

DEKALB COUNTY DRAINAGE BOARD MEETING

March 31, 2022

Drainage Commissioners Present:

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

Others Present:

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

Guests:

Rory Walker	Tom Miller
Larry Kummer	Ben Parker
Jacob Kummer	Mark Goodrich
Montana Kummer	

Absent:

Sandra M. Harrison, Member

Chairman Mike Watson 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 Jim Miller to approve the Minutes of March 24, 2022, with the correction from 8:00 a.m. to 8:30 a.m. for the meeting called to order, as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Bill Hartman, the motion was carried.

VARIANCE REQUESTS

6141 State Road 205 – Lawrence & Tera Shoudel – Frank Yarde Open Drain No. 27-00-0:

Mr. Kline informed the Board that Mr. & Mrs. Shoudel of 6141 State Road 205 had an existing barn thirty-nine feet from the top of the bank of the *Frank Yarde Open Drain No. 27-00-0*. There was no evidence found of an existing variance having been issued for the barn. The Shoudels were requesting to add a 14-foot by 20-foot addition onto the northeast corner of the building. A brief discussion took place in which the Board decided the building was existing and the addition would not bring the building any closer to the drain. Based on Ms. Kruse's advice, Mr. Miller moved to approve the variance due to the building existing and the addition would not bring the building any closer to the drain. Mr. Bell seconded the motion, motion carried.

0997 County Road 12 – Ronald & Lori Grate – William Tritch Open Drain No. 98-00-0:

Mr. Kline informed the Board that Mr. & Mrs. Grate were requesting a variance to construct a crossing of the *William Tritch Open Drain No. 98-00-0*. The Grates had received Indiana Department of Natural Resources approval, and Mr. Kline approved the proposed construction details for a ten-foot tube style crossing. Mr. Hartman moved to approve the variance request. Mr. Bell seconded the motion, motion carried.

LEVI DENNISON DRAIN NO. 317-00-0 DISCUSSION

Mr. Hartman asked Mr. Kline whether it was possible to route the drain down County Road 34 going east. Mr. Kline stated the area was too low. He further stated it was not showing on the maps as potential wetlands, but very well could be wetlands. Mr. Kline stated that Gensic Engineering had all of the information regarding the drain and topography for the area.

Mr. Larry Kummer spoke to the Board stating that he had pattern tiling on the south side of County Road 34 and routing the tile along the north side would not cause him any issues. He further explained there was an eight-inch tile at the intersection of County Road 34 & County Road 41 that would be an easy reconnection. Mr. Kummer reiterated that he had purposefully left a section of his field on the south side of County Road 34 without pattern tiling anticipating the reconstruction of the

county-regulated drain going through that area. Mr. Kummer also reiterated that he would like to see Steve Kellogg's company involved in the reconstruction of the drain and would like to know a timeframe for the reconstruction. Mr. Kummer mentioned a past settlement with the County regarding County Road 41.

Ms. Kruse informed the Board she had received an email from Mr. Kummer's attorney wishing to speak with her to discuss the processes and solutions for the drain reconstruction. Ms. Kruse asked Mr. Kummer if he would like her to contact his attorney. Mr. Kummer stated no, he is comfortable with talking with his attorney.

Ms. Kruse advised the Board they should appoint one or two members to work with Gensic Engineering and the watershed landowner to get a design solidified and brought to the Board for consideration. It was decided that Mr. Bell and Mr. Hartman would be the Board liaisons for the duration of the project.

Mr. Rory Walker spoke, stating he was not in the watershed. However, he had hired Mr. Kellogg in the past and had confidence in his work.

Ms. Kruse explained the proposed drain route and details which would include estimated costs would be heard by the Board at a legally advertised Public Hearing, with a decision made after. Should the reconstruction be approved, then a public bidding process would be followed as per Indiana State Code with the lowest bid being chosen for the project. The reconstruction would be overseen by Gensic Engineering and the Surveyor's Office. The project timeline would be 60 days or more before approvals could be entertained.

Mr. Watson stated the Board would be making the decisions regarding the reconstruction, guided by Ms. Kruse. The Board would ensure the processes as prescribed by Indiana State Code and the reconstruction was done correctly.

SURVEYOR'S REPORT

Mr. Kline stated there was no report for this meeting.

DISCUSSION

A discussion took place regarding water over three roads, County Road 23 north of US Highway 6, County Road 14 west of County Road 19, and County Road 19 south of County Road 68, which involved a county-regulated drain.

