

**DEKALB COUNTY DRAINAGE BOARD MEETING**

March 17, 2022

**Drainage Commissioners Present:**

Michael V. Watson, Chairman  
 Bruce Bell, II, Vice-Chair  
 William L. Hartman, Member  
 Sandra M. Harrison, Member  
 James A. Miller, Member

**Others Present:**

Michael C. Kline, County Surveyor  
 Michelle Lassiter, Sec. /Drainage Board Admin. Asst.  
 Shannon Kruse, Attorney

**Guests:**

Tom Karnes

**Absent:**

None

Chairman Mike Watson called the regular meeting of the DeKalb County Drainage Board to order at 8:00 a.m.

**APPROVAL OF MINUTES**

A motion was made by Sandy Harrison to approve the Minutes of March 10, 2022, with the correction of her last name from Hartman to Harrison as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Jim Miller, the motion carried.

**PLAT OF MAC'S HAVEN SUBDIVISION – DAVID LINK REGULATED OPEN DRAIN NO. 211-00-0:** Thomas Karnes, the owner presented the drainage plan for the Plat of Mac's Haven subdivision, a one-lot, 2.36-acre subdivision. This subdivision is located in the Southwest Quarter, Section 10, T34N, R13E, Grant Township, and within the watershed of the David Link Regulated Open Drain No. 211-00-0.

The Board accepted the Surveyor's Drainage Report, which stated "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. Stormwater 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."

Jim Miller moved to approve the drainage plan with a certification date of 03.10.2022, sealed, and signed by Brian J. Stody, with the Surveyor's recommendations, sending a favorable recommendation to the DeKalb County Plan Commission, the motion was seconded by Sandy Harrison, motion carried.

**CONSENT & WAIVER FOR RECONSTRUCTION: PARKVIEW HEALTH & DEKALB COUNTY COMMISSIONERS – FRED GROSCUP JR REGULATED TILE DRAIN NO. 335-00-0:**

Mike Watson informed the Board the County Commissioners had signed the Consent & Waiver for the reconstruction of the *Fred Groscup Jr Regulated Tile Drain No. 335-00-0* and it was ready for the Board to approve. Mr. Hartman inquired as to what the final cost of the project would be. Mr. Kline stated he was adjusting the plans, anticipating the cost to be between \$125,000.00 and \$140,000.00. Mr. Kline asked Ms. Kruse to summarize the process for approval of the Consent and Waiver. Ms. Kruse did so, stating the minutes would have the Findings and Final Order included. A legal notice would need to be published in the newspaper for the public.

**DEKALB COUNTY DRAINAGE BOARD FINDINGS OF FACT FOR RECONSTRUCTION OF A  
DRAIN BY CONSENT AND WAIVER**

NAME OF DRAIN: FREDERICK GROSCUP JR

NUMBER: 335-00-0

THE BOARD MAKES THE FOLLOWING FINDINGS OF FACT FOR THE RECONSTRUCTION OF A DRAIN:

These are the proposed findings, which are not final until adopted by the Board:

1. The petition previously filed for this drain is admitted into evidence.
2. The drain has been classified and previously placed on the priority list of the long-range plan of the Board.
3. There are no damages to any landowner.
4. None of the following benefit factors of Section 112 of the Indiana County Drainage Board Code are excluded:
  - (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 reconstructed, 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 reconstruction.
5. That consent to the reconstruction of the drain and a waiver of the public hearing has been signed by the affected landowners and is hereby admitted into evidence.
6. That 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.
7. That all lands included in the watershed are assessed.
8. That no lands outside the watershed are assessed.
9. That none of the benefits assessed against any landowner are excessively applied.
10. That no further evidence is required for the Board to make a decision.
11. That the Board has jurisdiction of this drain under the Indiana County Drainage Board Code.
12. That the drain is in need of periodic maintenance after the reconstruction.
13. That there has been no evidence that a combination of drains is required:
  - (a) One or more other regulated drains in the same watershed are in need of reconstruction.
  - (b) The Board finds that no substantial injustice will result from treating the drains as a single drain.
  - (c) Notice has been given of this hearing to the landowners of land affected by the combination.
  - (d) The Board or a landowner has initiated a proceeding to reconstruct one or more of the regulated drains in the combination and recommended by the Surveyor.
14. That the drain cannot be made to perform the function for which it was designed and constructed and cannot be made to properly drain all affected land under current conditions.

