

DEKALB COUNTY DRAINAGE BOARD MEETING
March 24, 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
Nathan Frye, 1st Deputy Surveyor
Michelle Lassiter, Secr. /Drainage Board Admin. Asst.
Shannon Kruse, Attorney

Guests:

Everitt Berryhill Tom Miller
Rita Berryhill Pete Gensic
Rory Walker Steve Kellogg
Chadd Baker Richard Kummer
Clayton Baker Todd Hauter
Larry Kummer Brian Kelham

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 Jim Miller to approve the Minutes of March 17, 2022, as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Sandy Harrison, the motion carried.

APPROVAL OF CLAIMS

Mr. Watson asked for a motion for Ms. Kruse's April stipend of \$1,295.00. Bill Hartman moved to approve Ms. Kruse's January stipend of \$1,295.00, Bruce Bell, II seconded the motion, motion carried.

SPRAY PACKAGE BID OPENING

Mr. Kline explained drains were put on a three-year rotation for clearing and spraying. Usually, a three-year contract had been signed in the past by the Board, however, due to COVID, the previous contract had been extended one year at a time for the last couple of years. The Surveyor's Office had sent out the request for bids to five companies, including one from Arkansas that sprayed from a helicopter that had requested to be included. Only one bid came back, it was from Right of Way Management. ROW Management had been awarded the contract during the last bid opening. Mr. Kline stated ROW Mgmt. did an excellent job. The Board was informed that an email from the Arkansas company stated their going price was currently fifty-six cents a linear foot. Mr. Frye informed the Board that organic farmers could be added to an online database so the ditches near their fields were not sprayed.

Mr. Kline then opened the bid from ROW Mgmt. which bid twenty point four cents per linear foot. Mr. Kline stated this was an increase from the previous sixteen cents per linear foot. Mr. Kline explained his office had held a discussion with Chadd Baker regarding the volatility of gas and chemical prices. Mr. Kline recommended acceptance of the bid for twenty point four cents.

Chadd Baker explained that he sprayed for thirty counties in three states, including Huntington County, which executed six-year contracts for spray ditches. Mr. Baker felt the program set up in DeKalb County was going well. Mr. Baker stated he wanted his home county to look well cared for.

Mr. Baker stated half the counties he works for do not allow aerial application of herbicides. Mr. Baker further stated he had seen lots of wind drift with acres of planted field killed.

The Board then discussed whether to go forward with awarding the spraying contract or to review the contract and vote at the next meeting. Ms. Kruse advised the Board they could accept the bid price subject to the review of the contract language. Mr. Bell moved to accept the bid from Right of Way Management for twenty point four cents a linear foot for the spraying of the ditches. Mr. Hartman seconded the motion, motion carried with a three to two vote: Mr. Bell, Mr. Hartman, and Mr. Watson voting aye; Mr. Miller and Mrs. Harrison voting nay.

Ms. Kruse requested for the contract to be emailed to the Board members and herself for review.

SURVEYOR'S REPORT

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

- *Harry Shull Drain 109-00-0*: The contractor was still trying to get the bore head and drain pipe out from under the road on the north side of Auburn. (North Main Street/CR427). Mr. Kline stated recent rain events had prevented work for a few days. The contractor had purchased a special chain and was planning on using two excavators to try and pull the items out from under the road. The contractor had told Mr. Frye he would not charge the County for the added cost. The contractor was Elmer's Service out of Michigan which had been recommended by Noble County which had used their services in the past. Other local contractors had worked with him and thought he was good.
- *C. B. Kagey Drain 225-00-0*: Mr. Kline informed the Board the reconstruction of this drain had been held up by adverse weather.
- *Fred Groscup Jr. Drain 335-00-0*: Mr. Kline stated the consent and waiver for the drain reconstruction had been completed. He now needed to review the final drawings. Once the review was complete the plans would go out for bid as soon as possible. Mr. Kline explained the existing pond level would be lowered by a foot and a half for storage capacity during a 100-year rain event, to reduce the amount that would flow into the east side of the City of Auburn, where Taco Bell and Wendy's were located. Mr. Kline had spoken with the City of Auburn on how development in the future should be handled for the area. Mr. Kline also stated that Parkview Health would need future storage as well.
- *William Bickel Drain 133-00-0*: Mr. Kline informed the Board he was working on plans and bid forms for the Joint DeKalb County/Noble County Drainage Board, and that Mr. Hartman would be providing a side-by-side vehicle for the 368 meeting with the Army Corps of Engineers, Indiana Department of Environmental Management, and the Indiana Department of Natural Resources.
- *Guy Platter 112-00-0*: Mr. Kline informed the Board the State Road 8 crossing for the drain was dependent on the receipt of the State permit and weather conditions. Mr. Kline stated the drain was functioning well. The water in the field was not over tile. The owner needed to tile the field to pick up the water.
- *E. P. Sherwood Drain 50-00-0*: Mr. Miller informed Mr. Kline that yesterday there was water 4 feet deep across County Road 23, north of US Highway 6. Mr. Miller thought it should be bumped up on the priority list due to the public safety issue it presented.

