

DEKALB COUNTY / NOBLE COUNTY JOINT DRAINAGE BOARD

APRIL 18, 2024

Drainage Board Commissioners Present:

Noble County:

Gary Leatherman, Chair

Steuben County: James Crawl, 5th Member

DeKalb County:

Bruce Bell II, Member

Bill Hartman, Vice-Chair

Others Present:

Glenn Crawford, DeKalb Co. Surveyor

Tyler Lanning, DeKalb Co. Lead Survey Tech.

Michelle Lassiter, DB Sec. /Admin. Assist.

Shannon Kruse, Attorney

Troy Bungard, Survey Technician

Randy Sexton, Noble Co. Surveyor

Guests:

Mike Krehl

Kevin Linnemeier

Sandy Harrison

Ken Hartman

R. D Wolheter

Jim Miller

Mike Gustin

Bill Rychener

Jim Deetz

Absent:

Gary Timmerman, Member

Chairperson Gary Leatherman called the April 18, 2024, DeKalb County / Noble County Joint Drainage Board meeting to order at 10:00 a.m.

APPROVAL OF MINUTES:

Bruce Bell, II moved to accept the November 2, 2023, minutes as presented as the standard minutes of the Joint DeKalb County/Noble County Drainage Board. Bill Hartman seconded the motion, and the motion carried.

2024 BOARD ORGANIZATION:

Mr. Leatherman then turned the meeting over to the Board Attorney, Shannon Kruse, to oversee the election for the 2024 Board Chair. Ms. Kruse opened the nominations for the Chair. Bruce Bell II nominated Gary Leatherman, and Jim Crawl seconded the nomination. There being no other nominations, Ms. Kruse called for a vote, and the nomination was approved. Ms. Kruse turned the meeting over to Mr. Leatherman to complete the Board Organization.

BOARD VICE CHAIR: Mr. Leatherman opened nominations for Vice-Chair. Jim Crawl nominated Bill Hartman, and Bruce Bell II seconded the nomination. There being no other nominations, Mr. Leatherman asked for a vote, and the nomination was approved.

BOARD SECRETARY: Mr. Leatherman asked for the nomination for Secretary. Bill Hartman nominated the Board Administrative Assistant, Michelle Lassiter, and Bruce Bell II seconded the nomination. Mr. Leatherman asked for a vote and the nomination was approved.

BOARD ATTORNEY: Mr. Leatherman asked for a motion to retain Shannon Kruse as Board Attorney. Bill Hartman made the motion to retain Ms. Kruse as the Board's attorney. Jim Crowl seconded the motion, Mr. Leatherman asked for a vote and the motion carried.

ATTORNEY'S CONTRACT

Ms. Kruse stated that she did not have a hard copy of the 2024 Attorney's Fees Contract for the Board to sign, but she assured the Board that the fees would be the same as 2023, at \$125.00 per hour for attending the Joint Drainage Board meetings and \$125.00 per hour for plus out-of-pocket and ancillary expenses for legal services beyond attendance of the regular meetings. Ms. Kruse asked the Board to approve the contract amounts and she would email the contract to Mrs. Lassiter to present at the next meeting for signatures. Jim Crowl moved to approve the 2024 Attorney Contract as presented, Bruce Bell II seconded, and the motion carried.

ATTORNEY'S CLAIM

Mr. Leatherman asked for a motion to approve the Attorney's Claim for \$125.00 for today's meeting. Bill Hartman moved to approve the Attorney's Claim for the April 18, 2024, Board meeting for \$125.00. Bruce Bell II seconded the motion, and the motion carried.

WILLIAM BICKEL REGULATED TILE DRAIN NO. 133-00-0 RECONSTRUCTION DISCUSSION

The DeKalb County Surveyor's Office reported that Kevin Linnemeier of Tri-County Excavating had run into some extremely poor soil types during the reconstruction of this drain near the bend by the wetlands. The was wet like playdough. It didn't release water, it just oozed back to where it came from. If left above ground, it would dry to a concrete-like substance. The soil would push the pipe up as soon as it was installed. Additionally, when the pipe was covered the soil would move the pipe until it separated. There was a section somewhere that had not been located that the surveyor and contractor believed this to be the case as the tile was not taking water. Mr. Linnemeier took two sticks of pipe out of the ground trying to locate the disconnection but had not done so, so far. The tile was deep in this section of the reconstruction. It was explained that the tile needed to be deep at this point to have cover when it reached the Frazie property and the outlet. The staff further explained that if the tile were brought up two feet, dirt would need to be hauled in to cover the tile at the outlet and even then, they were not sure that coming up two feet would get the tile out of the poor soil.

Jim Crowl asked if it would be possible to move the tile to the east through the hill.

Gary Leatherman asked how deep the contractor was working currently. Mr. Linnemeier replied that he was eleven feet deep.

