

DEKALB COUNTY DRAINAGE BOARD MEETING

October 13, 2022

Drainage Commissioners Present:

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

Others Present:

Michelle Lassiter, Secr. /Drainage Board Admin. Asst.
 Shannon Kruse, Attorney
 William Rychener, Surveyor's Field Inspector
 Supervisor

Guests: None**Absent:**

Sandra M. Harrison, Member
 William L. Hartman, Member
 Michael C. Kline, County Surveyor

Chairman Michael Watson called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

APPROVAL OF MINUTES

Mrs. Lassiter explained that the October 6, 2022 minutes were not completed and ready for review.

APPROVAL OF CLAIMS

Mr. Bell moved to approve Ms. Kruse's November stipend of \$1,295.00. Jim Miller seconded the motion, and the motion carried.

DRAINAGE PLAN

Edsall Acres – County Road 72 approximately 2,645 feet east of County Road 29:

The Board reviewed the drainage plan for the Edsall Estates subdivision, a one-lot, 13.00-acre subdivision in Section 33 of Jackson Township, as submitted by Michael C. Vodde, Anderson Surveying, Inc., on behalf of the owners, Jordan & Rebecca Edsall. This site was within the watersheds of the Hilkey-Carnahan Regulated Open Drain No. 12-00-0.✓

The Board accepted the Surveyor's Drainage Report presented by Mrs. Lassiter, 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 dated 08.17.2022, sealed, and signed by Michael C. Vodde, Anderson Surveying, Inc., with the Surveyor's recommendations, the motion was seconded by Bruce Bell, II, and the motion carried.

UTILITY PERMITS

LIGTEL: Mrs. Lassiter informed the Board that the three Ligtel utility permit requests were a continuation of the project for which three utility permits were approved at the October 6, 2022, meeting.

Section 2B: Along the west side of County Road 3, between County Road 52 and County Road 60, installing FOC via directional bore within road right-of-way and within the right-of-way of the *Thomas Noel Lateral 3 Regulated Tile Drain No. 72-03-0* and crossing the *Mary Leisinger Regulated Tile Drain No. 35-00-0*, the *Samuel Hawver Regulated Tile Drain No. 330-00-0*, and the *Samuel Hawver Lateral 2 Regulated Tile Drain No. 330-02-0* in DeKalb County AND

Along the north side of County Road 56 from the Noble County/DeKalb County Line to the west side of County Road 1, and along the south side of County Road 56 from the east side of County Road 1 to the east side of County Road 3, installing FOC via

directional bore within the road right-of-way, crossing the *Samuel Hawver Regulated Tile Drain No. 330-00-0* in DeKalb County AND

Along the west side of County Road 1 north approximately 2,000 feet from the north side of County Road 56 installing FOC via directional bore within the road right-of-way, crossing the *Ed Riccus Regulated Tile Drain No. 465-00-0* and the *Ed Riccus Regulated Tile Drain No. 465-01-0*.

Bruce Bell, II moved to approve the Ligtel Section 2B utility permit for work within the drainage easements of the drains as listed. Jim Miller seconded the motion, and the motion carried.

Section 4: Along the north side of State Road 205, between State Road 3 and County Road 7, installing FOC via directional bore within the road right-of-way, crossing the *Harvey Guthrie Regulated Open Drain No. 181-00-0*, the *Harvey Guthrie Lateral 4 Regulated Tile Drain No. 181-04-0*, the *Frank Yarde Regulated Open Drain No. 27-00-0*, and the *Levi Ober Regulated Open Drain No. 187-00-0*, and within the right-of-way of the *Levi Ober Lateral 2 Regulated Open Drain No. 187-02-0* in DeKalb County AND

Along the south side of County Road 60 from the Noble County/DeKalb County Line to 1,100 ± east then to the north side of County Road 3, then to the south side and east to State Road 205 installing FOC via directional bore within the road right-of-way, crossing the *Samuel Hawver Regulated Tile Drain No. 226-00-0* and the *Frank Yarde Regulated Open Drain No. 27-00-0*, in DeKalb County AND

Along the south side of County Road 62 between State Road 205 and County Road 7 installing FOC via directional bore within the road right-of-way, crossing the *Ora Kuhlman Regulated Tile Drain No. 63-00-0* in DeKalb County.

Bruce Bell, II moved to approve the Ligtel Section 4 utility permit for work within the drainage easements of the drains as listed. Jim Miller seconded the motion, and the motion carried.

