

DEKALB COUNTY DRAINAGE BOARD MEETING

January 5, 2023

Drainage Commissioners Present:

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

Others Present:

Michelle Lassiter, Secr. /Drainage Board Admin. Asst.
Shannon Kruse, Attorney
Troy Bungard, Surveyor Technician

Guests: None

Absent: None

Outgoing Chair 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 Bill Hartman to accept the Minutes of December 22, 2022, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Bruce Bell, II, and the motion carried.

A motion was made by Bruce Bell, II to accept the Minutes of December 29, 2022, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Sandy Harrison, and the motion carried.

2023 BOARD ORGANIZATION AND APPOINTMENTS

BOARD CHAIR: Mr. Watson turned the meeting over to Ms. Kruse to run the election for the 2023 Board Chair. Ms. Kruse opened nominations for Chair. Bill Hartman nominated Bruce Bell, II, and Jim Miller seconded the nomination. There being no other nominations, Jim Miller moved to close nominations, Sandy Harrison seconded the motion, motion carried. Ms. Kruse asked for a vote for Bruce Bell, II to be Board Chair, and all voted in favor. Ms. Kruse turned the meeting over to Mr. Bell.

BOARD VICE-CHAIR: Mr. Bell opened nominations for Vice-Chair. Bill Hartman nominated Sandy Harrison, and Jim Miller seconded the nomination. There being no other nominations, Mike Watson moved to close nominations, Jim Miller seconded the motion, motion carried. Mr. Bell asked for a vote for Sandy Harrison to be Board Vice-Chair, and all voted in favor.

BOARD SECRETARY: Mr. Bell asked for the nomination for Secretary. Sandy Harrison nominated Drainage Board Administrative Assistant Michelle Lassiter, and Jim Miller seconded the nomination. There being no further discussion, Mr. Bell asked for a vote for Michelle Lassiter to be Board Secretary, and all voted in favor.

BOARD ATTORNEY: Mr. Bell asked for a motion to retain Shannon Kruse as Board Attorney. Mike Watson so moved to retain Shannon Kruse as Drainage Board Attorney for 2023, and Sandy Harrison seconded the nomination. There being no further discussion, Mr. Bell asked for a vote for Shannon Kruse to be Board Attorney, and all voted in favor.

JOINT BOARD APPOINTMENTS: After a Board discussion Jim Miller moved to approve the following individuals to serve on the following Joint Drainage Boards:

DeKalb County/Allen County Board: Bill Hartman and Mike Watson

DeKalb County/Noble County Board: Bill Hartman and Bruce Bell, II

DeKalb County/Steuben County Board: Jim Miller and Sandy Harrison

Allen County/DeKalb County/Noble County Board: Bill Hartman and Mike Watson

DeKalb County/LaGrange County/Noble County/Steuben County Board: Sandy Harrison and Jim Miller

Interstate Joint Boards with Ohio: Bill Hartman and Mike Watson

Sandy Harrison seconded the motion, motion carried.

ATTORNEY'S CONTRACT

Ms. Kruse presented a 2023 Attorney's Fees Contract to the Board for approval. The contract would be for \$1,295.00 per month for meeting attendance and \$125.00 per hour for additional work provided to the Board. Mike Watson moved to approve the 2023 attorney contract as presented, Bill Hartman seconded, and the motion carried.

BID AWARDS

E.P. SHERWOOD REGULATED TILE DRAIN NO. 162-00-0 RECONSTRUCTION BIDS:

Mr. Bungard informed the Board that Crawl Earth Work & Construction had dropped off a sealed envelope. He was unsure if it was a late bid or the yearly contractor's rate paperwork requested by the Surveyor's Office. Mr. Bungard opened the envelope and found it was the yearly contractor's rate paperwork. Mr. Bungard then provided the bid tabulations to the Board along with Mr. Kline's recommendations.

LABOR BIDS: Mr. Bungard reminded the Board there were only two labor bids, Tri County Excavating at \$75,087.50 and Knott's Drainage & Excavation at \$42,915.00. He pointed out that the Knott big was significantly lower than the Tri County Bid.

MATERIAL BIDS: Mr. Bungard pointed out there were three bids for materials, Baughman Tile at \$34,257.46, Hixson Sand & Gravel at \$34,163.90, and Core & Main at \$34,338.40. Mr. Bungard stated that Hixson's was the lowest bid which included couplings.

STONE BIDS: Mr. Bungard then pointed out there was only one bid for stone from Clifford Aggregate for \$26,887.25.

STRUCTURE BIDS: Mr. Bungard pointed out there was only one bid for structures from Core & Main for 2,240.00.

Mr. Bungard stated that the total of the lowest bids was \$106,206.15 which was under the engineer's estimated costs for the project of \$135,103.41.

Mr. Bungard then read Mr. Kline's letter of recommendation:

Dear Drainage Board Members,

I have reviewed the bids submitted to the Board for the E. P. Sherwood drain reconstruction project.

We made a \$600.00 correction (addition) to the Tri County labor bid because it appears they did not include the cost of reconnecting existing laterals in their total bid price.

