

**DEKALB COUNTY DRAINAGE BOARD MEETING**

November 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  
 Shannon Kruse, Attorney  
 Katie Rutan, Surveyor's Clerk  
 Troy Bungard, Survey Technician

**Guests:**

Darrin Good  
 Anthony Wehr

**Absent:**

Michelle Lassiter, Secr. /Drainage Board Admin. Asst.

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

**APPROVAL OF MINUTES**

It was noted the November 3, 2022 minutes could not be approved as the notes were not available for review. They were tabled to be reviewed and approved at the next Board meeting.

**HONEY BEE ACRES MINOR PLAT SUBDIVISION**

The Board reviewed the drainage plan for the Honey Bee Acres subdivision, a 13.00-acre subdivision in Section 29 of Newville Township, as submitted by Darrin Good, DA Brown Engineering Consultants, Inc., on behalf of the owners, John M Kennerk. This site is within the watershed of the Tustison Creek Drain, an Ohio drain.

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. Storm water 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 11.09.2022, sealed, and signed by Daniel A. Brown, DA Brown Engineering Consultants, Inc., with the Surveyor's recommendations, the motion was seconded by Bill Hartman, and the motion carried.

**DEVELOPMENT PLAN**

American Electric Power (AEP) Hamilton Substation – Presented by A.J. Wehr, Civil Engineer, Power Engineers. Mr. Wehr explained the Hamilton Station would be expanding to the south on the AEP property. Mr. Wehr explained the purpose of the extension was to increase the reliability of the electrical grid in the area by updating and replacing equipment. Mr. Wehr further explained the project included site grading and drainage of the property. Mr. Wehr reported the stormwater runoff from the station itself and access roads would be collected by a drainage ditch on the west side of the AEP site and then directed into a dry extended detention basin located in the southwest corner of the property. Mr. Wehr stated the detention basin was designed to hold all runoff even during a 100-year storm event. Mr. Wehr stated the drainage design also included erosion control on the detention basin embankment. Mr. Wehr explained the detention pond discharged to a modified catch basin and then through a 12-inch concrete pipe to a rip rap pad designed using the IDEM erosion control manual.

Mrs. Harrison asked how close the catch basin would be to the property line. Mr. Wehr responded he was not exactly sure and would have to measure to be exact. Mr. Wehr explained the structure was enclosed within an embankment. Mr. Kline explained that the Board discussed concerns with the drainage plan and the proximity to the property line at the last Drainage Board meeting and possible conditions the Board may want to add before approval. Mr. Kline suggested before the Board approved the drainage plan, a written, recordable document that would state if the drainage from the discharge caused water issues with the neighboring property the issue would be resolved to the satisfaction of the Board and the County Surveyor. Mr. Kline explained that after looking at the soil maps and air photos most of the land to the west of the property was muck and had very poor drainage and was not useful for building. Mrs. Harrison stated the landowner to the west grew vegetables in that area. Mr. Kline stated he was looking to protect the Board and if there was an issue with water dumping onto the neighboring property AEP would be responsible for correcting the issue. Mrs. Harrison asked if AEP was connecting to a drain. Mr. Kline explained that the water would be dumped on a rip rap pad in a sheet flow and not into a county-regulated drain.

Mr. Kline asked Ms. Kruse if she had any other suggestions. Ms. Kruse suggested requiring the adjacent landowner to sign an approval of stormwater discharge onto his property. Mr. Wehr stated he was not sure if getting the neighboring landowner to sign a stormwater discharge approval agreement was possible. Mr. Wehr stated that the drainage plan was designed to flow to the west to mimic that of Terry Lake to keep the same drainage direction flowing all through the catch basin. Mr. Wehr stated field inspectors for Power Engineering found a delineated wetland west of the AEP property so a silt fence would be put into place on the west side of the property. Mr. Wehr stated an orange construction fence would also be installed to visually give crews notice not to go past that point. Mr. Wehr stated that all of the construction would be solely on AEP property.

Mr. Miller asked if there was another option for the outlet instead of to the west. Mr. Kline explained the topography of the land and the downhill flow according to the maps. Mr. Kline stated he was concerned with the water staying a sheet flow or concentrating when it hit the property line and that was his reasoning for the added condition before the Board's approval.

Mr. Bell asked what the law was regarding discharging. Ms. Kruse explained that common enemy doctrine, which was case law, stated that an adjoining landowner cannot collect water and channel it onto someone else's property. Mr. Bell asked how much the detention pond would be discharging. Mr. Wehr explained the detention pond would collect water from any rain event and was sized to collect a 100-year storm event. Mr. Wehr explained that the other storm events would be released at a slower rate. Mr. Hartman asked if any water would penetrate the soil on the side of the pond or would all the water be runoff. Mr. Wehr stated that some of the water could infiltrate the soil but most of the soil would be well compacted to uphold the electrical equipment used.

