

DEKALB COUNTY DRAINAGE BOARD MEETING

December 8, 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:

Michelle Lassiter, Secr. /Drainage Board Admin. Asst.
Shannon Kruse, Attorney
Katie Rutan, Surveyor's Clerk

Guests:

Mike Krehl

Absent:

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

A motion was made by Jim Miller to approve the Minutes of November 3, 2022, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Sandy Harrison, and the motion carried.

A motion was made by Bill Hartman to approve the Minutes of November 10, 2022, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Sandy Harrison, and the motion carried, with Jim Miller abstaining due to his absence from the November 10, 2022 meeting.

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

APPROVAL OF CLAIMS

Mr. Watson asked for a motion for Ms. Kruse's December stipend of \$1,295.00. Bill Hartman moved to approve Ms. Kruse's December stipend of \$1,295.00, Jim Miller seconded the motion, and the motion carried.

UTILITY PERMITS

INDIANA MICHIGAN POWER (IMP) – Requesting one crossing of the *William Egbert Lateral 8 Regulated Tile Drain No. 38-08-0* and the *William Egbert Lateral 9 Regulated Tile Drain No. 38-09-0* along County Road 61 between County Road 4 and County Road 8.

Mrs. Lassiter stated that the application for a utility permit request from Indiana Michigan Power was a continuation of IMP building out power lines. This project was on the east side of DeKalb County continuing from St. Joe to Hamilton. IMP's power lines will cross on County Road 4 and then again on County Road 8 replacing and installing new poles and lines all in the existing locations. Mrs. Lassiter explained that utility permit records were not always well documented in the past so it would be hard to say when the lines were first installed. Mr. Miller stated that IMP was not replacing poles as the existing poles were still there but they were adding steel trusses to the top of the existing poles. Mrs. Lassiter explained that she was working with Karen Palmer, from IMP and IMP had two phases going on at the same time, a distribution phase and a transmission phase. She explained the requests presented today were for the distribution side and the higher poles that Mr. Miller was discussing were part of the transmission side.

Mrs. Harrison stated that new poles were being installed along County Road 61. Mrs. Lassiter explained that she understood, IMP would place the new poles and lines and then come back to remove the old poles. Mrs. Harrison stated she had been informed by the crew installing the poles that IMP would be leaving some of the old poles to stabilize the line. Mrs. Lassiter explained the Surveyor's office went by the IMP drawings which were showing existing poles being removed, that IMP was a large company and that communication could sometimes be an issue. Mr. Watson agreed.

Jim Miller moved to approve the IMP utility permit request based on the Surveyor's recommendations. Bill Hartman seconded the motion, and the motion carried.

INDIANA MICHIGAN POWER (IMP) – Requesting one crossing of the *John Smith Lateral 5 Regulated Tile Drain No. 1-05-0* and the *John Smith Tile Drain No. 1-00-0* along County Road 61 between County Road 8 and County Road 12.

Mrs. Lassiter explained this IMP utility permit was another continuation of the distribution phase of their ongoing project. Mr. Miller stated that he assumed there was no issue with IMP crossing the tile systems. Mrs. Lassiter stated that Mr. Kline, reviewed the proposed utility locations and there did not appear to be any issues with crossing the drains.

Bill Hartman, moved to approve the IMP utility permit request based on the Surveyor's recommendations. Bruce Bell, II, seconded the motion, and the motion carried.

LIGTEL COMMUNICATIONS – Requesting one crossing of the *Frank Yarde Regulated Open Drain No. 27-00-0*, *Cedar Creek Regulated Open Drain No. 470-00-0*, *EP Griffin Tile Drain No. 224-00-0*, *EP Griffin Lateral Tile Drain No. 224-02-0*, *EP Griffin Lateral 3 Tile Drain No. 224-03-0*, *George Reeve Tile Drain No. 329-00-0*, *Ambrose Heitz Lateral 5 Spur 1 Tile Drain No. 135-05-1*, *Ambrose Heitz Lateral 5 Spur 2 Tile Drain No. 135-05-2*, *Ambrose Heitz Lateral 5 Spur 2 Branch 2 Tile Drain No. 135-05-2*, *Ambrose Heitz Lateral 3 Spur 1 Tile Drain No. 135-03-1*, *Ambrose Heitz Lateral 3 Tile Drain No. 135-03-1*, and the *Ambrose Heitz Tile Drain No. 135-00-0* along County Road 68 between County Road 11A, County Road 17, County Road 19 & County Road 64.

Mrs. Lassiter explained that the LigTel utility permits were part of an ongoing project. The company was expanding into DeKalb and Noble Counties from Lagrange County. Mrs. Lassiter stated that Mr. Kline had reviewed all the proposed utility locations regarding the drains and saw no issues with the locations.