We also made a correction (addition) to the Baughman Tile material bid because they only showed a bid for one (1) 15" 45-degree elbow and not the four (4) called for on the bid documents.

After review, I would ask the Board to accept the Knott Drainage & Excavating bid for labor, the Clifford Aggregate bid for #8 stone and #53 stone (no recycled concrete), the Core & Main bid for structures and the Hixon Sand & Gravel bid for the pipe and fittings.

Respectfully,

Michael C Kline

Mr. Bell asked if anyone had spoken with Knott Excavating given that their bids had been consistently lower than other bids. Mrs. Lassiter stated that Mr. Kline had spoken with Tim & Rob Knott and asked them to make sure their bids were on par for them to make money and stay in business. Mr. Bungard stated that generally, the labor bids are roughly equal to the total material bids, which had this bid right in line to be fairly accurate. Mr. Hartman stated he didn't believe it was so much that Knott's were low, but that Tri County was high. Mr. Hartman stated that Tri County had substantial bids awarded to them in Allen County and didn't need this project.

Mr. Bell then asked for a motion to award the bids for the E.P. Sherwood Drain No. 162-00-0 reconstruction project. Mr. Hartman moved to award the bids as recommended by Mr. Kline, Mike Watson seconded the motion, and the motion carried.

CONSULTING QUOTES

GUY PLATTER REGULATED DRAIN NO. 112-00-0: Mrs. Lassiter presented to the Board a quote from ForeSight Consulting of \$19,800.00 (and possibly more due to a clause for reimbursable expenses) for the acquiring and coordinating INDOT permits to complete the reconstruction project crossing State Road 8 by supplying the detour route.

Mrs. Lassiter and Mr. Bungard explained to the Board that the labor contract for the project included the road cut, but not the jack and bore that Mr. Kline had considered. They also explained that there were considerable sandy soils in the area that would preclude a jack and bore. Mr. Bungard stated there was a structure close to the area on the north side of the road that potentially would need to be removed for a jack and bore which would increase the project cost. Mr. Bungard explained that Mr. Kline wanted to try jack and bore to avoid closing the road and needing a detour route. Mr. Kline had projected the jack and bore to cost approximately \$25,000.00.

Mr. Hartman stated he believed there was enough money allotted for the project and it should have already been completed. Mr. Bungard explained that part of the holdup was that Ohio had been doing road work and was using Indiana roads for detours and we were pretty far down the line last year to be able to use a detour route.

Ms. Kruse stated that in reviewing the quote it was her responsibility to look at the potential risk to the Board & Surveyor. It was the Board's responsibility to make the ultimate decision as to whether to accept the quote. Ms. Kruse stated that she would like to see the \$250,000.00 liability cap for ForeSight Consulting removed from the quote. Mr. Miller agreed that ForeSight should bear a high responsibility for the project. Ms. Kruse wanted to know what ForeSight's liability insurance limit was. The Board required contractors to carry \$1,000,000.00.

Jim Miller moved to table the vote for the quote until ForeSight addressed Ms. Kruse's concerns for liability insurance, Bill Hartman seconded the motion, and the motion carried.

SURVEYOR'S REPORT

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

Mrs. Lassiter asked Mr. Bungard to give the update.

Mr. Bungard explained that he and Mrs. Lassiter would be meeting with Nathan Frye on Saturday to get further instructions on how to put the yearly drainage assessment list together for 2023. Mr. Bungard further explained he was auditing the drains, any that had 75% or less of the maximum permitted four-year collections were going on the list. Drains with a negative balance were to be collected. Drains that would require maintenance this year would be collected. Mr. Bungard's next step was to look at the drain tree and the "nesting" drains to ensure that landowners were not unduly burdened with an excess of drain assessments. Mr. Bungard asked the Board if they had any suggestions as to other criteria to review. The Board stated they believed the criteria being used were fair.

Mrs. Lassiter stated she had provided an updated list showing drain hearings that had been held and a printout of the Fact Sheet for the Final Rule: Revised Definition of "Waters of the United States".

DISCUSSION


Mr. Hartman stated the revised definition of the "Waters of the US" appeared to be the same as the one from the O'Bama Administration. He explained that when he met with the Army Corps of Engineers regarding the *William Bickel Drain No. 133-00-0* reconstruction, it was stated that if an area was not farmed for five years then it reverted to being classified as a wetland.

Mr. Miller stated that he had read a lot regarding wetlands and "Waters of the US" and agreed with Mr. Hartman. He also felt this was more restrictive. If farmers convert wetlands now they would be out of compliance. This creates the issue where tiles that were installed years ago, were now failing, and the land was now classified as wetlands and must remain so. Both Mr. Miller and Mr. Hartman were hoping the next presidential administration would change these definitions and rules.

Ms. Kruse stated there was a case the Supreme Court was considering. The Court could overrule this definition and set of rules, and everything could change again.

There being no further business or discussion, Mr. Bell thanked everyone for attending the meeting and declared the meeting adjourned at 9:27 a.m.


Bruce Bell, II, Chairman


Michelle Lassiter, Secretary