

DEKALB COUNTY DRAINAGE BOARD MEETING

January 26, 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:

Glenn Crawford, County Surveyor
Michelle Lassiter, Sec. /Drainage Board Admin. Asst.
Shannon Kruse, Attorney
Troy Bungard, Surveyor Technician

Guests:

Rory Walker
Jacob Walker
Scott Clay

Absent: None

Chair Bruce Bell, II 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 Mike Watson to accept the Minutes of January 5, 2023, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Jim Miller, and the motion carried.

Mr. Bell then introduced and welcomed the new County Surveyor, Glenn Crawford. Mr. Crawford thanked Mr. Bell and told the Board that he was glad to be there and that he held a civil engineering degree from Purdue University.

CONSENT & WAIVER RECONSTRUCTION REQUEST

Jacob Walker and Rory Walker of Walker Farms Corp. were present. Jacob Walker explained that consent had been granted for Walker Farms to replace the *George Matson Lateral 11 Regulated Tile Drain No. 73-11-0* in 2022, which had been done by Knott Drainage & Excavating. Jacob went on to explain that the *George Matson Lateral 11 Spur 3 Regulated Drain No. 73-11-3* was in bad shaped and needed to be reconstructed. Mr. Walker stated the current drain was constructed of 12-inch and 10-inch tile that was undersized and ran too flat for the amount of surface water that was running into it. Mr. Walker explained that the drain crossed County Road 22 and County Road 43.

Mr. Jacob Walker explained that the site was their home farm and they had begun having issues in 2012 with this regulated drain not working. They would like to reconstruct the entire drain in two phases, starting with the southern section as it was in worse shape. Their proposal would have the drain deeper using 18-inch tile, 15-inch tile, and then 12-inch tile to the north where the drain turned west.

Mr. Walker stated they had spoken with Ben Parker of the DeKalb County Highway Dept. and he was agreeable to the updates for the County Road 22 and County Road 43 crossings.

Mr. Walker went on to say that the Consent & Waiver had been signed by all the landowners in the watershed as provided by the County Surveyor's Office. He explained that there were 146 acres in the watershed of which the Walkers owned 125 acres. Mr. Walker stated that Walker Farms was willing to pay for the project.

Mr. Walker informed the Board that they would be coming back to the Board in the future with a Consent & Waiver request for the reconstruction of the *George Matson 11 Spur 2 Regulated Drain No. 73-11-2* which was located to the west of this project.

Mr. Walker stated he had taken elevation shots of the existing drain for the proposed reconstruction and did not need the County Surveyor to engineer the project.

Mr. Crawford told the Board he was good with the proposed reconstruction project and would want to review the plans for correct stormwater flow velocity.

Bill Hartman moved to approve the Consent & Waive for the reconstruction of the *George Matson Lateral 11 Spur 3 Regulated Tile Drain No. 73-11-3*, with the County Surveyor to review the plans to ensure it provided the correct stormwater flow velocity. Mike Watson seconded the motion, and the motion carried.

VARIANCES

GUSTAVE MADER REGULATED TILE DRAIN NO. 196-00-0: Daryl McConnell City of Auburn Engineering Director was present. Mr. McConnell explained the City of Auburn planned to reconstruct a portion of Morningstar Road. Bids had been sent out and construction was to begin in March with a June completion. The road would be widened from 20 and 22 feet to 24 feet from Main Street to Fairway Drive. From Fairway Drive to the Cedar Creek Bridge, the road would be milled with a new overlay. Mr. McConnell stated that there would be a Phase II for the project that would involve installing a new bridge and widening the eastern portion of the road to County Road 35.

Mr. Crawford stated there was a Monument Cornerstone at County Road 427 (Main Street) and Morningstar Road that would need to be cared for with proper placement. Mr. McConnell stated he understood. Mrs. Lassiter informed the Board that Mr. McConnell was an Indiana Licensed Land Surveyor.

