

## DEKALB COUNTY DRAINAGE BOARD MEETING

February 9, 2023

### Drainage Commissioners Present:

Bruce Bell, II, Chair  
Sandra M. Harrison, Vice-Chair  
William L. Hartman, Member

### Others Present:

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

### Guests:

Bill Etzler  
Brent Burris

### Absent:

James A. Miller, Member  
Michael V. Watson, Member

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 Bill Hartman to accept the Minutes of February 2, 2023, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Sandy Harrison, and the motion carried.

### DRAINAGE PLANS

#### ATOMIC WATER – 7195 OLD STATE ROAD 3

The Board reviewed the drainage plan for Atomic Water for a new 48-foot x 80-foot building at 7195 Old State Road 3, Huntertown, IN 46748. This development was located within the watersheds of the Solomon Simon West Regulated Tile Drain No. 227-90-0, and the Frank Yarde Regulated Open Drain No. 27-00-0.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the new building, I approve the building, due to no drainage issues."

Brent Burris of Service-Design Associates presented the project stating that his client originally was going add an addition to an existing smaller building on the site, but discovered the existing building was not worth saving. The current plan was to demolish the existing building and build a new 48-foot by 80-foot building. The business was a water softener installation provider.

Motion: Sandy Harrison moved to approve the drainage plan for the Atomic Water site based on the Surveyor's recommendations, the motion was seconded by Bill Hartman, and the motion carried.

### UTILITY PERMIT REQUESTS

#### NIPSCO – COUNTY ROAD 68 BETWEEN COUNTY ROAD 5 & COUNTY ROAD 9 – GAS MAIN REPLACEMENT:

Mr. Crawford explained that NIPSCO was wanting to remove an existing exposed section of a natural gas pipeline and replace it with 500 feet of new pipeline to be 10 feet in the ground. He further explained that the new section had to be 500 feet in length to get a proper connection and cover. The project would be within the right-of-way of the *Frank Singrey Lateral 2 Regulated Tile Drain No. 376-02-0* and would cross the *Singrey Lateral to the Frank Yarde Regulated Open Drain No. 27-49-0*. Mr. Crawford reported he approved the pipeline replacement as long as the new gas line maintained a vertical separation of five feet from the invert of the county drain.

Bill Hartman moved to approve the utility permit for NIPSCO to replace a section of exposed natural gas pipeline within the right-of-way of the *Frank Singrey Lateral 2 Regulated Tile Drain No. 376-*

02-0 and would cross the *Singrey Lateral to the Frank Yarde Regulated Open Drain No. 27-49-0* with the County Surveyor's recommendations. Sandy Harrison seconded the motion, and the motion carried.

#### FRONTIER COMMUNICATIONS – CR 54 & CR 11A, COWEN ST & CR 52, CITY OF GARRETT SOUTH SIDE

Mr. Crawford explained that Frontier Communications was putting a lot of new fiber inside the City of Garrett. He further explained that fiber was usually either knifed in or bored. Frontier was using the boring installation method.

This installation area would include the installation of new hand holes, terminals, and flower pots placed interconnected with 1.25" ducts starting at IN-327 running along the south side of CR 54, turning down CR 11, to return to CR 54, then running along the north side of CR 54 to 1072 CR 54, and from Cowen St running west along the south side of the road to 1019 CR 52

The proposed installation would have the fiber crossing perpendicularly to the *John Wilderson Lateral 3 Spur 2 Regulated Tile Drain No. 204-03-2 along County Road 52*. It would also be installed within the rights-of-way of the *Elias Schopf Regulated Tile Drain No. 242-00-0 along County Road 54* and the *John Wilderson Lateral 1 Regulated Tile Drain No. 204-01-0* at the intersection of County Road 54 and County Road 11A. It would cross perpendicularly along County Road 54 the *John Wilderson Lateral 2 Regulated Tile Drain No. 204-02-0*. Mr. Crawford stated he approved the fiber installations as long as the county-regulated drains were potholed by a hydro-vac during the drain crossings to ensure no damage occurred to the drains and the new fiber was installed above the existing elevation of the regulated drains.

Motion: Sandy Harrison moved to approve Frontier Communications' new fiber installations crossing perpendicularly the *John Wilderson Lateral 3 Spur 2 Regulated Tile Drain No. 204-03-2 along County Road 52*. It would also be installed within the rights-of-way of the *Elias Schopf Regulated Tile Drain No. 242-00-0 along County Road 54* and the *John Wilderson Lateral 1 Regulated Tile Drain No. 204-01-0* at the intersection of County Road 54 and County Road 11A. It would cross perpendicularly along County Road 54 the *John Wilderson Lateral 2 Regulated Tile Drain No. 204-02-0* with the County Surveyor's recommendations. Bill Hartman seconded the motion, and the motion carried.