Section 4A: Along the west side of County Road 5, between County Road 62 and County Road 68, installing FOC via directional bore within road right-of-way and within the right-of-way of the *Ora Kuhlman Regulated Tile Drain No. 63-00-0* in DeKalb County AND

Along the north side of County Road 68 from County Road 5 to County Road 9, then along the south side of County Road 68 to County Road 11A, installing FOC via directional bore within the road right-of-way, within the rights-of-way of the *Frank Singrey Lateral 2 Regulated Tile Drain No. 376-02-0* and the *Frank Singrey Thrush Lateral Spur 1 Regulated Tile Drain No. 376-50-1*, and crossing the *Singrey Lateral to the Frank Yarde Regulated Open Drain No. 27-49-0*, and the *Frank Singrey Thrush Lateral Regulated Tile Drain No. 376-50-0*, in DeKalb County.

Bruce Bell, II moved to approve the Ligtel Section 4B utility permit for work within the drainage easements of the drains as listed. Jim Miller seconded the motion, and the motion carried.

DISCUSSION

Mr. Watson asked the Board for additional discussion.

Friedel (Frank Yarde Drain No. 27-00-0)

Mrs. Lassiter presented a letter received from Attorney Neal Blythe, on behalf of Adam and Leslie Friedel owners of 0458 State Road 8 west of Garrett in which Mr. Blythe was wanting the Drainage Board and Surveyor's Office to remove earth and vegetation from the top-of-bank of the *Frank*

Yarde Regulated Open Drain No. 27-00-0. Mrs. Lassiter explained the Friedel's parcel was land-locked with access through a 1964 agreement granting an ingress/egress lane bounded on the west by the *Frank Yarde Regulated Open Drain No. 27-00-0.* That Adam Friedel had called the Surveyor's Office a couple of times complaining that the landowner of the land to the north over which the ingress/egress lane was located was putting in structures to cause access to be impossible. Mr. Friedel had also stated the top-of-bank of the drain was an issue in passage as well. The Surveyor's field inspectors had been out on site and determined the drain was not an issue and was in the same condition of care as most of the county-regulated drains. Mr. William Rychener, the Surveyor's Field Inspector Supervisor was present to expound on what Mrs. Lassiter reported.

Mr. Rychener had taken several photos that were presented to the Drainage Board showing that the drain was indeed not in a state of ill maintenance. It did have growth along the bank, but no more than normal, and the growth was working as bank stabilization. Mr. Rychener stated that typical care was being given to the drain and bank. Mr. Rychener explained that the easement was not created based on the drain's location, and the path shown in the pictures was not within the ingress/egress described in the document provided by Mr. Friedel. The mound of dirt and trees referenced by Mr. Friedel in past communications Mr. Rychener felt had been in place for at least 20 to 30 years and the trees in the pictures were of substantial size. Mr. Rychener explained that the current practice for drain maintenance would have the drain accessed from the west side, not the east side for any kind of dipping, spraying, etc. Mr. Rychener explained that the drain was working well and there were no blockages in the drain in this area, which meant that the Surveyor's Office would not be taking any action under normal circumstances. The Surveyor's Office worked to ensure water flow, not to remove trees and vegetation.

It was noted by Mrs. Lassiter that there is no record of a variance being granted for the use of the drain's right-of-way for ingress/egress. The drain and a good part of the right-of-way were within a floodplain which brought limits to what could be done in the area.

Ms. Kruse stated that the State Drainage Code superseded the private easement agreement. Ms. Kruse stated that the easement agreement may preclude Mr. Friedel from clearing the so-called spoils from the site as it appeared that they lay outside of the ingress/egress easement.

The consensus of the Board was that Mr. Friedel's issue was a civil one, not a drainage issue. Ms. Kruse was asked to write a letter to attorney, Neal Blythe explaining this and that Mr. Friedel would need to work with the other landowner to resolve the issue.

Daniel Baker Drain No. 201-00-0 Damaged by Everstream Fiber Install

Mrs. Lassiter informed the Board she had received an email from Mark Goodrich of the County Highway Department. The resident at 6151 County Road 51 called the Highway Department to complain about a hole at the edge of the road that could end up compromising the road. Mr. Goodrich inspected the hole and found that the Everstream fiber install had damaged the *Daniel Baker Regulated Tile Drain No. 201-00-0* and subsequently caused the ground to give way creating the hole by the road.

Mr. Rychener had inspected the drain and presented a picture showing the fiber in the drain. Mr. Rychener was going to have a contractor run a camera through the drain to determine the extent of the damage.

The Board and Ms. Kruse asked Mrs. Lassiter to write a letter from the County Surveyor's Office notifying Everstream of the damage to date, that further investigations would be made to determine if additional damages had been done, and the company's financial responsibility for the repairs. The letter was to include information regarding the hazard the damage create for the roadway as well. Mrs. Lassiter was asked to include an inquiry as to how the repairs would be paid and to state that if

the company wanted to implement repairs it would be done per the installation and material specifications of the County Surveyor, under the direct supervision of the Surveyor's field staff.

There being no further business or discussion, Mr. Watson then thanked everyone for attending the meeting and declared it adjourned at 9:17 a.m.


Michael V. Watson, Chairman
Michelle Lassiter, Administrative Assistant