

DEKALB COUNTY DRAINAGE BOARD MEETING

November 30, 2023

Drainage Commissioners Present:

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

Others Present:

Glenn Crawford, County Surveyor
 Tyler Lanning, Lead Survey Tech
 Michelle Lassiter, Secr. /Drainage Board Adm.
 Troy Bungard, Survey Tech
 Shannon Kruse, Attorney

Guests:

Charity Wisel
 Angie Wallace
 Derek Miller
 Justin Hoffman
 Roger Norton
 John Hunt
 DeIsaac Turner

Absent:

Michael V. Watson, Member

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

APPROVAL OF MINUTES

A motion was made by Jim Miller to accept the Minutes of November 16, 2023, as presented as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Sandy Harrison, and the motion carried.

APPROVAL OF CLAIMS

Mr. Bell asked for a motion for Ms. Kruse's second miscellaneous legal services invoice of \$312.50. Jim Miller moved to approve Ms. Kruse's second miscellaneous legal services of \$312.50. Sandy Harrison seconded the motion, and the motion carried with member Bill Hartman voting no.

SUBDIVISION PLAT DRAINAGE PLANS**REPLAT OF SCHOWE'S ACRES – 3139 COUNTY ROAD 72**

The Board reviewed the drainage plan for the Replat of Schowe's Acres, located at 3139 County Road 72, in the Southeast 1/4, Section 32, T33N, R13E, Jackson Township. This plat is for a one-lot minor subdivision, platted as 9.949 acres/9.912 net acres, and located within the watershed of the Hilkey-Carnahan Open Regulated Drain No. 48-00-0.

Angie Wallace of Compass Land Surveying presented the plat explaining the replat was to clean up an error in which the driveway was installed not on the currently platted lot. The owners wanted to get the plat corrected as they were elderly and may want to sell the lot to be able to move into town.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the replat, I approve, as I see no drainage issues with the proposed replat."

Bill Hartman moved to approve the plat drawings dated 11.13.2023, as submitted by Angela D. Wallace, Land Surveyor for Compass Land Surveying, Inc. with the Surveyor's recommendations, the motion was seconded by Sandy Harrison, and the motion carried.

DOG HOLLER ACRES – COUNTY ROAD 68 EAST OF COUNTY ROAD 75

The Board reviewed the drainage plan for the Plat of Dog Holler Acres, located in the Northeast 1/4, Section 32, T33N, R15E, Newville Township. This plat is for a one-lot minor subdivision, platted as

11.55 acres/11.34 net acres, and located within the watershed of the Marie Delarme Regulated Drain No. 7001-00-0 (Joint Drain with Allen & Paulding Counties – Allen Co. has oversight). No approval is required from the Joint Allen County/DeKalb County/Paulding County Drainage Board as no connection to the drain is proposed.

Angie Wallace of Compass Land Surveying presented the plat explaining the owners wished to build a new home on the property.

Ms. Kruse stated that since there was no connection with the joint drain with Allen County the Board could approve the plat.

The Board accepted the Surveyor's Drainage Report, which stated "In regards to the plat I approve, as I see no drainage issues with the proposed plat for a single-family residence."

Sandy Harrison moved to approve the plat drawings with a revised date of 11.14.2023, as submitted by Angela D. Wallace, Land Surveyor for Compass Land Surveying, Inc. with the Surveyor's recommendations, the motion was seconded by Bill Hartman, and the motion carried.

DEVELOPMENT PLAN DRAINAGE PLANS

I-69 FLEX SPACE – 527 LEY DRIVE, AUBURN

The Board reviewed the drainage plan for the Development Plans the I-69 Flex Space proposed for 527 Ley Drive, in the Northeast 1/4 Section 36, T34N, R12E Auburn, in Keyser Township, and within the watersheds of the William Peckhart Open Regulated Drain No. 22-00-0, the John Diehl Regulated Drain No. 45-00-0, and the Cedar Creek Open Regulated Drain No. 470-00-0.

