

**MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF OCTOBER 11, 2018**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday October 11, 2018. Answering roll call was Randall J. Deetz and Jacqueline R. Rowan.

Member Donald D. Grogg was not in attendance.

ALSO PRESENT: Drainage Board Attorney Shannon E. Kruse; Administrative Assistant Brenda Myers; Surveyor Mike Kline and staff member Nate Frye.

IN ATTENDANCE: Earl and Tonya Farr

**APPROVAL OF MINUTES:** A motion was made by Jacqueline Rowan to approve the Minutes of October 4<sup>th</sup>, 2018 as standard minutes taken by the DeKalb County Drainage Board, seconded by Randy Deetz, motion carried.

**APPROVAL OF CLAIMS FOR OCTOBER 2018:** A motion was made by Jacqueline Rowan to approve the claims for October 2018 in the amount of \$1,814.21 as presented, seconded by Randy Deetz, motion carried.

• Drainage Board Attorney Fees	\$1,294.92
• Bassett Office Furniture & Supply	
• Organizer, calendar, sleeves	39.87
• Haywood Printing (Minute Book #16)	441.70
• The STAR newspaper	
• Legal notice Eric Morris Reconstruction	13.34
• Legal notice Eric Morris Reconstruction FO	12.42
• Legal notice Billy Knox Tile Reconst. C&W	<u>11.96</u>
TOTAL	\$1,814.21

**UTILITY PERMIT REQUEST – MEDIACOM:** Surveyor Mike Kline presented the Utility Permit Request for Mediacom for a project along County Road 35, south of County Road 52 as follows:

Directional bore a minimum depth of forty-eight (48”) to place a two (2) one and one quarter (1-¼”) inch ducts and coax cable. The project will start at an existing pole heading south on County Road 35 along the east side of the road to existing poles. Cable to be plowed as close to the right-of-way edge as possible, with two (2’) feet of the right of way edge. Cable must be placed at a minimum of thirty (30”) inches in depth. All bores to be forty-eight (48”) inches in depth. Trenching to be forty-eight (48”) inches in depth. Poles, pedestals and warning signs will be placed within eighteen (18”) inches of the right-of-way. Buried cable cannot be placed in the bottom of a ditch. The county regulated drains involved:

*Jacob Magginnis Drain Number 436-00-0*

*Alex Provines Drain Number 74-00-0*

The Utility Company shall locate the existing regulated tile drain before starting construction to ensure that the tile drain is not damaged by the installation of the utility

cable. A representative of the Surveyors office shall be present when the tile is field located and the Utility Company has been made aware of this request.

Jacqueline Rowan moved that the Board approve the Utility Permit for drain crossings in regard to the above drains and to authorize the Chairman to sign on behalf of the Board, seconded by Randy Deetz, motion carried.

**SHORT FORM CONTRACT 2018 RECONSTRUCTION:** Surveyor Mike Kline presented the Short Form Contract for the 2018 Reconstruction Ditch Rerouting of the *James Ferguson Drain Number 86-00-0*. This is a contract with Tri-County Excavating that needs approved and signed by the Chairman of the Board. The contractor plans to move in today or tomorrow and plan to be finished in four days.

Jacqueline Rowan moved that the Chairman of the Drainage Board sign the contract and authorize the encumbrance of the General Drain Improvement Fund to cover the contract in the amount of \$15,900.00 to reconstruct the James Ferguson Drain Number 86-00-0, seconded by Randy Deetz, motion carried.

**WILLIAM FORREST TILE DRAIN NUMBER 131-00-0:** Surveyor Mike Kline reported that Brad Grate owns property and he is having issues with several holes on the William Forrest tile and is requesting those be repaired. Mike informed him that this drain is not on maintenance so there is no money in the fund to do any work. The tile is sixteen inch (16") clay tile and Mike told him the best that he could do right now is to bring a petition to the Board to have this put on maintenance so Mike will be putting that paperwork together.

**BUTLER CITY DRAIN NUMBER 200-00-0:** Surveyor Mike Kline reported that Crosby's have the side ditch back to how the Railroad wants it and have reshaped the area to appease them; Mike is in the process of getting someone to do the seeding.

**DRAIN VARIANCE E. P. GRIFFIN LATERAL 2 DRAIN NUMBER 224-02-0:** Surveyor Mike Kline presented the drain variance for property owners Earl and Tonya Farr for a new home. Mike stated that the contractor for them dug up the tile so they know exactly where the tile is and they shot it out. Mike stated that the corner at the front of the house at the closest point will be no closer than sixty-four point five (64.5') feet away from the center of the tile and also an existing garage which at the closest point is thirty-one point five (31.5') from the center of the tile.

Jacqueline Rowan moved that the Board, on the recommendation of the Surveyor, approve and sign the Permit Agreement and Consent for Variance to Build a Permanent Structure within the Right of Way of E. P. Griffin Lateral 2 Drain Number 224-02-0, seconded by Randy Deetz, motion carried.

**ORA BOHLER DRAIN NUMBER 54-00-0:** Surveyor Mike Kline stated that he took the entire watershed with all the reconstruction cost and divided it out; there is approximately 678 acres in the watershed so he's looking at a cost of a little over \$450,000.00, roughly \$700 an acre. The pipe under the railroad and piping under the highway is not good and needs to be replaced but there is no way they are going to allow open cutting on U.S. Highway 6, nor will the Railroad, so they will have to put a new boring under those. There was discussion about tying into the Marvin Walker drain. Mike asked how he should present all that has been discussed at the informational meeting, should he show this complete with a crossing and try to figure out what the crossing could cost the watershed, State Highway and Railroad; should he show the cost of the bottom portion of the Ora Bohler and top portion going over and putting that cost together. Mike said he is

going to have D. A. Brown do a hydraulic modeling of that to see where we're at and what we can do, it would show what the flooding upstream of the Ora Bohler would be. Chairman Deetz stated that he was sure the Surveyor has a preferred way to do this with all the facts and figures dialed in and that he (the surveyor) should be prepared to answer what a second crossing would add to the total project at the informational meeting. Randy said he applauds the surveyor for looking for outside resources to get some things done and done right.

**INFORMATIONAL:** A letter was received from John C. