

DEKALB COUNTY CEDAR CREEK DRAINAGE BOARD

January 26, 2023

Drainage Commissioners Present:

Dennis Taylor, Chairman
James Deetz, Vice Chairman
Bruce Laub, Member

Others Present:

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

Guests:

Nellie Peffley
Eric Ditmars
Daryl McConnell

Absent: None

Chair Dennis Taylor called the meeting of the DeKalb County Cedar Creek Drainage Board to order at 10:00 a.m.

BOARD ORGANIZATION

Mr. Taylor turned the meeting over to Attorney Shannon Kruse for nominations for Board Chair.

Ms. Kruse asked for a motion for Board Chair. Mr. Laub nominated Mr. Taylor to serve as Chairman for 2023. Mr. Deetz seconded the motion, and the motion carried.

Ms. Kruse then turned the meeting back over to Mr. Taylor.

Mr. Taylor asked for nominations for Vice-Chair. Mr. Laub nominated Mr. Deetz to serve as Vice-Chair, Mr. Taylor seconded the motion, and the motion carried.

Mr. Taylor asked for a nomination to retain Shannon Kruse to serve as the Board Attorney for 2023, with an Attorney Fee Agreement increase from \$100 per hour to \$125 per hour for attending the Board meetings, and an increase from \$100 per hour to \$125 per hour for out-of-pocket and ancillary expenses for legal services beyond attendance at the regular meetings. Mr. Deetz so moved, Mr. Laub seconded the motion, and the motion carried.

APPROVAL OF MINUTES

A motion was made by Mr. Deetz to approve the Minutes of February 17, 2022, as presented as the standard minutes of the DeKalb County Cedar Creek Drainage Board. The motion was seconded by Mr. Laub, and the motion carried.

UTILITY PERMIT REQUESTS

CITY OF AUBURN ELECTRIC DEPARTMENT AND AUBURN ESSENTIAL SERVICES – ECKHART PARK

Mr. Eric Ditmars, City of Auburn Park Superintendent, presented the Board with a request to move the Auburn Electric Department and Auburn Essential Services utilities crossing *Cedar Creek Regulated Open Drain No. 470-00-0* from overhead to under the drain. Mr. Ditmars explained the City was going to be replacing the driving bridge in the park and as part of that project would like to move the electric service and fiber network for the park pavilion and Auburn Gear to the south of the park. The utilities would be bored six feet under the creek bed. The plan would be for the utilities to be bored at an angle from west to east.

Mr. Crawford stated that he would like to have one boring with both utilities placed in the same casing and would prefer the boring to be perpendicular to the drain if possible.

Motion: Mr. Deetz moved to approve the City of Auburn Electric Department and Auburn Essential Services utility permits as recommended by the county surveyor. Mr. Laub seconded the motion, and the motion carried.

VARIANCE REQUESTS

CITY OF AUBURN – TREES ON CREEK BANK – ECKHART PARK

Mr. Ditmars presented the Board with a request to plant trees on the bank of *Cedar Creek Regulated Drain No. 470-00-0* within Eckhart Park. Mr. Ditmars explained that the City was awarded a LARE Grant to reconstruct the drain banks to slow the water flow. The banks were to be widened and laid back. The Indiana Department of Natural Resources (IDNR) required a five-to-one replacement for any trees removed from the floodplain for the project. Mr. Ditmars stated there were other properties upstream being considered for tree locations as well. Mr. Ditmars explained the IDNR mandated the species of trees that were to be used.

Mr. Taylor asked if there was any tile in the area proposed for the tree plantings. Mr. Ditmars responded there were not. Mr. Ditmars also informed the Board there would be other native plantings that would include redbud trees, oak trees, sycamore trees, and some shrubs. Mr. Taylor then asked if the plantings would cause any mowing or maintenance issues for the park as there were a large number of plantings. Mr. Ditmars responded that it was what the IDNR required and they would have to make it work.

Mr. Deetz asked if the bank tree plantings were for bank stabilization due to the bank being widened to eighteen feet. Mr. Ditmars responded it was and that it would be an enhancement for the environment.

Ms. Kruse asked if the top of the bank was being widened. Mr. Ditmars stated that was correct, 300 feet of the drain's bank was to be widened to eighteen feet. The entire project would be on the City of Auburn's property, Eckhart Park. Daryl McConnell, Director of the City of Auburn Engineering Department, stated the bank stabilization was a project being undertaken in conjunction with DeKalb County. Nellie Peffley, District Director of the DeKalb County Soil & Water Conservation District, stated this was Phase III in the project. Phase I was a feasibility study undertaken a couple of years ago. She stated that the DeKalb County Cedar Creek Board was providing matching funding for the LARE Grant.

Ms. Kruse stated that there would need to be a Consent & Waiver for the reconstruction of the drain as per State Drainage Code IC 36-9-27-52.5.

Mr. Crawford stated he approved the plan.

Mr. Taylor explained the project would set the drain up to handle flooding better by holding floodwaters back from the park and helping with bank erosion.

Motion: Mr. Laub moved to approve the variance for trees to be planted on the bank for stabilization as per the plans presented. Mr. Deetz seconded the motion, and the motion carried.