Mr. Hartman asked if the old substation would be decommissioned. Mr. Wehr stated that the old substation would remain and some equipment would be removed and some replaced. Mr. Wehr stated that there would not be any drainage changes to that system but would be replacing the existing retaining wall and continuing that wall along the northern part of the expansion. Mr. Wehr explained the wall would be a manufactured concrete block retaining wall.

Mr. Kline explained the drainage plan would help reduce the amount of water runoff but his issue would be with the water was being discharged through one outlet and not dispersed though out the property which could become an issue to the adjoining landowner. Mr. Kline stated that he understood the need to improve the electrical grid in our county but he wanted the Board to understand what was happening in this particular substation improvement location and that in the future and the Board needed to be protected from those issues.

Mr. Watson asked Ms. Kruse to provide a recommended condition for the new AEP Hamilton substation. Ms. Kruse asked if there was a prepared letter for the DeKalb County Planning Commission. Mr. Kline stated he would prepare a letter once he knew the direction of the Board. Ms. Kruse asked if there was a county-regulated drain in the area of the proposed new substation. Mr. Kline stated no there was not. Ms. Kruse explained that because there was no county-regulated drain the Board was limited on what they could do. She further explained that the situation was more of an improvement of a development plan to which the Board's responsibility was to have fair play in the watershed as their overarching duty. Ms. Kruse stated that it should be made clear that there was no county-regulated drain in this development, and according to the evidence presented to the Board, there was no evidence of channelization that would occur on the neighbor's property since the release of water would be in a sheet flow, and according to the evidence provided the flow rate after development would be reduced, and if the adjoining property owner would have increased water issues, then AEP must resolve it to the satisfaction of the Board.

Mr. Bell stated that he was comfortable with the condition but questioned whether or not the condition would protect the landowner as the Board had no enforcement. Mr. Bell also questioned how AEP was responsible in the past if there was an issue. Mr. Kline responded that there had not been any issues in the past and that AEP has been responsive. Mr. Kline explained when AEP damaged a drain tile they covered the replacement of the whole system and not just the repair of that area of tile. Mr. Kline stated that AEP had been great to work with regarding the county-regulated drains. Mr. Bell asked with the present issue if AEP would be hesitant to fix an issue if there became one. Mr. Wehr stated he would not like to comment on behalf of AEP legally, but he would agree with Mr. Kline, when damages had occurred they remediated it and most importantly how they tried to avoid any scenarios that would cause damage in the design process.

Mr. Hartman stated he was hesitant about the language used in the condition and if the condition was necessary. Mr. Bell agreed. Ms. Kruse stated that there was no county-regulated drain involved and the Board was limited with what they could do. However, the condition was to protect the neighboring property. Mr. Kline stated that the Board would have jurisdiction should the landowner go to the DeKalb County Planning Commission with a stormwater issue with the condition on the approved development plan. The DeKalb County Planning Commission would have to enforce the condition by coming to the Board and the Surveyor's Office to get the issue resolved.

Mrs. Harrison stated that AEP was difficult to work with when she had broken poles in her fields. Mrs. Harrison stated the damage had not been fixed after four years. Mrs. Harrison stated that the county may have good luck with AEP but as the landowner it was different. Mr. Kline stated that was why he had asked the Board to consider the condition because then AEP would have to deal with the county. Mr. Kline explained that since AEP would like to have their permits approved they would not want to be at odds with the county. Mr. Kline stated he was not saying the Board would hold up permits but at the same time, it would be a factor in what the Board approves. Ms. Kruse asked to clarify if the condition would be for the DeKalb County Planning Commission to approve. Mr. Kline responded that it was. Ms. Kruse stated she thought that was better so no one could say the Drainage Board was not involved. Ms. Kruse suggested that the condition be worded as The Board requests the DeKalb County Planning Commission and then the wording she presented earlier. Mr. Kline stated that was how the conditions were done in the past. Mr. Watson agreed.

Mr. Hartman stated, given Mrs. Harrison's statement, he would relent in his rejection of the condition.

Bill Hartman, moved to approve the drainage plan dated 8.18.2022 and signed by, Anthony Wehr, Professional Engineer, of Power Engineers, with the Surveyor's recommendations, contingent on the added condition, the motion was seconded by Mike Watson, and the motion carried.