#### FRONTIER COMMUNICATIONS – CITY OF GARRETT SUBDIVISIONS

Mr. Crawford explained that this permit request was for the installation of fiber within several of the City of Garrett's new subdivisions. It would also include new hand holes, terminals, and flower pots to be placed interconnected with 1.25" ducts. The installation would be along the east side of Waynedale Dr. and the north sides of Lakeside Pl, Harold St, Pioneer, St., Custer Dr., and CR 56, and along the south sides of Railroader Dr., Sadie PL, Alexander PL, and Gruber Dr.

The fiber installation would cross perpendicularly the *Elias Schopf Regulated Tile Drain No. 242-00-0* along Waynedale Drive at the intersection of County Road 54. Mr. Crawford stated he approved the fiber installations as long as the county-regulated drain was potholed by a hydro-vac during the drain crossing to ensure no damage occurred to the drain and the new fiber was installed above the existing elevation of the regulated drain.

Motion: Bill Hartman moved to approve Frontier Communications' new fiber installation crossing perpendicularly the *Elias Schopf Regulated Tile Drain No. 242-00-0* along Waynedale Drive at the intersection of County Road 54 with the County Surveyor's recommendations. Sandy Harrison seconded the motion, and the motion carried.

#### FRONTIER COMMUNICATIONS – ALTONA AND NORTHWEST CITY OF GARRETT

Mr. Crawford explained that this permit request was for the installation of fiber on the northwest side of the City of Garrett, continuing into the Town of Altona. It also would include new hand holes, terminals, and flower pots to be placed interconnected with 1.25" ducts. The installation would run along South Hamsher Street, West 2nd Avenue, West King Street, North Union Street, West Quincy Street, North Elm Street, North Baker Street, County Road 48, and County Road 7.

The fiber would be located within the right-of-way of the *Garrett City Regulated Tile Drain No. 44-20-0* along Quincey Street, would cross the *Garrett City Regulated Tile Drain No. 44-20-0* along King Street, would cross the *R. H. Seward Lateral 1 Regulated Tile Drain No. 443-01-0* along King Street, would cross the *R. H. Seward Lateral 2 Regulated Tile Drain No. 443-02-0* along Union Street, would cross the *R. H. Seward Regulated Tile Drain No. 443-00-0* along Edgerton Street, would cross the *Garrett City Regulated Tile Drain No. 44-20-0* along an alleyway between Hamsher Street and Johnson Street and would be within the rights-of-way of the *Charles Mies West Regulated Tile Drain No. 65-90-0* and the *Charles Mies West Lateral 1 Regulated Tile Drain No. 65-91-0* along the West Corporate Line of the City of Garrett. Most of the crossing would be perpendicular. Mr. Crawford stated he approved the fiber installations as long as the county-regulated drains were potholed by a hydro-vac during the drain crossings to ensure no damage occurred to the drains and the new fiber was installed above the existing elevation of the regulated drains.

Motion: Sandy Harrison moved to approve Frontier Communications' new fiber installation within the right-of-way of the *Garrett City Regulated Tile Drain No. 44-20-0* along Quincey Street, which would cross the *Garrett City Regulated Tile Drain No. 44-20-0* along King Street, would cross the *R. H. Seward Lateral 1 Regulated Tile Drain No. 443-01-0* along King Street, would cross the *R. H. Seward Lateral 2 Regulated Tile Drain No. 443-02-0* along Union Street, would cross the *R. H. Seward Regulated Tile Drain No. 443-00-0* along Edgerton Street, would cross the *Garrett City Regulated Tile Drain No. 44-20-0* along an alleyway between Hamsher Street and Johnson Street and would be within the rights-of-way of the *Charles Mies West Regulated Tile Drain No. 65-90-0* and the *Charles Mies West Lateral 1 Regulated Tile Drain No. 65-91-0* along the West Corporate Line of the City of Garrett with the County Surveyor's recommendations. Bill Hartman seconded the motion, and the motion carried.

#### **SURVEYOR'S REPORT**

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

GEORGE SHONER REGULATED TILE DRAIN NO. 356-00-0 AND THE GEORGE SHONER LATERAL 1 REGULATED TILE DRAIN NO. 356-01-0: Mr. Crawford stated that he had been contacted by representatives for the Walk and Bowman Farms asking about reconstructing the *George Shoner Regulated Tile Drain No. 356-00-0* and the *George Shoner Lateral 1 Regulated Tile Drain No. 356-01-0* by consent and waiver with the two farms paying for the full cost of the reconstructions. Mr. Crawford state the drains were not on maintenance and he was unsure whether drains not on maintenance could be reconstructed by consent and waiver. He also stated currently the Walkers and Bowmans were doing maintenance on the drains at no cost to the county with their own equipment.