There were no representatives present for this project. Mr. Crawford explained that Engineering Resources Inc. (ERI) were the project engineers for the project. It was to be a small shopping strip with a parking lot. All of the stormwater was proposed to enter the City of Auburn's storm system which would take the water to an existing regional detention basin that was constructed for a 100-year storm event that overflowed into the county-regulated *Auburn Industrial Regulated Drain No. 256-00-0*.

The Board accepted the Surveyor's Report, which stated "In regards to the drainage plan, I approve for the stormwater system flows to a regional detention pond and is designed appropriately."

Bill Hartman moved to approve the drainage plan on the development plans as revised on November 28, 2023, stamped by Mark D. Reinhard, Professional Engineer, of Engineering Resources, Inc., with the County Surveyor's recommendations. The motion was seconded by Jim Miller, and the motion was carried.

THE TUBE CAR WASH – SOUTHEAST CORNER OF GRANDSTAFF DRIVE AND STATE ROAD 8, AUBURN

The Board reviewed the drainage plan for the Development Plans and secondary Plat for The Tube carwash for the southeast corner of Grandstaff Drive and State Road 8 (Seventh Street) Auburn, in Section 31, Union Township, and within the watersheds of the Auburn Industrial Park Regulated Drain No. 256-00-0, the John Diehl Regulated Drain No. 45-00-0, and the Cedar Creek Open Regulated Drain No. 470-00-0.

Justin Hoffman of Brook's First Construction presented the plans stating that the project would be a portion of the current parking lot of the Ben Davis Auto Dealership and constructing a car wash, adding green space in the process. Mr. Hoffman stated the stormwater goes in two directions currently. It would be all collected in an underground facility and directed to the Indiana Department

of Transportation’s system at the southwest corner of SR 8 and Grandstaff Drive which empties into the county-regulated *Auburn Industrial Regulated Drain No. 256-00-0*.

Mr. Crawford explained that he had met with Mr. Hoffman earlier in the design process to nail down the drainage plan and the project had already been granted INDOT permits.

The Board accepted the Surveyor’s Report, which stated “In regards to the drainage plan, I approve for the stormwater runoff will be decreased from the existing site conditions.”

Jim Miller moved to approve the secondary plat and the drainage plan on the development plans as revised on November 28, 2023, stamped by Justin Hoffman, Professional Engineer, of Brooks 1st, with the County Surveyor’s recommendations. The motion was seconded by Sandy Harrison, and the motion was carried.

UTILITY PERMITS

AUBURN ESSENTIAL SERVICES (AES) – COUNTY ROAD 56 BETWEEN COUNTY ROAD 427 & COUNTY ROAD 29

John Hunt, AES Outside Plant Manager, was present for the permit request. Mr. Hunt stated they proposed to install a 1.25-inch conduit for fiber optics along County Road 56 between County Road 427 and County Road 29 crossing the *John Cool Tile Regulated Drain No. 371-00-0* in two places.

Mr. Crawford stated that he was okay with the utility crossing as long as there was a one-foot vertical separation between the tile and utility installed, the drain was potholed prior to boring to ensure no damage to the tile occurred, and the Surveyor’s Office was notified so the field inspectors could be onsite during the crossing to verify the elevations of the tile.

Bill Hartman moved to approve the utility permit to AES along County Road 56 between County Roads 427 and 29, with the County Surveyor’s conditions. Sandy Harrison seconded the motion, and the motion carried.

BID OPENING

ALBERT HIGBEA LATERAL 1 TILE REGULATED DRAIN NO. 268-01-0

Mr. Crawford opened and read the bids for the reconstruction of the *Albert Higbea Lateral 1 Tile Regulated Drain No. 268-01-0*.

LABOR BIDS

KNOTT DRAINAGE & EXCAVATION

Installation of Standpipe	1 Each	\$300.00	\$300.00
12-inch HDPE Dual Wall	1,000 Linea Ft	\$20.00	\$20,000.00
10-inch HDPE Dual Wall	2,137 Linear ft.	\$15.00	\$32,055.00
10-inch HDE Dual Wall Spur 1	1,006 Linear ft	\$17.50	\$17,605.00
Lateral Connections	6 Each	\$300.00	\$1,800.00
Use of Box (Additional per foot)	1 per ft		
Total			\$71,760.00

FRY EXCAVATING

Installation of Standpipe	1 Each	\$250.00	\$250.00
12-inch HDPE Dual Wall	1,000 Linea Ft	\$18.50	\$18,500.00
10-inch HDPE Dual Wall	2,137 Linear ft.	\$12.25	\$26,178.25
10-inch HDE Dual Wall Spur 1	1,006 Linear ft	\$13.00	\$13,078.00
Lateral Connections	6 Each	\$150.00	\$900.00
Use of Box (Additional per foot)	1 per ft		
Total			\$58,906.25

TRI-COUNTY EXCAVATING

Installation of Standpipe	1 Each	\$200.0	\$200.00
12-inch HDPE Dual Wall	1,000 Linea Ft	\$11.00	\$11,000.00
10-inch HDPE Dual Wall	2,137 Linear ft.	\$12.00	\$25,644.00
10-inch HDE Dual Wall Spur 1	1,006 Linear ft	\$12.00	\$12,072.00
Lateral Connections	6 Each	\$100.00	\$600.00
Use of Box (Additional per foot)	1 per ft		
Total			\$49,516.00

MATERIAL BIDS

MIDWEST TILE

Installation of Standpipe	1 Each	\$5.47	\$5,470.00
12-inch HDPE Dual Wall	1,000 Linea Ft	\$4.62	\$9,872.94
10-inch HDPE Dual Wall	2,137 Linear ft.	\$4.62	\$2,337.72
10-inch HDE Dual Wall Spur 1	1,006 Linear ft	\$4.62	\$2,310.00
Fittings & Couplings	1 Lot		
8-inch standpipe	1	\$219.69	\$219.69
Total			\$20,210.35

HIXSON SAND AND GRAVEL

Installation of Standpipe	1 Each	\$4.30	\$4,300.00
12-inch HDPE Dual Wall	1,000 Linea Ft	\$3.05	\$6,517.85
10-inch HDPE Dual Wall	2,137 Linear ft.	\$3.05	\$1,543.30
10-inch HDE Dual Wall Spur 1	1,006 Linear ft	\$3.05	\$1,525.00
Fittings & Couplings	1 Lot		
8-inch standpipe	1	\$116.79	\$116.79
Total			\$14,002.94

CORE & MAIN

Installation of Standpipe	1 Each	\$5.07	\$5,070.00
12-inch HDPE Dual Wall	1,000 Linea Ft	\$4.06	\$8,676.22
10-inch HDPE Dual Wall	2,137 Linear ft.	\$4.06	\$2,054.36
10-inch HDE Dual Wall Spur 1	1,006 Linear ft	\$4.06	\$2,030.00
Fittings & Couplings	1 Lot		
8-inch standpipe	1	\$265.00	\$265.00
Total			\$18,095.56

STONE BIDS

KLINK TRUCKING

#8 Stone	716 ton	\$19.20	\$13,747.20
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CLIFFORD AGGREGATE

#8 Stone	716 ton	\$19.50	\$13,962.00
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SURVEYOR'S REPORT

Mr. Bell asked for the Surveyor's Report and the surveyor's staff provided the following information:

Mr. Crawford presented the Completion Affidavits from Knott Drainage & Excavating for the *James Ferguson Warner Lateral Tile Regulated Drain No. 86-53-0* and the *Guy Platter Tile Regulated Drain No. 112-00-0*.

Bill Hartman moved to accept the Knott Drainage & Excavating Completion of Affidavits for the *James Ferguson Warner Lateral Tile Regulated Drain No. 86-53-0* and the *Guy Platter Tile Regulated Drain No. 112-00-0*. Sandy Harrison seconded the motion, and the motion carried.

Mr. Lanning then presented the Board with a Consent & Waiver from Richard Wisel of 0637 County Road 48 for a section of the *Daniel Wagner North Tile Regulated Drain No. 119-60-0* south of the railroad tracks. Mr. Lanning explained that the Wisels hired Knott Drainage & Excavating in early 2022 to reconstruct that section of the county-regulated drain without approval from the County Surveyor or the Drainage Board. The drain had been moved further to the east in the reconstruction. Charity Wisel stated the drain was moved to make room for a house to be built for her sister.

Jim Miller moved to accept the Consent & Waiver from Richard Wisel of 0637 County Road 48 for the reconstruction of the *Daniel Wagner North Tile Regulated Drain No. 119-60-0* south of the railroad tracks. Bill Hartman seconded the motion, and the motion carried.

Mr. Lanning then presented the Board with a petition for reconstruction signed by the landowners of 10% of the land within the watershed of the *Daniel Wagner North Tile Regulated Drain No. 119-60-0* that had been turned into the County Surveyor's Office in 2021 and asked the Board if they had any preference for where the project should be placed on the reconstruction priority list.

Mrs. Wisel took the floor to voice her frustration with the process of getting this drain reconstructed outlining the timeline of her communications regarding the petition which started in August 2019 through today. Mrs. Wisel referenced Drainage Board minutes from July 19, 2021, in which the County Surveyor's First Deputy at the time Nathan Frye stated the reconstruction was in the next group of three reconstructions, then at the June 9, 2022, meeting stated it was number 17 on the list. Mrs. Wisel asked if there really was a list and if this reconstruction was really going to be done. Mrs. Wisel wanted to be given accurate and transparent information.

Mr. Lanning pulled up the reconstruction list he was working on explaining that it was the Board's and County Surveyor's policy that drains flooding residential property and roads be given top priority, and all others to be addressed according to the date they were received. Mr. Lanning further explained that the Board and County Surveyor's Office was trying to keep a handful of reconstructions in process at a time to get them caught up as they were all aware of the backlog from the last several administrations. Mr. Hartman reiterated it had been the previous administrations that had messed up the reconstruction process. Mr. Lanning stated he was working to finalize his suggested priority list which showed the *Daniel Wagner North Drain No. 119-60-0* below the drains flooding roads and home in the chronological placement for its application date. Mr. Lanning would then be bringing the list to the Board to finalize and would supply a copy of that list to Mrs. Wisel thereafter. Ms. Kruse explained to Mrs. Wisel to keep in mind that the list may be set and accepted by the Board but could be altered by emergency reconstructions that come up.

Mr. Lanning explained that Mr. Frye's list was more of a process list than a priority list

LEVI DENNISON TILE DRAIN NO. 317-00-0: Mr. Crawford then informed the Board that he would be meeting tomorrow with Mr. Larry Kummer to discuss the finalized reconstruction plans for the *Levi Dennison Tile Drain No. 317-00-0*.

NIPSCO ISSUES; Mr. Lanning then brought to the Board information regarding drains that may have been damaged by NIPSCO in the decommission of old gas pipelines and the installation of new gas pipelines.

The first drain was the *Singrey Lateral to the Frank Yarde Drain No. 27-49-0* located along County Road 68. Mr. Lanning stated that the old NIPSCO gas pipeline had crossed the drain through the banks of the drain. He went on to explain that the Surveyor's Office had not been able to work to stabilize the bank due to the gas pipe's presence. The old pipe had been cut off about three feet from the west bank and capped. The silt from the bank washout had caused an "island" in the drain that

was encouraging further bank erosion due to the water flow diversion it was causing. NIPSCO was declining to repair the bank and had stated that if we pursue the matter further it would be turned over to their legal team. NIPSCO's new gas line was bored under the invert of the drain and should not be an issue. Mr. Lanning stated the Surveyor's Office would prefer to dip the "island" out of the drain, riprap the bank, and move on. The Board concurred that this might be the better remedy for this drain at this time.

Mr. Lanning then informed the Board that NIPSCO's subcontractor Pipe Strong from the Chicago, Illinois area had damaged both the *John Bemenderfer Lateral 1 Tile Regulated Drain No. 49-01-0* and the *John Bemenderfer Lateral 3 Spur 1 Tile Regulated Drain No. 49-03-1* when crossing them for the installation of the Trine Gas Line going into Steuben County along County Road 39/Old US Hwy 27. These drains were joint drains with Steuben County with DeKalb County oversight. The damaged areas of the drains were in Steuben County. Mr. Lanning stated he had been in contact with three Pipe Strong representatives.

