000 will be close to being depleted. If all 5 reconstruction projects are completed that are about ready to be done, the fund will be exceeded by \$500,000-\$700,000. So, they will be seeking permission from Council to borrow from the Drain Maintenance fund to do reconstruction projects. There was permission to borrow over \$1 million from the Drain Maintenance fund to do reconstruction projects, and if the 5 projects are done, that amount may also be depleted. Mr. Frye is not making excuses but trying to clarify what is happening based on comments made today.

President Hartman confirmed that we're on track to do 5 reconstruction projects by the end of this year if the money is there. This would be an improvement over where we've been over the last 5 years. He asked if the office worker the Surveyor's Office has requested recently is where the help is most needed. Mr. Frye explained that when the office manager assumed the responsibilities of the Drainage Board secretary, 3 days is spent handling those responsibilities now. That leaves 2 days a week for office manager duties. A second clerical position would be put to good use, but the office is still feeling out responsibilities and levels of demand with the other positions in the office, he doesn't know where the next position would be to expand productivity. A second clerical person would definitely be put to good use though.

There was discussion about the work the current Surveyor is doing from home. He is doing about 15% of what he was doing when he was in the office in March. Mr. Kline has worked full work weeks since becoming Surveyor. Prior to that, the Surveyor worked 1 day per week. Mr. Kline is getting quite a bit done compare to what prior Surveyors were doing. He is active in the office, and there are phone conversations every week to keep him in the loop. Some work is being dropped off to him at home.

Mr. Krehl said he is on the Drainage Board, and there have been four reconstruction projects done in the last 2 ½ years, 3 of which were last year. Mr. Frye said the Butler project consumed the resources of the

office for over a year. President Hartman said it would be real progress if 5 additional reconstruction projects can get done by the end of this year.

There was further discussion about whether new developments add to the drainage problems, making employee pay competitive, and reconstruction project assessments versus payment due dates.

MATTER OF SELLING TWO PROPERTIES ON COUNTY ROAD 61

President Hartman suggested selling the two County Road 61 properties separately. There was consensus among the Commissioners to do so. And, Attorney McCanna found in his research that Indiana Code 36-1-11-4(c) makes an allowance of the Commissioners' knowledge of properties when setting the minimum bid. The fact that the property has wetlands and use of the property is limited, the Commissioners can take that into consideration. The Commissioners settled on \$22,000 as the minimum bid for the 5.088 acre tract, and \$62,000 for the 14.736 acre tract. A classified ad will be placed in the newspaper in addition to the legal ad for Notice to Bidders.

MATTER OF NATURAL GAS DELIVERY

Bradd Davidson from Loyal Energy Trading presented options for purchasing forward the delivery of the natural gas. He suggested doing this for the months of October through May. The market is trending upward. The goal is to mitigate events that shake up the market, such as the Texas issue last year. After much discussion, Todd Sanderson made a motion to engage Bradd Davidson for \$3.80 or less at his discretion for the months of October-May. Michael Watson seconded, and all approved.

MATTER OF MORATORIUM ON SOLAR FARM

Todd Sanderson made a motion to extend the moratorium on solar farms an additional 60 days from when the first 60-day period which expires on July 16, 2021. Michael Watson seconded, and all approved. (The original 60-day period began on May 17, 2021.) This moratorium will expire Tuesday, September 14, 2021.

MATTER OF HIGHWAY

Chris Gaumer joined Ben Parker to talk about the Krafft property on County 60. The father and son, who have adjoining properties, dug a pond on each of their properties without a permit and connected them, with cannot be done. Also, all the dirt was used to build a mound around the perimeter of the property. This is causing water to stand on the neighboring property to the east. Mr. Krafft is also filling in what could be a wetland on the northeast corner of County Road 60 and County Road 55. In addition, he is dumping concrete, wood, and branches on that property and is open burning. It is not only an eyesore, but it is smoldering, and the smoke is bothering the neighbors.

What can be done about this? As far as the open burning, there is nothing the County can do. A complaint can be filed with IDEM. The things that could be addressed by the County is damage of a highway or highway right-of-way, putting soil in the right-of-way, digging pond without a permit, and Rule 5 with Soil & Water. There is consensus to proceed with the right-of-way issue and the issue with berms obstructing natural drainage flow, damage inside the berms, and permits for the pond. The Commissioners would like Mr. Krafft to come in on July 19th at 11:30 to talk to him about these issues.

Stephan Trucking has applied for two Special Extra Heavy Duty Vehicle Permits. The first one would allow a maximum weight of 162,000 pounds with a minimum of 8 axles as agreed upon by Ben Parker per the load spec sheet. The route would be 3105 County Road 68 west to County Road 427, then south

on County Road 427 to Allen County. The second one would allow a maximum weight of 108,000 pounds with a minimum of 6 axles as agreed upon by Ben Parker per the load spec sheet. The route would be Allen County Auburn Road to County Road 72 then west to 4526 North County Line Road. Michael Watson made a motion to approve the Special Extra Heavy Duty Vehicle Permits 1-2021 and 2-2021 for Stephan Trucking Inc. Todd Sanderson seconded, and all approved.

Mr. Parker said that he thinks he is going to change the scope for work for road maintenance this year due to an issue that came up this year with the stone. Annual bids were received on the stone, and something happened with the low bidder (Hixson Gravel), and they told him they cannot honor their bid at \$18 per ton. They were going to have to charge \$21.50 per ton, which is 40 cents less than the next lowest bidder. The fairest thing to do would be to re-bid the stone. It wouldn't make sense to re-bid the stone because of how long it will take for the re-bidding process and for the stone to actually be available and delivered. Mr. Parker would like to stop purchasing stone and minimize the chip and sealing work that he had planned for this year. That money could be used on other projects this year. Then next year double up on the chip and sealing. Commissioner Sanderson expressed his frustration that the bid for stone was not being honored by a local company that we have worked with for a long time.

Commissioner Sanderson could not return immediately after lunch.

There were a couple more items to discuss regarding the Highway after lunch. There was discussion about the extra labor of \$22,767.79 charged by Zachrich for covered bridge and why it was charged. The Commissioners gave Mr. Parker direction on what they would like negotiated with those charges.

Finally, Michael Watson made a motion to approve and sign the annual Covered Bridge Certification for the State. William Hartman seconded, and all approved.

Commissioner Sanderson returned at 3:30 p.m. and joined the budget work being done for 2022.

MATTER OF OTHER DISCUSSION

Other discussion topics included: 2022 budget; meeting added for July 2nd at 10:30 to finish the 2022 budget.

William L. Hartman – President

Michael Watson – Vice President

Todd Sanderson – Vice President

Attest:

Jan Bauman, Auditor