The flooding on County Road 23 north of US Highway 6 was on a part of the road that Hamilton School buses traveled and was due to the failing county-regulated *E. P. Sherwood Tile Drain No. 162-00-0*. The flooding also involved a substantial wetland. Any reconstruction of the tile would require a 368 meeting with the Army Corps of Engineers, the Indiana Department of Environmental Management, and the Indiana Department of Natural Resources. DeKalb County Highway Superintendent, Ben Parker, stated the flooding was creating a hole in the road, making it hard to maintain the road, as the water in the hole froze creating an ice hazard. Mr. Miller stated that he felt this drain should be a high priority since it was a bus route, and asked if the southern leg of the drain could be reconstructed before the western leg. Mr. Goodrich, of the Highway Dept., asked if there was a way to set elevations. Mr. Kline stated the elevations at road-ways would be worked out with the Army Corp of Engineers. Mr. Kline stated he would put some plans together for the Board to consider.

The flooding on County Road 14 west of County Road 19 was coming from a privately-owned wetland along the south side of the road. Mr. Parker explained the road had been raised in the past, but the ongoing flooding was creating an issue. It was believed there was an unmaintained private

drain from the wetland to the county-regulated *Frank Albright Drain No. 14-00-0* to the south. The water was currently approximately eight inches deep across the road and was passable with high water signs in place. However during either the summer of 2017 or 2018 the road had been too deep for passage and closed. Mr. Kline stated the Surveyor and Drainage Board were not responsible for the flooding as it was not due to a county-regulated drain. Ms. Kruse advised the Indiana State Code allowed for the Drainage Board to address the issue. Ms. Kruse did advise there was a State Code section that allowed for the Board to create a new county-regulated drain and watershed. Mr. Miller asked if the landowner could be held liable in the case of an accident due to the flooding. Ms. Kruse responded it would be considered a negligence lawsuit and she was unsure if it would hold up in a court of law. It was determined the land on the north side of County Road 14 was owned by Stan Kruse and the land on the south side was owned by Jerry and Tracey Hartman. Bill Hartman stated he would contact Jerry and Tracey Hartman to see if they would work with the county highway to resolve the issue.

The flooding on County Road 19 south of County Road 68 was due to a failure in the *E. P. Griffin Tile Drain No. 224-00-0*. The County Surveyor's Office had fixed several sections of the drain and was continuing to monitor and work on other sections as issues arise. Mr. Parker stated as of today the water level was down 95% from what it had been. Mr. Hartman asked Mr. Kline if the tile outlet could be raised. Mr. Kline responded it could not. Mr. Kline stated LaOtto Excavating would be rooting the drain at a point when it fits into their schedule.

Mr. Watson suggested the Surveyor's Office and the Highway Department work together to correct the issues with flooding across County Roads 19 & 23, and for further discussion be placed on the next Board meeting agenda.

Mr. Parker stated that Steuben County set out 79 high water signs and had only retrieved 25 signs, as the others had been stolen. He further stated that LaGrange County was having issues with plastic barricades being run over and destroyed.

Tom Miller, Rory Walker, and Jim Miller all stated they appreciated the County Highway Department staff. They found the department staff very responsive and prompt to help. Mr. Walker asked Mr. Parker to please reach out to landowners more often to help with roadway issues. Most landowners would be more than willing to help.

Mr. Walker stated he believed a lateral tie-in was missed during the reconstruction of the *Marvin Walker Drain No. 403-00-0* and asked if dipping the open drain could be done to see if it would help with the issue.

Mr. Miller asked Mr. Kline if the 368 meeting with the Army Corps of Engineers, IDEM, and IDNR was for three drains. Mr. Kline responded no, only the *William Bickel Drain No. 133-00-0* due to time constraints within his office. The other drains would need to be rescheduled. Mr. Bell asked Mr. Kline if there was anything the Drainage Board could do to help with the workload the Surveyor's Office was experiencing. Mr. Kline responded it was up to the Board to decide.

Mr. Watson then thanked everyone for attending the meeting and declared it adjourned at 9:38 a.m.


Michael V. Watson, Chairman


Michelle Lassiter, Administrative Assistant

DEKALB COUNTY DRAINAGE BOARD

NO.	NAME	PHONE (HOME)	PHONE (CELL)	EMAIL ADDRESS	MAILING ADDRESS	PETITION OF INTEREST
1	Rory Walker		977-4174			
2	Ramy Kummer		235-0632			
3	Tom Miller					
4	Jacob Kummer		(260) 908-5732			
5	Martina Kummer		200-235-9230			
6	Ben Parker - DEH		260-925-1864			
7	Mark Goodrich - DEH		260-925-1864			
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DATE **03/31/2022**