15. That the work proposed by the Surveyor to be performed on this drain do the following: (Check the items that apply)
- A.  converts all or part of an open drain to a tiled drain.
  - B.  Converts all or part of a tiled drain to an open drain.
  - C.  Adds an open drain to a tile drain.
  - D.  Adds a tiled drain to an open drain.
  - E.  Increases the size of a tile, if any.
  - F.  Deepens an open drain, if any.
  - G.  Widens an open drain, if any.
  - H.  Extends the length of the drain.
  - I.  Changes the course of the drain.
  - J.  Includes construction of a drainage detention basin.
  - K.  Includes construction of a drainage control dam.
  - L.  Provides for an erosion control structure.
  - M.  Provides for grade stabilization structure, and;
  - N.  Makes any major changes to a drainage system that would be of public utility.
16. That there has been no credible evidence presented to the Board to vacate the drain.
17. That the proposed improvement will result in the benefits to the watershed in excess of the costs of reconstruction in that it will:
- A.  Result in reclamation of approximately \_\_\_ acres of agricultural land.
  - B.  Result in increased safety on public highways in or near said watershed.
  - C.  Result in longer life and fewer repairs of public highways in or near said watershed.
  - D.  Decrease the threat of insects, pests and their related diseases.
  - E.  Increase yields of farm crops from land within the watershed.
  - F.  Increase the values of land within the watershed.
  - G.  Reduce damage from flooding.
  - H.  Other (Specify) \_\_\_\_\_.
18. That there has been no evidence that the drain has been abandoned by the Board.
19. That all relevant documentation in the files of the Surveyor and the Board regarding this drain are received into evidence by the Board.
20. That the schedule of assessments as originally filed are adopted by the Board.
21. That the Administrative Assistant of the Board shall publish notice of the Board's Final Order as required by the Indiana Drainage Board Code.
22. That the Final Order form of the Board is approved for this drain, and is adopted to the extent it can be made consistent with these Findings and the Final Order of the Board.
23. The costs, damages, and expenses of the reconstruction do not exceed the benefits that result to the owners of all land benefitted.
24. The damages assessed by the Board, if any, are adequate.
25. The damages assessed by the Board, if any, are only against land in the watershed.
26. The costs, damages and expenses of the reconstruction are less than the benefits accruing to the owners of the land benefitted by the reconstruction.

Jim Miller moved that the Board adopt the petition for the reconstruction of the drain, and approve the Findings of Fact, and issue the Final Order Form, seconded by Bruce Bell, II, motion carried.

**FINAL ORDER OF RECONSTRUCTION OF FRED GROSCUP JR DRAIN NUMBER 335-00-0  
UNDER SECTION 36-9-27-52.5**

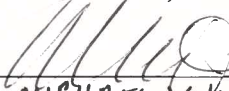
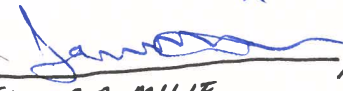
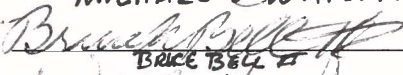

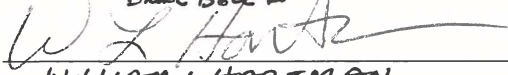
The DeKalb County, Indiana Drainage Board (hereinafter referred to as "Board") based upon its Findings of Fact now renders its Final Order on the petition for reconstruction of the Frederick Groscup Jr drain, the same being Number 335-00-0 in the records of the Surveyor of DeKalb County, IN. After due consideration of all reports, evidence, testimony and other information presented through the course of this public meeting and the Findings of Fact of the Board, the Board now enters its FINDINGS:

