

DEKALB COUNTY DRAINAGE BOARD MEETING

March 23, 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, Secr. /Drainage Board Admin. Asst.
 Shannon Kruse, Attorney

Guests:

Tonya McFerron
 Freddie McFerron
 Scott Strahley
 Brian Schaper
 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

Mrs. Lassiter apologized for not having the March 16, 2022 minutes ready in time for approval before the meeting explaining the office had been quite busy in the week since that meeting.

Ms. Kruse explained to the Board that she had been contacted by Chris Gaumer, DeKalb County Zoning Administrator, had contacted her regarding the Board's requirement for a private drainage easement for Lots 1 and 2 in Rotondo Estates. Mr. Gaumer felt the eventual owners of the two lots would expect the County to police the agreement and would like to have the condition changed to be a restrictive covenant on the plat. This would make it easier for the Plan Commission to govern the condition in the future.

Jim Miller moved to approve the amendment of condition number two as recommended by the Board Attorney. Amended Condition No. 2. A Restrictive Covenant stating that the Owner of Lot 2 agrees that the pond will be used by Lots 1, 2, and 3 for stormwater drainage. Mike Watson seconded the motion, and the motion carried.

DRAINAGE PLANS**VAN'S WAREHOUSE – SOUTHWEST CORNER OF COUNTY ROAD 19 & STATE ROAD 8**

The Board reviewed the drainage plan for the Van's Warehouse Development Plan, 4506 County Road 19, Auburn, at the southwest corner of County Road 19 and State Road 8. A part of the NE 1/4 Quarter of Section 35, T34N, R12E, Keyser Township. This development is located within the watershed of the John Diehl Regulated Open Drain No. 45-00-0.

Scott Strahley of Sauer Land Surveying presented the plan explaining that the original design had one small pond between the driveway and the building, with the stormwater crossing grass buffers and going directly into the open drain with the closest waters going into the drain first. However, the County Surveyor Glenn Crawford had required a retention pond be added to the plans reducing the release rate to .35 cfs per acre, which was .41 cfs per acre less than the originally proposed .76 cfs per acre. Mr. Strahley stated that agricultural fields normally had a .10 cfs release rate. Due to land contours, this site had restrictions on the amount of retention available. Even with the second retention pond, stormwater on the north side would be directed to a rock buffer and directly

discharged into the drain. Mr. Strahley asked the Board to consider not requiring the second retention pond and allowing direct discharge into the drain.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the proposed drainage plan for the new Van's Warehouse I approve the drainage plan. The site contains two retention ponds that release .41 cfs less than what the pre-developed site released for a 100-year storm. I recommend the second plan be required as we have no idea of what release rates are upstream and how that release will affect lands downstream. The release rate of .35 cfs was determined by using the hydrologic storage co-efficiency charts."

Mike Watson stated he would like to defer to the County Surveyor's recommendations. Jim Miller stated he wanted to be consistent in requirements and protect the downstream landowners for the future. He did not want to set a precedent for direct discharge.

Bill Hartman moved to approve the drainage plan drawings dated 03.16.2023, signed and stamped by Scott A. Strahley, Professional Engineer, of Sauer Land Surveying, Inc., with the Surveyor's recommendations. The motion was seconded by Jim Miller, and the motion was carried.

DRAINAGE ASSESSMENTS & CHANGE ORDERS

CHANGE ORDER

Mrs. Lassiter presented Change Order No. 2 for the reconstruction of the *James Ferguson Warner Lateral Regulated Tile Drain No. 86-53-01* for \$3,795.00. The first change order was because Bill Rychener, Field Inspector Supervisor, had felt it best to create the temporary drive off County Road 68 to protect the landowner's driveway and not have to reconstruct the driveway. The second change order was because Tim Knott had felt a temporary drive on the north side of the project would best to bring the tile into the project area to save time transporting materials, and the ground was better for the heavy equipment. It was uncertain whether there would be a change order for the restoration of the two areas.

Ms. Kruse informed the Board the State Code did not limit the number of change orders only stipulated they could not go over 20% of the estimated cost of the project.

