

DEKALB COUNTY CEDAR CREEK DRAINAGE BOARD
OCTOBER 23, 2023

Drainage Commissioners Present:

Dennis Taylor, Chairman
James Deetz, Vice Chairman

Others Present:

Tyler Lanning, Lead Survey Technician
Michelle Lassiter, Secr. /Drainage Board Admin. Asst.
Shannon Kruse, Attorney

Guests:

Nellie Peffley

Absent:

Glenn, Crawford, County Surveyor
Bruce Laub, Member

Chair Dennis Taylor called the meeting of the DeKalb County Cedar Creek Drainage Board to order at 9:30 a.m.

APPROVAL OF MINUTES

A motion was made by Jim Deetz to approve the Minutes of June 27, 2023, as presented as the standard minutes of the DeKalb County Cedar Creek Drainage Board. The motion was seconded by Dennis Taylor, and the motion carried.

CONSENT & WAIVER RECONSTRUCTION

CEDAR CREEK REGULATED OPEN DRAIN NO. 470-00-0: Discussion of Bids for Reconstruction of a Portion of Cedar Creek in Eckhart Park, Auburn, Indiana.

Nellie Peffley District Director of the DeKalb County Soil & Water Conservation District presented the Board with the information that the project had been awarded a \$100,000.00 Clean Water Indiana (CWI) Grant. The project had already received an Indiana Lake & River Enhancement (LARE) Grant from the Department of Natural Resources, along with a pledged amount of \$87,382.26 from the Maumee River Basin Commission (MRBC). With the addition of the CWI Grant it bought the amount needed each from the City of Auburn and the Cedar Creek Maintenance Fund to \$4,915.17 which was 1.7% of the project's cost of \$297,218.60. The County Commissioners were planning to award the contractor's bid at their next meeting on Monday, October 30, 2023, to Flatland Resources for their bid of \$297,218.60. This would still include five-gallon-sized trees.

Mr. Lanning stated the Cedar Creek maintenance fund had a negative balance, but should come positive in 2024 and would be able to accommodate the \$4,915.17.

Jim Deetz made a motion for the Board to forward with the payment of \$4,915.17 towards the reconstruction of the portion of the Cedar Creek Open Drain No. 470-00-0 within Eckhart Park within the City of Auburn. Dennis Taylor seconded the motion, and the motion carried.

DISCUSSION

Mr. Taylor then informed the Board that he had been going to meetings of a group that had hired a consultant to conduct a Cedar Creek river assessment. This assessment was initiated by a group of people in Allen County. Some of the group members were also members of the Friends of Cedar Creek group, Acres Land Trust, the St. Joe River Group, and attorney David Van Gilder. Mr. Taylor felt it important that someone from DeKalb County be involved, as well as someone with a farming perspective. Additionally, any actions taken on the waterway in Allen County will affect the waterway upstream in DeKalb County.

Mr. Taylor explained that the MRBC, of which he was a member, liked to keep an eye on Cedar Creek as its waters eventually made its way into the Maumee River. The MRBC had already

assessed the St. Joe River and was preparing to assess Cedar Creek no later than the spring of 2024. Rod Renkenberger had tried to speak with the consultant to explain there was no reason to double up the assessment of the waterway but had not been able to convince the consultant to hold off. The consultant doesn't share much of her information without receiving compensation. The assessment the MRBC will conduct will be open to the public.

One bit of information that had already come forward was that the St. Joe River was mainly spring-fed, while Cedar Creek was mainly stormwater runoff fed via drains, both county-regulated and non-regulated.

SURVEYOR'S REPORT

Mr. Lanning informed the Board that there was not much more work to be done on Cedar Creek north of County Road 68. Water Ops was completing some cleanup that would not result in additional charges. Water Ops charged more than Mr. Lewis originally stated with the last invoice being \$27,000.00. The drain's maintenance account was now \$88,000.00 negative.

Mr. Lanning stated that he and Mr. Crawford would like to raise the drain's assessment rate. It currently was \$6.24 per parcel, collecting approximately \$27,000.00 a year. The drain was approximately sixteen miles in length. The minimum they would like to see the rate increased to would be \$10.00 a parcel. The amount should not be over burdensome to landowners as there were only a few landowners who owned more than twenty parcels.

Mr. Deetz stated that no one should complain about periodic maintenance rate increases. The cost of excavating for repair and installation of tile, along with the cost of tile, had doubled in the last couple of years. Mr. Deetz stated the work that Water Ops had done on the drain was quite good at keeping the log jams in the county down. Mr. Deetz felt there should be an article published in the newspaper explaining the reason for the rate increase.

Ms. Kruse explained the periodic rate was instituted in the 1990's. That there was a lawsuit brought by a group of environmentalists at the time and that the group may or may not be an issue regarding a rate increase. The Surveyor's Office needed to put a policy together regarding the maintenance practices for the creek going forward to have on hand for a public hearing for a rate increase. Ms. Kruse further explained that the County Surveyor would need to put together an engineered estimate of the yearly cost to maintain the drain to support the need for the rate increase as required by the State Drainage Code. It would need to relate to the benefitted acreage of the watershed.

Mr. Lanning informed the Board there would be an issue with paying for the Drainage Code required notifications to the landowners as it would cost approximately \$10,000.00. The department is given \$1,000.00 for postage each year. The department would need to ask the County Council for additional postage appropriations to cover the costs. Mr. Lanning asked if the postage costs could be paid out of the maintenance account. Ms. Kruse stated it may be a possibility. She would need to research it further. Mrs. Lassiter stated that avenue had been explored before with the County Auditor, with the County Auditor determining it could not due to the process used for the County's postage. The County had a contract with a third-party vendor providing the postage machine. The postage funds had to be sent to the vendor, who loaded the funds onto the machine for use before the postage being used. Once the funds are loaded onto the machine they were unable to be removed from the machine and returned to the account from which they were paid. The Auditor stated the County Surveyor's Office would have to be able to predict the cost to the penny in order to load it onto the machine, which was difficult to do since each piece of mail would weigh differently depending on the number of parcels a landowner owned.

Mr. Deetz stated the only reason he was on the Board was to make sure the cities and county residents were provided the necessary drainage. The Board had been able to provide improved drainage over the years and the only way to continue to do so was to have more money available for the work. The cities and towns would not exist otherwise. The State had been a three-quarters swamp in the 1800s and was determined uninhabitable by individuals living in the east.

The Board determined they were in favor of a rate increase and asked the Surveyor's staff to begin the process of holding a public hearing. Once the information is put together to ask for a Board meeting to present the information and ask for a public hearing.

There being no further business, the meeting adjourned at 10:05 a.m.


Dennis Taylor, Chairman


Michelle Lassiter, Secretary