Bill Hartman asked what was the shallowest the tile could be in the ground. Troy Bungard replied that it had to be five to six feet deep to get cover for the outlet at the end. Mr. Bungard further explained that a three percent grade was needed to get flow from a 12-inch tile. If it were brought up higher there would only be one to two feet of cover. Mr. Bungard stated that at the 368 meeting with IDEM and

DNR, the Surveyor's staff was told they could hug the wetland, but not go through it. This means a longer run of pipe, which means the faster it would come up at the outlet at the end of the drain.

Tyler Lanning explained that if the tile were relocated to run through the woods, the section in the woods that had been converted to an open ditch would need to remain an open ditch. Bill Hartman asked if the ditch were lowered would the tile need to be lowered? Jim Crowl stated that the open ditch connection might be the only solution with the soils present.

Kevin Linnemeier stated that he had walked the open ditch, and the first two hundred feet was peat. He didn't believe that the peat would keep the ditch open.

R. D. Wolhuter took the podium and stated that he owned the land where the issue was. He asked how much deeper the new tile was compared to the old tile. Mr. Bungard stated that the new tile was four to six feet deeper than what the old tile was. Mr. Wolhuter stated he didn't believe that the new tile needed to be deeper. The old tile had worked 30 years ago at a shallower depth. Mr. Wolhuter stated he had been looking at old topography maps and he didn't think it made sense to have the new tile so much deeper.

Mr. Lanning stated that the previous County Surveyor designed the reconstruction of the drain. It was deeper because where the structure was going through the woods was the low point. Mr. Crawford stated that the previous County Surveyor, Mike Kline, wanted to ensure that the tile would serve the whole watershed and give the Frazie property access to the drain.

Mr. Wolhuter stated he didn't think there was much difference in the elevation of the area of the drain. Mr. Bungard stated that the County Surveyor's Office had lots of GPS shots that had been taken of the area. The drain reconstruction was a longer run due to the route required by IDEM. The depth was based on the float needed for the size of the tile and the length of the run.

Mr. Wolhuter stated that with the Supreme Court's newest wetland determination, it might be possible to go through the wetland with the tile.

Randy Sexton took the podium and stated that he didn't going through the wetland conventionally would be a good idea even with the new ruling from the Supreme Court. Things were still up in the air. He stated that the soil in the area was a wet sticky goo and had a dried sample of the soil with him. Mr. Sexton stated that with his experience he thought there were two options for the drain:

Option 1. Use a product called Flexcore from Fratco. It came in 345-foot rolls. It would cost \$5.25 per foot and would need a wheel machine. He further explained that a nine to ten-foot wheel machine was not common. He felt that two to three feet of soil could be stripped off and it would be okay. This would be the cheapest of the two solutions he had.

Option 2. Would be to direction bore under the wetland with solid pipe. Mr. Sexton had worked with Elmer's Boring Services and six hundred feet was the longest he had done boring under a wetland without an IDEM permit. Elmer charged \$86.00 per foot, \$50.00 for material, and \$36.00 for labor. Mr. Sexton thought that three hundred feet of tile would work. There would be no drainage to the wetland, and it would have a \$30,000 total cost.

Mr. Sexton stated that he was not keen on connecting a tile to the open drain and recommended the directional bore option.

Concerning option one dirt would be brought up with the wheel machine and could cause the wheel machine to get stuck halfway through and then it would have to be bored to finish.

Mr. Sexton stated that the job could be done starting where the tile is currently and bore through the forested wetland. He stated that Elmer could do it that way.

Mr. Linnemeier asked if the 18-inch tile were hooked into would Elmer be able to tie on in the woods. Mr. Sexton stated the Elmer could go longer than three hundred feet.

Bill Hartman asked what that would do with the overrun for the project cost. Ms. Kruse stated that Section 80-25 of the State Drainage Code stated that the project cost "may not exceed 20% with change orders". Mr. Lanning stated that would mean ten percent more than the engineer's estimate plus ten percent.

Jim Deetz took the podium and explained that he lived at the top end of the drain. He stated he didn't see a problem with using the drain's original route through the woods. He wanted that idea investigated more. He stated that the cost of the project kept going up. He stated that he was paying the most for this project as he agreed to pay 20% on this reconstruction project when the reconstruction petition was turned in to the Board. His responsibility should have ended at CR 2, but he would be paying on Phase II as well as Phase I. He stated he had setback his portion based on the engineer's estimate. He felt that if the ground through the woods would hold the tile it should be done that way. He further stated that the soil would be soft even in summer.

Mr. Bungard reiterated that there were a couple of factors that played into the design of this drain's reconstruction. Those were the 368 meeting with IDEM and DNR that designated wetlands which caused the change in drain's path. The other was looking at the drain from a future maintenance stance. It was easier to not fight the tree roots invading the tile as well as the fact that brushing and clearing costs would increase the costs of the reconstruction.

Mr. Hartman stated that the Supreme Court's ruling that changed the wetland rules might mean that the rules that were in play during the 368 meeting may not be the same today. He then asked if the tree roots would hold the bank of the open ditch back so the tile could be more easily installed.

Mr. Bungard stated there would still be the issue of needing to brush and clear the area for the equipment to have access.

Mr. Hartman and Mr. Deetz both stated that Mr. Linnemeier was not at the deepest point yet. Mr. Linnemeier stated that he would have to go about eighteen feet deep further down the tile run.

