

DEKALB COUNTY DRAINAGE BOARD MEETING

May 18, 2023

Drainage Commissioners Present:

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

Others Present:

Michelle Lassiter, Secr. /Drainage Board Adm.
Shannon Kruse, Attorney

Guests:

James Schmucker
Bill Etzler from Abonmache

Absent:

Glenn Crawford, County Surveyor

Chair Bruce Bell, II, called the May 18, 2023, regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

Mrs. Lassiter explained to the Board that Mr. Crawford would not be attending the meeting as he was ill.

APPROVAL OF MINUTES

A motion was made by Jim Miller to accept the Minutes of March 30, 2023, and April 13, 2023, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Mike Watson, and the motion carried.

DRAINAGE PLANS

REPLAT OF LOTS 2 & 3 OF BEAR TRACK – NORTHEAST CORNER OF COUNTY ROAD 46A AND COUNTY ROAD 39

The Board reviewed the drainage plan for the Replat of Lots 2 & 3 Bear Track, located at the northeast corner of County Road 46A and County Road 39. This development was located within the watersheds of the Daniel Hursey North Regulated Open Drain No. 48-60-0 and the Daniel Hursey Regulated Open Drain No. 48-00-0.

James Schmucker the landowner presented this replat stating he wanted to combine the two lots into one lot on which to build a home and farm. The new lot would contain 18.4 acres.

Mrs. Lassiter informed the Board that there was a solar panel array in the right-of-way of the *Daniel Hursey North Regulated Drain NO. 48-60-0* which was also a floodway. Mr. Schmucker had no permits from the DeKalb County Development Services nor any variance from the Drainage Board for the solar array. This was discovered when the field inspectors conducted a site inspection for an outlet connection permit requested. Mr. Schmucker was instructed that he would need to remove the solar array immediately from the flood plan and that he would need permits from the Development Services Department for the array. Mr. Schmucker stated he wanted to mount them on his home's roof after it was built. Mr. Hartman recommended that Mr. Schmucker just have them placed on permanent ground mounts instead of moving them twice.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the Replat of Lots 2 & 3 of Bear Track, I approve. There is adequate drainage for a new house to be constructed, and enough room on the track for a house to be out of the James Provines right-of-way."

Bill Harman moved to approve the drainage plan drawings dated May 8, 2023, signed and stamped by Michael C. Vodde, Land Surveyor, of Anderson Surveying, Inc., with the Surveyor's recommendations, the motion was seconded by Jim Miller, and the motion carried.

UTILITY PERMITS

LIGTEL COMMUNICATIONS – AMENDED UTILITY PERMIT AGREEMENT – COUNTY ROAD 68 BETWEEN COUNTY ROAD 5 AND COUNTY ROAD 9

Mrs. Lassiter explained that LigTel Communications had not gotten utility locates done before setting their fiber installation route. Their installation crew discovered a gas pipeline on the north side of County Road 68 and were requesting to be permitted to change their variance to the south side of County Road 68 crossing in front of the residence at 0645. They would still be within the right-of-way of the *Frank Singrey Lateral 2 Regulated Tile Drain No. 346-02-0*, would still cross the *Frank Singrey Thrush Lateral Regulated Tile Drain No. 375-50-0*, and still cross the *Singrey Lateral to Frank Yarde Regulated Open Drain No. 27-49-0*. Mrs. Lassiter then read the Surveyor's Report which stated "In regards to the amendment to the utility permit agreement, I approve under the following conditions, the new utility to be at least four feet below any open ditch, any tile crossing must be potholed via hydrovac to verify the tile will not be hit by the new utility, and LigTel must contact the surveyor's office when crossing any county regulated drain for inspection. Respectfully, Glenn M Crawford, DeKalb County Surveyor."

Jim Miller moved to approve the amended utility permit agreement with LigTel Communications along County Road 68 between County Road 5 and County Road 9, with the Surveyor's conditions, the motion was seconded by Mike Watson, and the motion carried.

SURVEYOR'S REPORT

There was no surveyor's report.

DISCUSSION

Mrs. Lassiter informed the Board that Chris Gaumer from Development Services wanted to know if the Board would like to have hard copies of plats for each member or if one copy for the office records and electronic format was acceptable going forward. After a brief discussion, the consensus was to have one copy for the office records and an electronic format for the Board members.

Mrs. Lassiter informed the Board that Maynard Hine had been into the office and would be attending a meeting in the near future to ask the Board to make a vacated portion of a drain once again regulated. Mrs. Lassiter further explained that Mr. Hine had a portion of the *Ray Dilgard Regulated Tile Drain No. 90-00-0* that ran across one of his properties vacated on September 13, 2012. Mrs. Lassiter explained that Mr. Hine had been under the belief that by vacating that portion of the drain he would be removed from the watershed and would not have to pay assessments on the drain.

Mrs. Lassiter then read a portion of the September 13, 2012 minutes. "Brad stated that this drain had a portion vacated in 2005 and Maynard Hine has tiled the farm straight north to the David Link Drain so he has executed a Consent and Waiver to vacate this portion of the main drain down to the property line. Phillips Farms had dug out the tile as an open ditch and the tile was shot so Maynard had not been receiving the drainage through this area. There was still a small corner that does drain into the watershed of the Ray Dilgard drain and Brad informed Maynard that he would still be assessed on that small area."


There was a brief discussion the results of which were that the surveyor's technician was to be asked to check to ensure Mr. Hine was being assessed for the correct acreage amount.

A discussion then ensued regarding a violation letter that Ms. Kruse had been requested to write to David and Edith Schmucker at 5392 County Road 60, Saint Joe, In 46785 regarding the destruction of a portion of the *George Wade Regulated Tile Drain No. 31-00-0*. Ms. Kruse stated that per IC 36-9-24-46 Obstructions of drains; repair procedure a ten-day notice must be sent to the landowner, giving the landowner ten days to repair the drain. There was no option in the code for the surveyor to fix the drain and charge the landowner without allowing them the opportunity to fix it first. It was noted that at the April 20, 2023 Board meeting it was discussed to reconstruct the drain by having the landowner file a Consent and Waiver. Mr. Bell informed the Board that Melvin Steury's field was completely underwater and unable to be planted. Mrs. Lassiter stated that Mr. Crawford had concerns with the landowner affecting the repair as he worked for an unapproved county contractor Krafft Water Solutions and he did not want that company doing the work. The Board then instructed Ms. Kruse to type a letter to Mr. & Mrs. Schmucker giving them ten days to repair the drain by a county-approved contractor under the supervision of the County Surveyor's Office.

Mr. Hartman informed the Board that a flooding issue near County Road 7 and State Highway 205 had been determined to be an issue with the highway drain and was repaired.

There being no further business or discussion, Mr. Bell thanked everyone for attending the meeting and declared the meeting adjourned at 8:53 a.m.


Bruce Bell, II, Chairman


Michelle Lassiter, Secretary