Mike Watson moved to approve Change Order No. 2 for Knott's Excavating for \$3,795.00 for the installation of a northern temporary drive for the *James Ferguson Warner Lateral Regulated Drain No. 86-53-0* reconstruction project. Sandy Harrison seconded the motion, and the motion carried.

GUEST COMMUNICATIONS – OTHER THAN AGENDA ITEMS

FRANK YARDE REGULATED OPEN DRAIN NO. 27-00-0

Mr. Brian Schaper, the owner of the Indian Springs Campground in Garrett, presented, stating he had owned the campgrounds since 2003. He informed the Board that his bridge, the only access to his property, which spanned the *Frank Yarde Regulated Open Drain No. 27-00-0* had failed. He stated he had pictures of the bridge in 1934. Mr. Schaper stated that there had been logs up against the bridge. Mr. Schaper stated that Water Ops had placed a net upstream of his property to catch cut logs. Mr. Schaper felt the net had permitted logs to come down and scour his bridge. He stated he felt that other logs that had come down the drain over the years had not been an issue because they were in a more deteriorated state than the more recent logs. He felt the logs has worked as a dam and led to severe erosion. Mr. Schaper felt the net used was not the correct type of net for catching logs, but one to catch humans in an emergency. The net was still in place and Mr. Schaper felt it would stop water during a rain event. Mr. Schaper stated he did not like having the net on his property. Mr. Schaper stated he had contacted the County Surveyor/Drainage Board Office multiple times and had spoken with Mr. Crawford once. He stated his other attempts to reach Mr. Crawford had not been

returned. Mr. Schaper stated that Mrs. Lassiter would not allow him to speak with the Drainage Board members directly. Mrs. Lassiter stated that was because they were not in the office and their contact information could be acquired from the County's website. Mr. Watson and Mr. Hartman stated they were contacted regularly by citizens, as were the other Board members.

Mr. Rychener stated he had left a voice message for Mr. Schaper and had not received a callback.

Ms. Kruse stated the bridge was a private bridge in the drain right-of-way and any replacement would require Drainage Board approval before installation in the right-of-way. She explained there was a statutory 75-foot right-of-way on each side of the drain's top-of-bank as determined by the County Surveyor.

Mr. Hartman asked Mr. Schaper if there had been any type of protection for the bridge abutments, stating the norm was for riprap to be used as protection. Mr. Schaper stated there was not. Mr. Hartman asked if the bridge had ever been inspected. Mr. Schaper stated only by himself. Mr. Hartman asked if Mr. Schaper was a certified bridge inspector. Mr. Schaper stated he was not.

Mr. Schaper stated he felt the staff and Board was defending the contractor and not Mr. Schaper and his situation.

Mr. Hartman asked MR. Schaper what he wanted from the Drainage Board. Mr. Schaper stated he just wanted to make them aware of the situation.

Mr. Crawford asked Mr. Schaper if he knew what work Mr. Lewis of Water Ops had been doing along and in the drain. Mr. Crawford stated Mr. Lewis had been hired to remove a log jam upstream from Mr. Schaper's bridge. A log jam that would have floated down and destroyed Mr. Schaper's bridge.

FRED GROSCUP SOUTH REGULATED TILE DRAIN NO. 352-80-0

Tonya McFarron of 1701 Woodview Drive, Garrett, presented to ask what the Board planned to reduce the flooding behind her house where the *Fred Groscup South Regulated Tile Drain No. 352-80-0* was failing. Mrs. McFarron stated her husband had attended the February 23, 2023 meeting, she had sent pictures to Commissioners, and she had not had any response.

Mr. Crawford explained that the Board had discussed the issue at great length at the March 16, 2023 meeting. Mr. Crawford would have a design, cost estimates, and assessment rolls to present to the Board at their April 13, 2023 meeting for consideration of setting a public reconstruction hearing.

Mr. Hartman stated he was sorry for the situation, the Board couldn't mitigate the past but would be willing to reconstruct the drain to relieve the flooding issues.

Mr. Rychener stated that he had a contractor try to root the drain. In an eight-hour time, they were only able to get 150 feet due to the overabundance of roots in the tile.