LEVI DENNISON REGULATED TILE DRAIN NO. 317-00-0: 9:00 A.M.
INFORMATIONAL MEETING

9:00 a.m. Levi Dennison CR 41 & CR 34

Mr. Watson provided the recent history regarding the proposed reconstruction of this drain, by explaining that last year the Board decided to have a consulting engineer work on the project to save the Surveyor's office some time due to that office's project load. The Board chose Gensic Engineering as the low bidder in the bidding process. Mr. Watson further explained that this meeting was an information-gathering meeting, not a public hearing only, and no decisions would be made at this meeting. Mr. Watson asked all in attendance to sign-in on the sign-in sheet. Mr. Watson then turned the meeting over to Mr. Kline.

Mr. Kline pulled up Gensic Engineering's design and had Pete Gensic explain the plan. Mr. Gensic explained the original drain followed natural low areas, but today there was a gas line that the drain crossed at a distance the gas company no longer would allow. The new gas company specifications were for a drain to be either two feet above or two feet below a gas line. To meet the two feet below the gas line, the drain would be too low, and to meet the two feet above the gas line would make the drain useless. For these reasons, the Gensic design was engineered to follow the road as the easiest avenue.

Mr. Kline stated he had met with Mr. Kummer to permit him to review the Gensic design and give his input on his ideas for the drain reconstruction. From that meeting, Mr. Kline had put together a second proposal. Mr. Kline explained that a gas company representative had located the gas line and had stated the gas company required two feet above or two feet below the pipeline for the drain reconstruction. With that in mind, Mr. Kline had his plan follow County Road 41 to County Road 34, then go down through the field to the *Walter Smith Drain 20-00-0*. Mr. Kline stated this plan mirrored as much as possible the old route. Mr. Kline's plan would upsize the tile, adding capacity to the drain. Mr. Kline explained there were more and bigger rain events forecasted for the future and there will be a need to have bigger systems to help with the increase. Mr. Kline also stated he believed there should have been an informational meeting between Gensic Engineering and the landowners before Gensics began working on the project.

The following information came out of the subsequent discussion of the area and possible project route

Larry Kummer of 3563 CR 39, owner of land in the watershed spoke. After introducing himself, Mr. Kummer stated he farmed other lands in the watershed. Mr. Kummer stated he had never spoken with Mr. Gensic or anyone with the Gensic Engineering company. Mr. Kummer stated he was shocked by the Gensic design, as it would trash his pattern tiling system in his fields. Mr. Kummer stated he tiled his fields according to soil types. Mr. Kummer stated his family had owned his land since 1917 and then gave an extensive history of drainage for the area. Mr. Kummer believed the pond put in by a neighbor was creating issues for downstream properties. Mr. Kummer stated he would like the drain to cross County Road 34 north to the "lake" and 2 smaller laterals to the side. He didn't want the drain to cross County Road 41 but wanted to force the water to the ditch to the south. Mr. Kummer thought a 24-inch tile was too large and not needed for the reconstruction. Mr. Kummer stated he didn't want to repay for redoing his tile system in his fields. Mr. Kummer also stated the gas company was Crossroads and had been good to work with in the past. Mr. Kummer informed the Board of a pump on the south side of County Road 34 next to a wooded area that was from an old private drainage system that might be able to be used in the drain reconstruction.

After the neighboring pond was installed the County Highway Dept. installed a culvert under County Road 41 to prevent overflow water from blowing out the road. Mr. Kummer was originally told the neighboring pond would drain to the northeast to *Cedar Creek Drain 470-00-0*.

Mr. Everitt Berryhill of 1298 CR 16, Corunna, who farmed Kathryn Snyder's property stated there were "ravines" worn into the field due to water running through it from fields further north. Mr. Berryhill believed landowners were pumping into the "lake" causing more runoff for those properties south of the "lake".

