

## DEKALB COUNTY DRAINAGE BOARD MEETING

December 22, 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  
Troy Bungard, Surveyor Tech

### **Guests:**

Micah Miller  
Tom Miller

### **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 table the Minutes of December 15, 2022, until the discussion of the maintenance of the *G.B. Collins Regulated Open Drain No. 87-00-0* was added. The motion was seconded by Sandy Harrison, and the motion carried.

### **GUEST COMMUNICATIONS**

#### **G.B. COLLINS DRAIN NO. 87-00-0**

Mr. Miller came to the podium to discuss his thoughts regarding the maintenance of the *G. B. Collins Regulated Open Drain No. 87-00-0*. Mr. Miller stated that the contractor, Kevin Aldrich, hired by the Surveyor's Office to work on the drain thought the drain should be dipped further north than what the Surveyor's Office had planned and instructed Mr. Aldrich to do. Mr. Miller had been told that a neighbor in the watershed was bitter over a previous dipping of the drain by the Surveyor's Office.

Mrs. Lassiter stated she had spoken with Mike Kline regarding this drain. Mr. Kline had stated the northern end was dipped approximately three years ago, being lowered by three to four feet. The bridge at that time was removed and reinstalled by the county. Mr. Kline did not feel that the northern end of the drain needed to be dipped at this time. The Drainage Board asked Mrs. Lassiter to ask Mr. Kline or one of the inspectors to provide the Drainage Board with a written report stating this information. Mrs. Lassiter was asked to have Bill Rychener talk to Tom Miller regarding the maintenance planned for the drain.

Mrs. Harrison asked Mr. Miller if he agreed with the Surveyor's Office's assessment of the northern section of the drain. Mr. Miller stated he did not, as when he drove by the drain it looked like there were some issues. Mrs. Harrison asked Mr. Miller if he had seen that section of the drain. Mr. Miller stated he had not, as he had not walked the drain.

Mr. Miller stated he was friends with and working with the Steuben County Surveyor to have the Steuben section of the drain cleaned. Mr. Miller stated he did not believe the DeKalb County Surveyor's Office had a good relationship with the Army Corps of Engineers or with the Indiana Department of Environmental Management.

### **SURVEYOR'S REPORT**

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

GUY PLATTER DRAIN NO. 112-00-0: Mrs. Lassiter stated that she was still waiting for a quote from ForeSight Consulting for the permitting and detour route for the completion of the reconstruction of the *Guy Platter Drain No. 112-00-0*.

WILLIAM BICKEL DRAIN NO. 133-00-0: Mrs. Lassiter stated that Troy Bungard had sent the Phase II plans for the *William Bickel Drain No. 133-00-0* to the Nobel County Surveyor, Randy Sexton, for his review. Mr. Sexton would be reaching out to Mr. Bungard to get the engineer's cost estimate and the assessment rolls put together. Once that was completed then Mr. Sexton would have Mrs. Lassiter set a Joint Drainage Board meeting to review all and set a public hearing date.

JOHN KETCHAM DRAIN NO. 334-00-0: Mrs. Lassiter informed the Board that Bill Rychener, Surveyor Inspection Supervisor, had looked at the northern end of the *John Ketcham Drain No. 334-00-0*. Mr. Rychener thought the drain needed some maintenance work. Mr. Hartman wanted to know if the drain work should be done as maintenance or reconstruction. Mr. Hartman stated if the work needed to be a reconstruction then having it done via consent and waiver would not be an issue since the land is owned by the county and the County Commissioners would be signing the document.

Mr. Hartman stated he believed there were private field tiles tied into the drain that the County Commissioners would need to have repaired. In looking at the watersheds on the map it was determined that the bulk of the field was in the watershed of the *William Peckhart Drain No. 22-00-0*.

Mr. Miller asked if this was the same area where Tom Aschleman, who presented at the 12.15.2022 meeting wanting to apply for an outlet connection permit to the *William Peckhart Drain No. 22-00-0*. Mr. Miller was informed that Mr. Aschleman's request was west of the County Road 36A & County Road 38 intersection.