Mrs. Lassiter stated that LigTel had notified the Surveyor's Office one time before beginning work within the Drain rights-of-way and to her knowledge, there had been no issues. Mrs. Lassiter stated that there had been an issue with Everstream, a new communication company expanding into the east side of DeKalb County damaging the *Daniel Banker Regulated Tile Drain No. 201-00-0* when installing fiber which caused her concerns when working with a new utility company. Mrs. Lassiter stated she had spoken with LigTel's owner. She thought he would be a responsible person with which to work. However, LigTel had a third-party company for engineering and permit facilitation. The third-party company had poor communication. Mrs. Lassiter explained that after speaking with the LigTel owner, communication with the third-party company had improved. The owner stated he wanted to be a good community partner, and that if the County had any issues with his subcontractors to contact him immediately. He would correct any issues. Mrs. Lassiter further explained she was in contact LigTel's contractor who had trouble with the third-party permit company as well. Mrs. Lassiter explained that the project drawings initially sent by the third-party company were not complete, and lacked detailed information.

Mr. Watson stated the path to take with these unproven utility companies was to make sure to catch and correct issues before they become major problems and to have follow-up communications. Mrs. Lassiter agreed.

Mr. Watson stated he did not want to see a utility company complete a project, to then find a problem after the installation company had moved on to another locale. Mrs. Lassiter stated that because of those potential issues, Ms. Kruse had added to the utility permit agreement the requirement for utility companies to provide a certificate of liability insurance naming DeKalb County as an additional insured.

Mrs. Lassiter stated that she was hopeful the project would go well since she had positive communication with the owner. Mr. Miller asked if the Surveyor's office was marking drain locations before the beginning of utility work. Mrs. Lassiter explained marking the tile for utilities was not a priority for the inspectors. She also explained that two field inspectors were finding it difficult to keep up with the number of requests the Surveyor's Office received for utility work, drain repairs and drain reconstruction projects. Mr. Miller stated that Mr. Kline had suggested in the past to have the drains marked to prevent future issues with utility work. Mrs. Lassiter agreed and stated she would speak with the Surveyor's Field Inspectors regarding this suggestion.

Jim Miller moved to approve the LigTel Communications utility permit request based on the Surveyor's recommendations. Sandy Harrison seconded the motion, and the motion carried.

LIGTEL COMMUNICATIONS – Requesting to locate fiber within the right-of-way of the *Frank Yarde Regulated Open Drain No. 27-00-0*, and one crossing of the *Cedar Creek Regulated Open Drain No. 470-00-0* along the County Road 11A between County Road 68 & County Road 72.

Mrs. Lassiter explained that LigTel would be in the 75-foot right-of-way of the *Frank Yarde Regulated Open Drain No. 27-00-0* and then would cross the *Cedar Creek Regulated Open Drain No. 470-00-0*. Mrs. Lassiter stated that Mr. Kline reviewed the locations and did not see any issues.

Bill Hartman, moved to approve the LigTel Communications utility permit request based on the Surveyor's recommendations. Bruce Bell, II, seconded the motion, and the motion carried.

CHAIRMAN COMMUNICATIONS

Mr. Watson then informed the Board that Mr. Kline, the DeKalb County Surveyor, had submitted his resignation due to health reasons effective January 1, 2023. Mr. Watson explained there would be a GOP caucus in January, to choose Mr. Kline's successor. Mr. Watson stated the County would be without a Surveyor from January 1, 2023, until the caucus. Mrs. Lassiter stated she was told the caucus would be on January 10, 2023.

Mr. Hartman asked what Mr. Kline's status was today. Mrs. Lassiter explained that Mr. Kline has been in the office this week. He had not been in the office when she left for the Courthouse today. Mr. Watson stated it was his understanding that Mr. Kline would not be attending any more Drainage Board meetings. Mrs. Lassiter responded that was correct. Mrs. Lassiter explained that she and Mr. Kline had discussed the status of current projects.

Mrs. Lassiter also explained Mr. Kline had a Maumee River Basin Commission meeting that evening and might be having dinner with the MRBC's Director Rod Renkenberger.

Mrs. Lassiter stated that Mr. Kline was planning to speak to Randy Sexton, Noble County's Surveyor, regarding the *William Bickel Regulated Drain No. 133-00-0*. He would be asking Mr. Sexton to take over the oversight of the project.

Mrs. Lassiter then explained that there were some utility permits and variances the City of Auburn was going to need for the Cedar Creek Project within the City. Mrs. Lassiter reported that the City of

Auburn had turned in some of the paperwork for the project. She would be setting up a Cedar Creek Drainage Board meeting sometime in January to take care of those items. Mrs. Lassiter stated that individuals within the City of Auburn were not happy with the requirements. Mr. Watson stated the requirements were per State Drainage Statute. Mrs. Lassiter further explained that Mr. Kline had to reiterate the requirements to Daryl McConnell and Eric Ditmars from the City of Auburn before they would accept the requirements.

GUEST COMMUNICATIONS

Mike Krehl of 2043 County Road 00 W, Kendallville, IN 46755 took the podium to express his frustration that Phase II of the *William Bickel Regulated Tile Drain No. 133-00-0* reconstruction was not underway.