Mr. Kline explained the State made the owner change the design to have its outlet south into the *Levi Dennison Drain No. 317-00-0*. This was due to the pond being located within the watershed of the *Levi Dennison Drain No. 317-00-0*. The State and the Drainage Board do not allow for water to be forced across watersheds. The pond had been approved and the owners were not able to be required to redirect the pond's outlet to Cedar Creek. The pond was engineered with storage, a 12-inch tile outlet, and a spillway. The pond outlet could be restored during the tile's reconstruction. Mr. Kline stated he could determine the watershed going into the lake. He could also use the .03 CFS release rate to calculate which landowners were providing more than their fair share into the pond. The Board can then determine whether to assess the landowner more. Mr. Frye stated when a subdivision with a pond goes in, the pond is designed for the whole subdivision and should release at a gentler rate than when the area was bare land. Mr. Frye explained the Pond owner was assessed as residential which was twice the agricultural rates.

Ms. Kruse stated Section 51 of the State Drainage Code gave the Board the option to assess the pond landowner an increased amount.

Berryhill & Kummer had a private discussion on ideas.

Steve Kellogg, the contractor for Larry Kummer, stated he thought the plans shown were terrible. He explained where Mr. Kummer had a 15-inch tile tied into the Walter Smith Open Drain. He further stated he would want to run through the identified potential wetland, and that the project should be done as cheaply as possible. Mr. Kellogg further stated he believed the gas company would allow for the drain to be within six inches of the gas pipeline.

Mr. Kline stated his job was to provide drainage to the entire watershed, not just one or two farmers, and the drain must be calculated by using all of the watershed. Mr. Kline explained the issue was the county-regulated drain being too small for the water amount present. The drain should carry .03 CSF, which was $\frac{3}{4}$ inch rain runoff per acre per Purdue. The pipe size was based on those mathematical calculations. Mr. Kline explained that State Code required for the pipe to be available to as many in the watershed as possible due to past issues between landowners who would not allow another landowner to cross land to access the drain. Mr. Kline stated he would not tear up anyone's tile and would reconnect all the laterals. He wanted to construct a 100-year system that will last 50 – 75 years. Mr. Kline further explained that pipe size was based on water from sub-sheds with Purdue's recommendations. Mr. Kline stated he could use a smaller pipe size, but the landowners would be back in several years complaining that it wasn't adequate. Mr. Kline stated that if the Board wanted to vacate the drain and leave it to the landowners to take care of themselves he would not object. Mr. Gensic stated his company's plan was also based on Purdue's information.

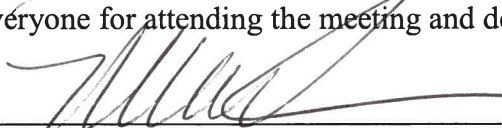
Rory Walker a local farmer not located within the watershed stated he believed there was a failure in the county zoning that permitted houses, ponds, and other non-agricultural use of county land. He asked if every landowner paid the same for the reconstruction of a drain. Mr. Frye responded that Mr. Walker was correct, everyone in a watershed paid the same per acre for a drain reconstruction.

However, for maintenance, the amount paid per acre was separated out by land use. The *Ora Bohler Drain No. 54-00-0* was assessed for maintenance differently than any other county-regulated drain, in that land on the upper end of the drain paid higher rates than those at the bottom end, however, it was separated out by land use, as well.

Tom Miller, a local farmer outside the watershed, asked if the Board could vote to have the gas pipeline relocated. Mr. Kline explained the State Code allowed for Drainage Boards to have utilities move. However, that gas pipeline companies were a bit different in they were federally regulated, not State or locally regulated. The gas companies were far more certain to take the County to court if the Board were to try to force them to move the gas pipeline. Mr. Frye informed the board that the gas pipeline in question had been owned by Crossroads gas company, but Crossroads had been purchased by TransCanada, TC Energy.

Mr. Bell asked Mr. Kummer if he would be okay with an 18-inch drain pipe and Mr. Kline's plan, if it went down the east side of County Road 41, north of County Road 34. Mr. Kummer replied he was okay with that idea, he was looking at the cost of the project to himself.

Mr. Bell asked Mr. Watson how the Board was going to move forward with the engineering of the project. Mr. Watson stated that should be discussed at another meeting. Mr. Watson then thanked everyone for attending the meeting and declared it adjourned at 10:22 a.m.



Michael V. Watson, Chairman



Michelle Lassiter, Administrative Assistant