Mr. Lanning explained that the *John Bemenderfer Lateral 3 Spur 1 Tile Regulated Drain No. 49-03-1* was damaged north of the railroad tracks with water standing on the east side of the road. The gas pipe was installed between the road and the tile. Mr. Lanning had met with the Pipe Strong representatives onsite. The Pipe Strong representative stated that they had attempted to probe for the drain with a rod but could not locate it. Pipe Strong had preceded to dig a swale and direct the water to the roadside ditch culvert where the water was going to a field and standing. Mr. Lanning went on to explain that he and the field inspectors had met with the Pipe Strong representatives a second time. The Pipe Strong crew is supposed to open up the area over the tile to determine the cause of the tile failure. Pipe Strong is supposed to contact the field inspectors so the field inspectors can be present for the process. Mr. Lanning stated he did not see any clay tile chips onsite during his visits.

Mr. Lanning explained that the *John Bemenderfer Lateral 3 Spur 1 Tile Regulated Drain No. 49-03-1* is located just north of the Steuben/DeKalb County line. There is a standpipe on the low spot on the west side of Old US 27 and there was water standing in the standpipe. Mr. Lanning explained that the drain went under the road to the east side. Pipe Strong had cut the road and reapplied asphalt to the cut road section. Mr. Lanning informed the Board that NIPSCO was not happy with the situation.

Mr. Crawford stated that these types of situations were happening more and more. The utilities never call when they are crossing a drain or working in a drain's right-of-way as they are supposed to. Mr. Crawford asked if the Board could start denying utility permits until the utility companies get the idea that they have to work with the Surveyor's Office with the utility installs. Ms. Kruse stated that requiring Bonds was one option. The Board already required certificates of liability insurance. If the Surveyor and Board were to start notifying the insurance companies, then the utility companies' rates would go up which would get their attention as well. Ms. Kruse did state that the Board and Surveyor had to give the utility companies a chance to repair damaged drains.

Mr. Bell asked Ms. Kruse if it were found that certain contractors were more likely to damage a drain and not to follow the utility permit conditions, could a condition be added listing those contractors as ones not permitted to work in DeKalb County? Or could a fee be charged for a utility permit? Ms. Kruse stated that a bond with an ordinance that included a stair-step approach increases each time a utility company damages a county-regulated drain.

Mr. Lanning then informed the Board that there was an application request for a partial drain vacation of the *Mathias Schiffli Tile Regulated Drain No. 68-00-0* from the Rakes ~~traws~~ found in the office. There was information showing that a portion of the drain had been replaced by Tom Smith.

The form was set up so that it appeared that the whole watershed was supposed to sign. This would be a vacation of the upper portion of the drain. Jim Miller stated that he remembered the situation. Ms. Kruse stated that the office staff needed to verify the watershed and if no other properties would be affected by the vacation it could happen through consent and waiver, otherwise it would need to be a public hearing.

DISCUSSION

Mrs. Harrison asked if Mr. Crawford or Mr. Lanning had checked the culvert of the *Almira Teutsch Open Regulated Drain No. 177-00-0* under County Road 61 in the City of Butler. They responded they had not but would put it on their schedule for tomorrow.

Mr. Hartman asked about the timeline for starting the reconstruction of the *William Bickel Tile Regulated Drain No. 133-00-0*. Mr. Hartman stated the corn had been harvested. Mr. Lanning stated he would inform Kevin Linnemeier the contractor of this information. Mrs. Lassiter informed the Board that the field inspectors had been out to this drain yesterday and found that the outlet of the drain had been extended further into the Maumee Creek using a 30-inch tile. This effectively was converting a section of the creek into a tile drain. This was done without permission from anyone at either the DeKalb or Noble County Surveyor's Offices or any Drainage Board. Mrs. Lassiter had notified the Noble County Surveyor, Randy Sexton, and he was going to investigate. Maumee Creek was a joint drain between Noble and LaGrange Counties.

There being no further business or discussion, Mr. Bell thanked everyone for attending the meeting and declared the meeting adjourned at 9:58 a.m.



Bruce Bell, II, Chairman



Michelle Lassiter, Secretary