NANCY DAVIS LATERAL 1 DRAIN NO. 89-01-0: Mrs. Lassiter informed the Board there had been a request for the reconstruction of the *Nancy Davis Lateral 1 Drain No. 89-01-0* by landowner Noah Schwartz, an Amish man who had purchased a field in 2021 and had not been able to plant due to the drain's state of deterioration. Mr. Schwartz was requesting to have the reconstruction done through a consent and waiver process, with Mr. Schwartz doing all the work and the county paying for the materials. Mrs. Lassiter stated that the lateral was relatively small in length. The Surveyor's Office was asking the Board to determine if it would consider only the three landowners across whose land the drain work would take place as the only affected landowners. Ms. Kruse looked at the list of owners in the watershed, and the percentage of land owned and would advise it would be fine for the Board to make that determination.

Mr. Miller asked if Mr. Schwartz who lived in Allen County was on the Allen County list of approved contractors. Mrs. Lassiter stated she did not know if he was on the list. Mr. Hartman stated that given the shortage of contractors he was not against letting Mr. Schwartz do the work under the supervision of the Surveyor's inspectors to ensure the tile was correctly installed. Ms. Kruse advised Mrs. Lassiter to be sure a certificate of liability insurance was provided by Mr. Schwartz to the Surveyor and the Board.

FRED GROSCUP JR. DRAIN NO. 335-00-00: Mrs. Lassiter presented Change Order No.1 for Tri County Excavating for the *Fred Groscup Jr. Drain No. 335-00-0* reconstruction project for \$900.00 for the connection of seven laterals, capping of the old main system, and mortaring of all manholes without boots, items not listed in the initial contract of \$50,404.00 for a total of \$51,304.00.

Mr. Hartman moved to approve Change Order No. for Tri County Excavating for the *Fred Groscup Jr. Drain No. 335-00-0* reconstruction project for \$900.00. Bruce Bell, II seconded the motion, and the motion carried.

C.B. KAGEY DRAIN NO. 225-00-0: Mrs. Lassiter then presented a Change Order No. 1 for the *C.B. Kagey Drain No. 225-00-0* stating that per Board minutes the change order was approved at the June 9, 2022 meeting, but she could not find a signed document in the files and Knott Drainage & Excavating didn't have one in their files. Mrs. Lassiter was asking the Board to sign the document to clean up the project's bookkeeping.

## **GENERAL DISCUSSION**

Mr. Watson stated that he would like to discuss goals and metrics for 2023.

Ms. Kruse read **IC 36-9-27-35 Submission of classifications and order of work priority of drains to board; notice and hearing on classification and reclassification requests**

Sec. 35. (a) The county surveyor shall submit to the board a written report setting forth the county surveyor's classification of regulated drains in order of priority for action by the board. This report may be made from time to time during the county surveyor's process of classification.

(b) The board may adopt the classifications and order of work priority as made by the county surveyor or may modify them.

(c) If ten percent (10%) of the owners' request the board to classify or reclassify a drain affecting their land, the board shall, after giving notice to all affected owners, conduct a hearing on the request and adopt a proper classification. The notice shall be given by publication in accordance with [IC 5-3-1](#). Notice shall be given to an attorney of record in the manner provided in section 110 of this chapter.

Ms. Kruse explained that this meant the Surveyor was to put the priority list together, then the Board could decide how best to move forward with the list and whether to amend it.

Mr. Hartman stated he wanted to ensure the *Guy Platter Drain No. 112-00-0* and Phase II of the *William Bickel Drain No. 133-00-0* reconstruction was completed in 2023. Mr. Hartman stated the new county surveyor needed to be consulted before any priority list was created. Mr. Miller stated he agreed with Mr. Hartman.

Mr. Bell stated that he didn't like his first year on the Board as he felt the Board was constantly attacking and Surveyor's Office and Nathan Frye. The contention had not been productive. He wanted to know what the Board planned to do to help the new county surveyor to get work done in a more productive manner moving forward. The Board had the authority to set the priority list but needed to work with the county surveyor to actually get the work completed.