There being no further discussion, Mike Watson moved to approve the City of Auburn variance for the crossing of the *Gustave Mader Regulated Tile Drain No. 196-00-0*, Bill Hartman seconded the motion, and the motion carried.

IRA GOETCHIUS REGULATED TILE DRAIN NO. 232-00-0: This drain was also related to the Morningstar Road reconstruction project. Mr. Bell asked if there was any discussion needed for the Board regarding this drain.

There being no further discussion, Jim Miller moved to approve the City of Auburn variance for the crossing of the *Ira Goetchius Regulated Tile Drain No. 232-00-0*, Sandy Harrison seconded the motion, and the motion carried.

LABOR CONTRACT

E.P. SHERWOOD REGULATED TILE DRAIN NO. 162-00-0: Mrs. Lassiter presented the contract signed by Knott Drainage & Excavating for the reconstruction of the *E.P. Sherwood Regulated Tile Drain No. 162-00-0* for the bid awarded to him on January 5, 2023. The bid amount was \$42,915.00.

Mike Watson moved to accept and sign the contract with Knott Drainage & Excavating for \$42,915.00 for the reconstruction of the *E.P. Sherwood Regulated Tile Drain No. 162-00-0*, Bill Hartman seconded the motion, and the motion carried.

2023 YEARLY DRAINAGE ASSESSMENT LIST

Mr. Bungard explained his workflow between the GIS maps and the Auditor's LOW software regarding the assessment rates. He also explained how he was choosing the drains to collect in 2023. Mr. Bungard was looking at drains that had less than the State Code permitted four-year collections and drains in the negative, then he was looking at the drain tree to make sure he was not overburdening landowners with too high of a total assessment collection. He was including drains that adjoining counties were requested to be collected. This brought the list to about 250 drains that would be recommended for collections in 2023. The list would be emailed to the members for review before the next meeting.

Mr. Crawford informed the Board that a large number of the county-regulated drains were collecting 50-year-old assessment rates that didn't cover costs. The Board would need to look at holding rate hearings to increase the rates. One example given was a drain that collected \$0.05 per acre, and even with the four-year maximum collection there would not be enough funds for any repairs.

SURVEYOR'S REPORT

Mr. Bell asked for the Surveyor's Report and the Board was provided the following information:

Mrs. Lassiter read a letter she had provided to the Board members:

DEKALB COUNTY SURVEYOR'S OFFICE

GLENN CRAWFORD
DeKalb County Surveyor



January 24, 2023

RE: Gene Clifford Repayment – Harley Cobbs Drain No. 214-00-0

Dear Drainage Board Members,

I am asking that you allow the Surveyor's Office to go forward with repaying Gene Clifford \$4,914.00 for the repair of the Harley Cobbs Regulated Tile Drain No. 214-00-0.

The Board approved the repairs on February 21, 2019, with the understanding the materials would put the drain in the red and Mr. Clifford would be paid for his labor once the drain was out of the red. *However*, the board at the meeting also stated that there would be a hearing within six months to raise the yearly assessment rate to \$15.00 per acre which would permit the drain to come out of the red within three years. This was not done. It has now been four years since Mr. Clifford completed the work and it is only fair to pay him without further delay.

The drain has a current negative balance of \$1,041.74 and will collect \$1,251.90 which will give it an end of year balance of \$210.16. With the current collection rate there will not be enough in the drain's account to cover Mr. Clifford's invoice for another four years. He did not anticipate having to wait eight years for payment based on the Board's original decision and should not be penalized for the Board and Surveyor's lack of action in changing the drain's yearly assessment rate.

Respectfully,

Michelle Lassiter,
Office Manager
Surveyor's Office

Mrs. Lassiter then stated that she understood that almost no one in the room was a part of the original proceedings, but she felt that the Cliffords waiting eight years for payment for the work on the drain was excessive.

Mr. Bell asked if Cliffords had received any payments. Mrs. Lassiter responded they had not.