Ms. Kruse looked at the State Drainage Code IC 36-9-27-52 which stated that a drain's maintenance assessment would need to be set based on the cost of a drain's reconstruction cost. She explained that would have to happen in a public hearing since it would affect all of the landowners within the watershed. Ms. Kruse stated that since the watershed was largely agricultural she didn't believe there

should be much of an issue. She further stated that the periodic assessment rate could possibly be included in the consent and waiver, but *all* watershed landowners would need to sign it. If one refused there would have to be a public hearing. Ms. Kruse explained the reason the state code required notices to be mailed to landowners is so they are aware of the request and periodic maintenance rate proposed and can request a change in design. She stated that given the unique situation, her opinion was it would be best to hold a public hearing for the reconstruction and set the periodic maintenance assessment rate.

Mr. Bungard explained that the state code gave landowners five years to pay the reconstruction assessments and that during that timeframe there were not usually assessed for maintenance.

Ms. Kruse stated that the periodic maintenance rate had to be set to handle the future costs of maintenance of the drain, but the full assessment rate didn't have to be collected the first few years after reconstruction as the drain shouldn't need much maintenance at first.

Mr. Hartman asked if the drain could be designed to cross County Road 22 by County Road 43. Mr. Crawford stated that the *George Matson Lateral 11 Spur 3 Regulated Tile Drain No. 73-11-3* was located there and the Walkers had already been granted the reconstruction consent & waiver by the Board. The reconstruction of that drain should take care of issues in that location.

PERMITS: Mr. Crawford asked the Board what permits did they want or need to approve. Did they have a threshold for the size of the building for which they wanted to have a drainage plan? Ms. Kruse explained that the state drainage code permitted the county surveyor to set a threshold for the requirement of a drainage plan. Mrs. Lassiter stated that the county zoning ordinance also contained some requirements as well. Mr. Crawford was asked to put something together in writing to bring to the Board so that all were on the same page regarding requirements.

Mr. Bell asked if utility permits needed to come to the Board for approval. Mrs. Lassiter pointed out that the Board Chair had to sign those permits. Ms. Kruse stated that per the state drainage code the Board was to review and approve the utility permits as the Board had oversight of the drains. Ms. Kruse also pointed out the state drainage code did allow for the county surveyor to approve outlet connections to the regulated drains.

WETLANDS AND ARPA FUNDS: Mr. Crawford inquired as to what the rules and policies were regarding wetlands and delineations. Mr. Crawford wanted to know if the ARPA funds were only to be used for engineering services or if they could be used for delineations and/or other services. Mr. Crawford understood that drains running through a wetland had to be a solid pipe with sealed joints. He stated that delineations were not extremely expensive, it was the mitigation of wetlands that were \$86,000 to \$100,000 per acre since other land had to be found for the creation of a wetland to offset the loss of another wetland. Mr. Crawford's wife did wetland delineations. Mr. Bell felt that a landowner should pay the cost of a delineation if they really wanted a regulated drain reconstructed or constructed through a wetland, not all of the watershed landowners. The Board discussed how the rules for wetlands had been changed over the last several years and the impact on landowners and the location of drains. Ms. Kruse advised Mr. Crawford to set up a couple of 368 coordination meetings with the Army Corps of Engineers, the Indiana Department of Environmental Management (IDEM), and the Indiana Department of Natural Resources (IDNR) to get a feel for what their requirements were. Mr. Crawford agreed that would be best.

Mr. Crawford asked how the ARPA funds could be accessed for paying claims and in what timeframe did it have to be used. Mr. Hartman stated the funds had to be designated by the end of 2024 and paid out by the end of 2025.

**DISCUSSION**

SOLAR FARMS: Mr. Hartman asked how the periodic drainage assessment rates were set regarding land use. Mrs. Lassiter explained that the use is set by the County Assessor's office based on the state code regulating their processes. It was stated that some solar fields may need onsite water retention.

JAMES FERGUSON REGULATED OPEN DRAIN NO. 86-00-0 AND JAMES FERGUSON WARNER LATERAL REGULATED TILE DRAIN NO. 86-53-0: The Board was informed that there had been a phone call complaining about the clearing of the *James Ferguson Regulated Open Drain No. 86-00-0* in preparation for the reconstruction of the *James Ferguson Warner Lateral Regulated Tile Drain No. 86-53-0*. It was determined the work was being done properly within the drain's right-of-way. Mr. Bungard reminded the Board of the intended route for the drain's reconstruction and informed the Board the project materials would be stored on the east side of the Erieau's driveway.

There being no further business or discussion, Mr. Bell thanked everyone for attending the meeting and declared the meeting adjourned at 10:01 a.m.



Bruce Bell, II, Chairman



Michelle Lassiter, Secretary