Ms. Kruse advised the Board to use the previous priority list and work with the new county surveyor to change it as needed.

Mr. Miller asked as a new member of the Board if it was a goal for the ARPA funds to be appropriated by the commissioners/county council to help the county surveyor with outside engineering services.

Mr. Bell stated the new county surveyor would have some say in that regard, as to whether the services were needed. It might be good to hire outside engineering a couple of times a year to get a couple of extra projects done. The new surveyor would need to work with the engineering firms.

Ms. Kruse explained that outside engineering firms would be hired through a bidding process for specific projects or could be hired as deputy surveyors. She explained that with the *Levi Dennison Drain No. 317-00-0* project the previous Board had hired an outside firm to circumvent the Surveyor's Office, which was not the intent of the Drainage Code. The two entities were meant to work together for the county citizens.

Mrs. Lassiter explained that by the State Surveyor's Code if the new surveyor was not credentialed, a licensed land surveyor or a licensed professional engineer, then the Board would have to contract with a licensed individual or firm to have reconstruction plans drawn, subdivision plans reviewed, etcetera. Ms. Kruse explained that this was what Steuben County had to do and had done for several years. Ms. Kruse explained that if a tile was to be replaced under maintenance no outside engineer was needed for those types of projects.

Mr. Hartman and Mr. Watson asked Mrs. Lassiter the name of the new engineering firm in Auburn. She responded it was MSS Engineering located at 414 West Fifth Street. The owner and licensed engineer were named Travis McDaniel.

Mr. Watson stated he hoped to start with good communication and collaboration with the new county surveyor.

Mr. Bell stated the county landscape had changed a lot over the years. He asked what the Surveyor's Office needed to be successful. Mrs. Lassiter stated until the new surveyor is chosen it was difficult to say. It would depend on whether the new surveyor was credentialed or not.

Mr. Watson stated the notice for the caucus had been in the newspaper and there were some backroad conversations, but he was unsure whether any interested parties had filed for consideration.

Mr. Bell asked the Board as liaison for the *Levi Dennison Drain No. 317-00-0* project working with Gensic Engineering how the Board wanted to proceed. Did they want to wait on the new surveyor to take office and get acclimated? There had been no noise from the petitioner. Ms. Kruse stated as long as there were plans drawn, cost estimates, and assessment rolls put together the Board could move forward. Mr. Bungard stated he had sent the watershed and landowner information to the Gensics. Mrs. Lassiter stated the contract with Gensics stated they would take care of all notifications and forms that were sent to them. The Board consensus was to move forward and if the watershed landowners decided they didn't like the plan, then the project would be dropped and the Board would move on to the next project.

It was explained by Mr. Watson that ARPA funds could not be used for payroll.

Ms. Kruse explained the Board had no authority over the Surveyor's office staff.

Ms. Kruse explained the General Drain Account was a combination of all individual drain funds.

Ms. Kruse informed the Board she would not be at the January 18<sup>th</sup> meeting.

Mr. Hartman stated that Mr. Johnson in Garrett who complained about the Veterinary Hospitals' construction stormwater possibly running onto his property thought the City of Garrett's stormwater system couldn't take the water. Garrett personnel were going to look at it.

Mr. Watson stated that the County Auditor would be looking to get the Gensic invoices taken out of the ARPA funds.

Mr. Bungard reminded the Board that the *E.P. Sherwood Drain No. 162-00-0* bid openings would be on December 29, 2022.

Mr. Miller wished everyone a Merry Christmas.

There being no other business or discussion, Mr. Watson then thanked everyone for attending the meeting and declared it adjourned at 9:58 a.m.

# DEKALB COUNTY DRAINAGE BOARD

PETITION OF  
INTEREST

MAILING ADDRESS

EMAIL ADDRESS

PHONE (HOME) PHONE (CELL)

NO. NAME

1 *Nicah Miller*  
2 *Tom Miller*  
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DATE

**12/22/2022**