### UTILITY PERMITS

MEDIACOM – Requesting one crossing of the *Elijah Sherwood Regulated Drain No. 50-00-0* and within the right of way of the *Frank Albright Regulated Drain No. 14-00-0* along County Road 27 between County Road 27 and U.S. Highway 6

Mr. Kline stated that the application for a utility permit was from BSM Groups for Mediacom. Mr. Kline explained Mediacom would be starting at the intersection of U.S. Highway 6 and County Road 27, connecting to existing lines on the north side of U.S. Highway 6 and the east side of County Road 27 then going north crossing the *Elijah Sherwood Regulated Drain No. 50-00-0* and continuing north across the county road then back through the old Wilhelm gravel pit to their tower. Mr. Kline stated they would be crossing the *Elijah Sherwood Regulated Drain No. 50-00-0* and be within the right of way of the *Frank Albright Regulated Drain No. 14-00-0*. Mr. Kline recommended approval of the Mediacom utility permit request.

Bruce Bell, II, moved to approve the Mediacom utility permit request based on the Surveyor's recommendations. Sandy Harrison seconded the motion, and the motion carried.

NIPSCO – Requesting one crossing of the *Hilkey-Carnahan Drain No. 12-00-0* along County Road 72 from 3872 to 3591 County Road 72 for a main line extension.

Mr. Kline explained that NIPSCO was improving its capacity for service on County Road 72 starting at County Road 35 connecting to an existing system and replacing lines on the north side of County Road 72 going to the west. Mr. Kline stated NIPSCO would be crossing the *Hilkey-Carnahan Drain No. 12-00-0* and would be installing new connections to all of their customers. Mr. Kline stated NIPSCO would be stopping close to Hull Road in Allen County. Mr. Kline explained NIPSCO was upgrading its system in this area. Mr. Kline recommended approval of the NIPSCO utility permit request.

Jim Miller moved to approve the Mediacom utility permit request based on the Surveyor's recommendations. Bruce Bell, II, seconded the motion, and the motion carried.

### SURVEYOR'S REPORT

Mr. Kline reported that his office was wrapping up the end of the year by deciding what projects to work on and what drains to collect in assessments next year. Mr. Kline stated he had the bid request documents for the *E.P. Sherwood Drain No. 162-00-0* completed and would like to send them out for bids as long as the Board agreed. Mr. Kline explained the bids would come into the Surveyor's Office on December 28, 2022, and be presented to the Board for opening on December 29, 2022. Mr. Kline stated he wanted to confirm there would be a Drainage Board meeting on December 29, 2022, to open the bids. Mr. Kline informed the Board that the project completion date was set for May 30, 2023, so the section of the reconstruction in the fields was completed in time for the farmers to plant crops. Mr. Kline explained the wooded area and wetlands would not need a time limit. Mr. Kline stated he had spoken with past contractors and they were not interested in taking on all of the project due to a lack of employees, which would make getting the projects completed difficult.

Mr. Kline reported that Tri County Excavating was planning to begin on the *Fred Groscup Jr Drain No. 335-00-0* next week. Mr. Kline stated the work should be finished in the next couple of weeks and hopefully would improve the *John Ketcham Drain No. 334-00-0*. Mr. Kline informed the Board

he had a meeting with the City of Auburn Planning Department today for a progress report and discussion on the time frame of the reconstruction of *John Ketcham Drain No. 334-00-0*.

Mr. Kline stated that he was also looking at finishing the *William Bickel Drain No. 133-00-0* and that Tri County Excavating would be working on Jim Deetz's property on the *William Bickel Drain No. 133-00-0* when they were finished with the *Fred Groscup Jr Drain No. 335-00-0*. Mr. Kline stated he was hoping to soon have a Public Hearing on the *William Bickel Drain No. 133-00-0* Phase II and at least get the drain across the Hartman's done before crop season. Mr. Hartman agreed that the project needed to be completed.

There being no other business or discussion, Mr. Watson then thanked everyone for attending the meeting and declared it adjourned at 9:22 a.m.



Michael V. Watson, Chairman



Michelle Lassiter, Secretary

Minutes prepared by Katherine Rutan, Surveyor's Clerk

# DEKALB COUNTY DRAINAGE BOARD

NO.	NAME	PHONE (HOME)	PHONE (CELL)	EMAIL ADDRESS	MAILING ADDRESS	PETITION OF INTEREST
1	Darwin Good	260-348-8146		DARWIN.G@DABROWNENGINEERING.COM		
2	Anthony Wehr	513-326-1561		awehr@wehropowereng.com		
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						

DATE  
**11/17/2022**