Mrs. Lassiter reminded Mr. Krehl the Joint DeKalb/Noble County Drainage Board had approved a reconstruction plan that was then vacated when the watershed landowners decided they didn't like the plan's costs, wanting the route changed through the wetlands. The County Surveyor and Mr. Hartman had met with the Army Corps of Engineers and IDEM on the site and found the requirements for placing tile back in the wetlands would be too expensive and not meet the needs of the watershed. With that being done, the process for approving a plan had to start all over again with the completed plans, assessment rolls, and estimated costs needing to be reviewed by the Joint Board once more so that a new public hearing date could be set. Ms. Kruse affirmed Mrs. Lassiter's explanation of the process.

Mrs. Lassiter further explained that once Mr. Sexton and Mr. Bungard have the estimated costs and assessment rolls put together, based on Mr. Kline's design, they would inform her and she would notify the Joint Board of the need for a meeting.

Mr. Krehl further expressed his frustration with the situation regarding the drain reconstruction. Mr. Hartman then spoke to Mr. Krehl, stating he understood Mr. Krehl's frustration, but there was nothing Mrs. Lassiter, nor the Board, could do at this point. Mr. Watson also expressed his understanding of Mr. Krehl's frustration, adding that hopefully in 2023 the Board and new County Surveyor would be able to work together to get this project and others moving forward.

Mr. Miller asked if the DeKalb County Board could set a hearing date. Ms. Kruse stated no, the Joint Board was the jurisdictional Board and would need to review the updated information and set a hearing date.

SURVEYOR'S REPORT

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

Guy Platter Regulated Tile Drain No. 112-00-0:

Mrs. Lassiter also explained that Mr. Kline had asked her to reach out to Todd Bauer of Foresight Consulting for a quote for setting out a detour route and facilitating the INDOT permits for the *Guy Platter Drain No. 112-00-0* State Road 8 crossing. She will bring the quote to the Board once she receives it.

Mr. Kline has decided that jack and bore is not an option for the crossing, as Mr. Rychener, the Surveyor's Field Inspector Supervisor, has stated that he observed a large amount of sand during the reconstruction of the drain and feels that a jack and bore would end with a similar issue as what happened with the repairs of the *Harry Shull Drain No. 109-00-0* on County Road 427.

Mr. Hartman stated the cost of digging would be less than the cost of a jack and bore. Ms. Kruse stated that she would check the codes to make sure the plan is within the codes and the Board's oversight.

Fred Groscup Jr. Drain No. 335-00-0

Mrs. Lassiter informed the Board that the *Fred Groscup Jr. Drain No. 335-00-0* reconstruction was nearly complete. The tile was completely in the ground and the pond was being lowered to come into compliance with the plan's requirements. Once the pond lowering was completed the contractor would come back and finish the pond's bank. He would regrade and seed in the spring.

John Ketcham Drain No. 334-00-0:

Mrs. Lassiter stated there had not been much movement from Foresight regarding this project... The City is the liaison with Foresight.

Mrs. Lassiter stated that Veritas was doing the groundwork. They were pushing, wanting to do more. Mr. Watson stated the development plans were approved conditional to the Drainage Board's approval, so the City could not issue permits until the City receives the Drainage Board's letter of approval.

Mr. Hartman noted the old Ponderosa restaurant building was gone.

BOARD DISCUSSION

Mr. Bell stated he had not been aware of Mr. Kline's resignation. Mr. Watson stated the Board needed to have a conversation to determine what the Board's expectations would be regarding the workflow and workload going forward. The Board should then share that with the new County Surveyor and try to establish a good working relationship to accomplish the goals.

Mr. Hartman stated the Surveyor's Office's lack of a Deputy Surveyor would be a hindrance to the transition between Surveyors. Mr. Hartman then asked if Mr. Kline would be willing to work on a contractual basis to help with the transition. Mrs. Lassiter stated she was certain Mr. Kline would not.


Mr. Watson stated there would be an organizational meeting at the first January meeting. He informed the Board that Sandy's appointment was ending on December 31, 2022, and she had generously agreed to another term on the Board. The County Commissioners would be making formal appointments at the December 19, 2022 meeting.

Mr. Watson stated he would be in meetings in Indianapolis on the second Thursday of each month during 2023.

Mrs. Lassiter informed the Board that the Bids for the *E. P. Sherwood Drain No. 162-00-0* with an open date of December 29, 2022. She asked if the Board members would be available for that meeting as it fell within the holidays or if an addendum needed to be sent out to change the bid opening. All stated they would, with Mr. Miller stating he would be late due to an 8:00 a.m. ~~eye~~ appointment. However, he anticipated he would be able to be present for the 9:00 a.m. bid opening.

Mr. Watson stated there were a lot of moving parts to the situation, but he was hopeful for a chance for the Board to be productive in 2023. He didn't want to cancel all of the December meetings. He wanted to have the conversation to discuss the Board's expectations going forward would be.

There being no other 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

DEKALB COUNTY DRAINAGE BOARD

NO.	NAME	PHONE (HOME)	PHONE (CELL)	EMAIL ADDRESS	MAILING ADDRESS	PETITION OF INTEREST
1	Mrs. K. K. K.	260-318-1949			2043 CROOK KENDALLVILLE BICENT	
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DATE
12/08/2022