1. Date of Filing. No petition was filed. The Surveyor of DeKalb County (hereinafter referred to as "Surveyor") received a request by a landowner for the construction of a portion of a regulated drain solely on the lands of that landowner at that landowner's cost, and proceeded to prepare the reconstruction report for this drain under Drainage Code Section 32-9-27-52.5 on or about July 17, 2008.
2. Jurisdiction. That the existing drain is a regulated drain, and is within the jurisdiction of this Board, pursuant to I.C. 36-9-27-15.
3. Report of Surveyor. That the Board requested the Surveyor to report pursuant to I.C. 36-9-27-52.5, which report was filed and presented to the Board on July 17, 2008, in the Commissioner's Court, Courthouse, Auburn, IN., at a public meeting of the Board.
4. Schedule of Assessments. The landowners requesting the reconstruction of a portion of the regulated drain shall pay the entire costs of the reconstruction.
5. Consent and Waiver. That consent to the reconstruction of the drain and a waiver of the public hearing has been signed by the affected landowners and is hereby admitted into evidence.
6. Legal Notice of Hearing. No special legal notice of hearing was required under Drainage Code Section 52.5.
7. Mailed Notice of Hearing. No mailed notice was required under Drainage Code Section 52.5.
8. Department of Natural Resources. No notice was required to be sent to the Indiana Department of Natural Resources under Drainage Code 52.5.
9. Objections Filed. The Board heard no objections.
10. Evidence Concerning Objections. No objections were received.
11. Hearing. Notice and public hearing were not required under Drainage Code Section 52.5 but the Board at a public meeting heard the reconstruction request.
12. Disposition of Objection. No objections were received.
13. Amendments to Surveyor's Report. Upon the record developed, the Board made no amendments to the report of the Surveyor, except as may be shown in the Minutes Book of the Board.
14. Periodic Maintenance. Said improvement is in need of periodic maintenance and currently is on maintenance.
15. Reconstruction. That the present drain is in need of reconstruction.
16. Type of Improvement. That the proposed improvement is a reconstruction within the meaning of I.C. 36-9-27-34(a).
17. Improvement Justification. Pursuant to I.C. 36-9-27-52(I), the Board finds that the proposed improvement will result in benefits to the watershed in excess of the costs of reconstruction.
18. Special Assessments. None.
19. Damage Awards. None.
20. Reduced Benefits. None.
21. FINDINGS OF FACT. After hearing all the evidence presented at the hearing, for and against, the Board made the findings required by Drainage Code Section 52.5 as reported in the Minutes Book of the Drainage Board.

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

- A. The Board adopts the Findings as true and accurate for this proceeding.
- B. The report of the Surveyor and the reconstruction of a portion of the regulated drain at the costs of the affected landowner as provided under Drainage Code Section 52.5 is hereby approved and adopted by the Board and the improvement established; and
- C. A periodic maintenance fund has been established for the periodic maintenance of the improvement; and
- D. Public announcement of said order is hereby made at the said public meeting on this improvement; 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, IN., which notice shall identify the drainage reconstruction 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 in accordance with and pursuant to I.C. 36-9-27-52(I); and
- F. If judicial review of the Findings and Order of the Board is not requested pursuant to I.C. 36-9-27-106(a) through 36-9-27-109(a) 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 to reconstruct the improvement according to law.

Dated at Auburn, Indiana, this 17<sup>th</sup> day of March 2022.

 _____ MICHAEL V. WATSON	Chairman	 _____ JAMES A. MILLIE	MEMBER
 _____ BRUCE BELL	Vice-Chairman	 _____ SANDRA M. HARRISON	MEMBER
 _____ WILLIAM L. HARTMAN	Member		

### SURVEYOR'S REPORT

Mr. Watson asked for the Surveyor's Report, Mr. Kline provided the following information:

- The *Fritz Bartels Drain No. 408-00-0* reconstruction was almost complete. The Surveyor's staff was waiting on the asphalt plant to reopen to make the road crossing.
- The *George Matson Lateral 11 Drain No. 73-11-0* reconstruction was completed.
- The reconstruction for the *C. B. Kagey Drain No. 225-00-0* was to begin next week, depending on the weather.
- There were substantial issues with the repairs of the *Harry Shull Drain No. 109-00-0*. Due to a butt weld failure, the new tile was stuck under the road. It was believed that the butt weld was not put together correctly. Mr. Kline explained that directional boring used a water chemical mixture to make a slurry for tile lubrication. When the slurry was stopped for the repair of the weld, the water drained quickly away, and the clay hardened around the tile. LaOtto excavation tried to pull the tile out, breaking three chains in the process. The Surveyor's staff was currently on site, the hope was for the tile to have made it to the west side of the road and could possibly be pulled in that direction. If not, then a twelve to fourteen foot deep hole, requiring boxes would need to be dug to reach the end of the tile. If the tile was stuck under the middle of the road, then there may need to be a road cut made,

which would be an issue with the asphalt plant closed. The issue will add cost and time to the repair of the tile. Mr. Kline stated the boring contractor was ultimately responsible for the issues brought about by the failed butt weld.

- 368 Meeting with Army Corps of Engineers, Indiana Department of Environmental Management (IDEM), and the Indiana Department of Natural Resources (IDNR) was scheduled for April 1, 2022, to discuss options for reconstruction of the *William Bickel Drain No. 133-00-0* and the *G. B. Collins Drain No. 87-00-0*. Mr. Kline stated IDEM and IDNR had both indicated that permits would be required for both locations but wanted to visit the sites. Mr. Kline was hopeful that the Army Corps of Engineers would take jurisdiction of the sites, as he felt it was easier to work with that entity. Mr. Kline also wanted to discuss the *E. P. Griffin Drain No. 224-00-0* with all three representatives while they were present. Mr. Kline was going to have Knott's Excavating to dip the sandbar in *Cedar Creek Drain No. 470-00-0* at the end of the *E.P. Griffin Drain No. 224-00-0* to provide some relief upstream in the interim, stating a mud ball had been observed hanging from the drain.
- Mr. Kline stated he had been working on bid documents and contracts for the *Fred Groscup Jr Drain No. 335-00-0* and the *William Bickel Drain No. 133-00-0*.
- Mr. Kline state his office staff was reviewing other permits, plats, and requests as they were submitted. They included Mr. Kline reviewing a seventy-eight-page set of plans and specifications for the proposed Auburn Sports Complex. Mr. Kline had a call into the engineer since the plans did not include the information needed for the site drainage plan. Mr. Kline was also reviewing two sets of preliminary plans that would be presented in the future.

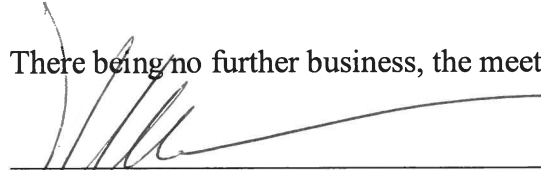
## DISCUSSION

Ms. Kruse asked Mr. Kline if the Joint DeKalb County / Noble County Drainage Board meeting set for March 28, 2022, should be rescheduled to after the 368 Meeting. Mr. Kline stated he didn't believe so, he had plans and cost estimates for the section of drain up to the wetlands, and that phase could be moved forward through the Drainage Board processes. Mr. Kline then informed the Board he had spoken with Alice Frazie who lived in the watershed and promised to help her with her drainage issues, after the 368 Meeting.

Mr. Bell asked if landowners within the *Levi Dennison Drain No. 317-00-0* watershed had been sent letters informing them of the March 24, 2022, 9:00 a.m. informational meeting. Mrs. Lassiter stated the letters had been sent. Ms. Kruse asked that Mr. Kummer have the letter emailed to him as well.

Mr. Hartman inquired about the reconstruction of the *Guy Platter Drain No. 112-00-0* State Road 8 crossing. Mr. Kline stated the Indiana Department of Transportation (INDOT) permit application had been submitted. He would have Nathan Frye check on its status. Mr. Kline also stated the crossing could not happen until after the asphalt plants reopened.

There being no further business, the meeting adjourned at 9:02 a.m.

  
Michael V. Watson, Chairman

  
Michelle Lassiter, Administrative Assistant