CITY OF AUBURN – DRIVING BRIDGE – ECKHART PARK

Mr. Ditmars presented the Board with a request to remove the existing driving bridge spanning the drain with a new driving bridge. The work was to begin in March and be completed in May, dependent on the weather.

The county surveyor's staff did not have a record of a variance for the current bridge.

Motion: Mr. Laub moved to approve the variance for the removal of the current driving bridge and the installation of a new driving bridge per the plans presented. Mr. Deetz seconded the motion, and the motion carried.

CITY OF AUBURN – MORNINGSTAR ROAD RECONSTRUCTION FROM MAIN STREET (COUNTY ROAD 427 EAST TO CEDAR CREEK BRIDGE)

Mr. McConnell presented the Board with a request to do work within the right-of-way of the *Cedar Creek Regulated Open Drain No. 470-00-0* to reconstruct Morningstar Road. The road project would be paid for by a Community Crossing Grant awarded to the City, in which the City would make a 50/50 match. There was an anticipated future second phase that would replace the bridge over the drain and the eastern half of the road east to County Road 35.

Motion: Mr. Laub moved to approve the variance for the reconstruction work of Morningstar Road from Main Street (County Road 427) east to the Cedar Creek Bridge within the right-of-way of the *Cedar Creek Regulated Open Drain No. 470-00-0*. Mr. Deetz seconded the motion, and the motion carried.

LETTER OF SUPPORT REQUEST

MAUMEE RIVER BASIN COMMISSION – LARE GRANT APPLICATION FOR LOG JAM REMOVAL FROM CEDAR CREEK IN ALLEN COUNTY

Mrs. Lassiter explained that she had received a request from Rod Renkenberger, Executive Director of the Maumee River Basin Commission (MRBC), asking for a letter of support for an application he was putting together for a LARE Grant to remove a log jam in Cedar Creek within Allen County. Mrs. Lassiter then read a letter she had typed up and asked the Board to approve sending it to Mr. Renkenberger.

CEDAR CREEK DRAINAGE BOARD

220 EAST SEVENTH STREET, SUITE 130, AUBURN, INDIANA 46706, (260) 925-1928

February 17, 2023

Re: Maumee River Basin Commission LARE Grant Application
Allen County Cedar Creek Log Jam Removal

To Whom It May Concern,

The DeKalb County Cedar Creek Drainage Board would like to express our support for the plan to remove the Cedar Creek log jam in Allen County.

Over sixty percent of the Cedar Creek watershed lies within DeKalb County, with the watershed representing over forty percent of DeKalb County. The DeKalb County Cedar Creek Drainage Board and Surveyor's Office is responsible for maintaining not only the DeKalb County portion of the Cedar Creek corridor, but the various streams, ditches, and county-regulated tiles within the watershed.

Not only would the removal of the Cedar Creek log jam in Allen County be beneficial to the residents of DeKalb County by helping to reduce significant flooding during rain events, it would also make maintaining Cedar Creek and its tributaries easier for the DeKalb County Cedar Creek Drainage Board and Surveyor's Office.

We are in full support of the project for the removal of the Allen County Cedar Creek log jam to ensure improved stormwater removal within the watershed and improved water quality in Cedar Creek.

Respectfully submitted,

Dennis R. Taylor

James K. Deetz

Bruce A. Laub

Mr. Taylor stated there was a need to have the log jam in Allen County removed. He further explained that Water Ops had been working on the drain in DeKalb County and had it pretty well cleaned up.

Motion: Mr. Deetz moved to approve sending the letter as read by Mrs. Lassiter to Mr. Renkenberger. Mr. Laub seconded the motion, and the motion carried.

GUEST COMMUNICATIONS

Nellie Peffley asked if there was anything needed from the Board for plantings outside of the statutory 75-foot drain right-of-way. There was a plan to plant trees on an Acres Trust property outside of the statutory 75-foot drain right-of-way. Ms. Peffley was informed there were no requirements.

The new County Surveyor, Glenn Crawford, and the Surveyor Technician, Troy Bungard, were introduced to the Board. Mr. Deetz stated he approved of Mr. Crawford's taking the position, and that Mr. Crawford had the knowledge and drive to do the work required for the job.

SURVEYOR'S REPORT - NONE

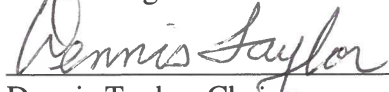
DISCUSSION

Ms. Kruse reiterated that the City of Auburn needed to submit a Consent & Waiver for the reconstruction of the 300 feet of the *Cedar Creek Regulated Open Drain No. 470-00-0*.

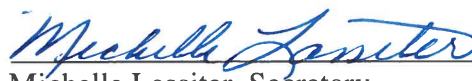
The Board decided to hold its next meeting on Thursday, February 23, 2023, at 10:00 a.m. to consider a Consent & Waiver from the City of Auburn and to receive a report for the drain's account for the years 2021 and 2022.

Mr. Deetz stated that stumbling into Water Ops for the drain maintenance was a good deal. He had heard a lot of rosy presentations over the years that were not fulfilled. Water Ops had done well for Cedar Creek. The improvements were able to be seen.

There being no further business, the meeting adjourned at 10:47 a.m.



Dennis Taylor, Chairman



Michelle Lassiter, Secretary