Mr. Crawford stated there was approximately \$16,000 in the drain fund. His office could construct a 6-inch emergency relief bypass above the current drain if the Board would like to authorize them to do so. Ms. Kruse stated technically that would be a reconstruction and she did believe it could be done without a public hearing. She explained the landowners had a say as to whether the maintenance funds were to be used to offset the costs of reconstruction.

Ms. Kruse explained to Mrs. McFarron that Board would look at the information Mr. Crawford was going to provide and decide if they felt it was worth presenting to the landowners. If so, they would set a date for a public hearing. Once the date was set the office staff would mail each landowner a notice with an estimate of what their portion of the reconstruction would cost between 30 and 40

days before the hearing. The cost of the reconstruction would be divided by the number of acres within the watershed and each owner would be responsible for paying the cost per acre times the amount of land owned. A public notice would be published in the local newspaper no less than 10 days before the hearing.

Mr. Crawford informed the Board he has spoken with a representative of the Ruoff Investment group that owned the agricultural fields along the drain. The group had no immediate plans to develop the land and did not want to have the drain upsized for future development. They were willing to work with the county to improve the flooding issues. Ms. Kruse stated that when the group did decide to develop the land they would need to pay for their drainage.

Mr. Scott Clay of RQAW an engineering firm presented. He stated his employers would like to be considered for reconstruction projects.

SURVEYOR'S REPORT

Mr. Bell asked for the Surveyor's Report and the Board was provided the following information: There was none.

DISCUSSION

Mr. Bell asked Ms. Kruse if there was some way an emergency relief tile could be installed to help the people along the *Fred Groscup South Drain No. 352-80-0*. Ms. Kruse stated that she supposed the Board could classify it as emergency maintenance. Mr. Crawford stated he could call Ruoff's to put the drain parallel to the drain on their property. Ms. Kruse asked what would happen if the reconstruction was denied. Would it become a private lateral that had been installed with watershed monies? Ms. Kruse stated the landowners further north could protest if they felt they wouldn't benefit from the reconstruction. However, the Board could still approve the reconstruction based on the evidence presented. The Board agreed by consensus to have a 6-inch emergency bypass tile installed as long as it cost no more than \$3,000.00

Mr. Rychener informed the Board that the current net on the *Frank Yarde Drain No. 27-00-0* was approximately 2,200 feet north of the Indian Spring Campground's bridge. There had been a net on the bridge five years ago, but not recently. Mr. Rychener had observed Mr. Lewis get access to the drain from the property manager for drain maintenance. Mr. Rychener stated that without that access, they would have driven up the right-of-way, which would have required removing several trees and destroying grass, and rutting the ground. Mr. Crawford stated that Mr. Schaper's engineer had contacted Mr. Crawford asking about installing a temporary culvert crossing. Mr. Crawford had told him they would still need IDNR, IDEM, and Army Corps of Engineering permits as well as a Drainage Board variance.

Mrs. Harrison stated Mr. Berryhill, a farmer with land in the watershed of the *Levi Dennison Drain No. 317-00-0* ask her if he should plant rice this year. Mr. Crawford stated he had met with Mr. Larry Kummer onsite. Mr. Kummer was going on vacation but would supply Mr. Crawford with the pattern tiling design installed in his fields upon his return. Mr. Bell explained to Mr. Crawford that the County Surveyor's Office wasn't to be working on the Dennison design as the Board had contracted with Gensic Engineering to do so.

Mr. Hartman stated he had been contacted by the lady at 905 E. Quincy Street, Garrett, regarding stormwater from the Allied Industries building addition. Mrs. Lassiter stated that when the construction is completed the plans showed the stormwater going into the street and the City of Garrett's storm system.

Mr. Hartman pointed out that there was standing water at 1526 County Road 56. It was determined there was not a county-regulated drain in the location.

There being no further business or discussion, Mr. Bell thanked everyone for attending the meeting and declared the meeting adjourned at 10:20 a.m.



Bruce Bell, II, Chairman



Michelle Lassiter, Secretary