Mr. Hartman stated he had been on the Board when the agreement was made with Mr. Clifford. He believed that given the circumstances Mr. Clifford should be paid and the Board should hold the rate hearing to prevent a similar situation from happening in the future with this drain.

Ms. Kruse stated she would agree that due to the unique circumstances surrounding this drain's repairs the Board could go forward with paying Mr. Clifford for his services.

Jim Miller made a motion to approve the repayment of Gene Clifford dba Clifford Excavating, Inc. for work done on the *Harley Cobbs Regulated Drain No. 214-00-0* for \$4,914.00, Invoice #737795, dated 03.04.2019, putting the drain account in the negative due to unique circumstances created by the agreement with the Board and Surveyor's Office and a lack of follow-through by the Board. Sandy Harrison seconded the motion, and the motion carried.

Mr. Miller then asked if Mr. Crawford would need to run calculations for rate hearings going forward. Ms. Kruse responded that Mr. Crawford would need to make those calculations to make sure they were adequate to cover the cost of drain repairs.

Mr. Crawford informed the Board that several reconstruction plans were approximately 90% complete that he wanted to work on and get done. They included:

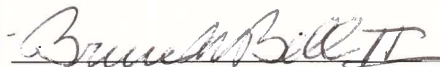
- He believed he could complete Mr. Kline's plans for the reconstruction of the *Ora Bohler Drain No. 54-00-0* to get it ready for another public hearing. Mr. Rory Walker stated he would like to see this drain reconstructed, but would like to look at the assessments on the county books. He had heard there were three different rates for different sections of the drain.
- Mike Kline had turned the *William Bickel Drain No. 133-00-0* reconstruction plans over to Randy Sexton, the Noble County Surveyor to complete the assessments and engineering cost estimates. Mr. Sexton has turned it back over to the DeKalb County Surveyor's Office to complete.
- The *Guy Platter Drain No. 112-00-0* State Road 8 crossing would not need to be contracted to ForeSight Consulting. Mr. Crawford had discovered that Nathan Frye had started the INDOT permit application process. Mr. Crawford had been in contact with INDOT, all they needed was the detour route and sign information. He was working with Three Rivers Barricades to get that done. Mr. Hartman asked if the pipe leftover from the *Eric Morris Drain No. 416-00-0* reconstruction could be used for the crossing. Mr. Crawford said no, only if the crossing were a jack & bore could it be used. A jack & bore would be too expensive and was not possible due to soil types. Mr. Crawford would check to see if the pipe could be returned for a refund to the drain account.

DISCUSSION

Mr. Hartman stated he had been contacted by the Garrett Mayor regarding flooding along North Randolph Street wanting help from the Surveyor's Office. Mrs. Lassiter stated that Mike Kline and the Surveyor's staff had been in contact with the Garrett Mayor. The drain in question was vacated to the City of Garrett, making it their responsibility. Mr. Kline had provided the Mayor with a plan the Mayor could use to get the drain repaired, but it had not been done to date.

Mr. Hartman stated the Garrett Mayor had concerns with the Garrett Animal Hospital's new building construction. Mrs. Lassiter stated the Surveyor's Office had been contacted as well while Mr. Kline was in the office. Mr. Kline and the Board had approved the drainage plan for the stormwater to be directed to the street and the City of Garrett's stormwater system. There was nothing that could be done until the project was completed. If there were issues once the construction was completed it would be up to the City of Garrett first to make sure their system was sized and working properly. Then if it outletted to a county drain the drain could be checked to make sure it was working properly. The Surveyor's Office was not sure the City's system was tied-in. Mr. Bell stated there had been flooding issues in Garrett since 2022.

There being no further business or discussion, Mr. Bell thanked everyone for attending the meeting and declared the meeting adjourned at 9:21 a.m.


Bruce Bell, II, Chairman


Michelle Lassiter, Secretary