Mike Krehl took the podium; he stated that Mr. Sexton's boring idea sounds good. He further stated he believed that the County Surveyor needed to assess the distance required to get a more solid cost estimate for the landowners before the Board could decide.

Mr. Crowl stated that the project was taking place too deep in bad soil. It was evident that there needed to be a change in the plan. However, the Board needed more information to decide.

Mr. Leatherman stated that he agreed with Mr. Crowl. He wanted to make sure that whatever decision was made, it would be cost-effective.

Mr. Linnemeier stated that he thought that he should dig a few test holes to see what soil there to work with, in the other areas. There was an agreement to hook up the Frazie property to the drain. The soil going to the Frazie property may be bad as well.

Mr. Wolheter stated that liked what Mr. Krehl and Mr. Linnemeier were talking about. He stated that taking the drain through the woods would be less lengthy and would require less coverage at the end. It made sense to him to do more exploration.

Mr. Crawford stated that former County Surveyor, Mike Kline would usually design a drain to have three feet of cover. If Mr. Kline designed the drain to have five feet of cover, there was a reason.

Ms. Kruse cautioned the Board that IDEM and DNR usually want to retile an open drain and that the Surveyor's Office staff should check the project notes to see if anything was there on that.

Mr. Sexton cautioned the Board that if they wanted to go through the woods full permitting from IDEM would be needed. Mr. Sexton further explained that the drain needed to be the designed pipe size and grade to take the upstream watershed tie-ins and would need to have coverage shown on the plans for that reason. Mr. Sexton had done the math calculations and there were approximately \$65,000 available funds to work with in resolving the soil issues. He also stated there would be no permits required to install solid pipe by boring under the wetland. It would need to start on the upland side and end on the downside.

Mr. Bell stated that in his mind boring would be better, no questions. He felt there were questions in going around the wetland.

Mrs. Lassiter reminded the Board that a wetland was determined by a metric that considered the flora, fauna, and soil types. Mr. Hartman stated that was correct that during the 368 meeting, the flora and fauna were looked at extensively.

Mr. Lanning stated that he felt boring through the wooded wetland would be better since no permits were needed.

Mr. Hartman stated he thought that boring under the wooded wetland, then using excavation to install the next section of pipe, and returning to bore under the other wetland section while finishing the last leg of the drain with an excavation install would be the best plan.

Mr. Bungard reminded the Board that some laterals that were in the muck had to be tied in. Mr. Bungard measured on the GIS maps and that the route through the wooded wetland would be 900-1000 feet.

Mr. Linnemeier reminded the Board that farmers would be planting the land soon and access would become an issue. He explained that the soil was good at station twelve. He was approximately 1350 feet from there now. It was between those two points where there was an issue with the new tile not taking water. The mucky soil was pulling the pipe apart.

Mr. Crawford asked if putting in a catch basin where the open ditch was located would work in place of boring under it, tiling it, or going around it.

Mr. Sexton stated that the plan still needed to provide an outlet for T R S Farms.

Mr. Bell asked if it was possible to get from the current location to the other location for the planned tile with a bore.

Mr. Wolhuter stated that the tile needed to be further west on the Frazie property as the water didn't stand on the section of the Frazie property being looked at.

Mr. Bell asked if boring would raise the cost quite a bit.

Mr. Leatherman stated that the Board couldn't do anything today. A decision couldn't be made until there was more information available.

Ms. Kruse stated that the County Surveyor's Office needed to contact the people at IDEM who participated in the 368 meeting and see if they were okay with the tile being bored under the wetlands.

Mr. Leatherman asked how long it would take to get the additional information needed.

Mr. Lanning asked Mr. Linnemeier if two weeks would work. Mr. Linnemeier replied he could do it in two hours. Mr. Linnemeier thought he could be onsite the following Monday.

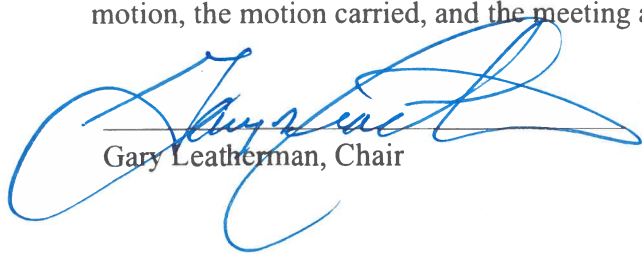
Ms. Kruse stated that an IDEM permit would be required if the open section of the drain was to be retiled.

The Board members agreed to reconvene on April 25, 2024, at 9:30 a.m.

Mr. Wolheter stated that he would like to be informed when Mr. Linnemeier and the Surveyor's staff would be out to dig the test holes.

There were no additional Guest Communications, Surveyor's Reports, or additional Board Discussions.

There being no further business, Bill Hartman moved to adjourn the meeting. Jim Crawl seconded the motion, the motion carried, and the meeting adjourned at 11:16 a.m.



Gary Leatherman, Chair

Michelle Lassiter, Secretary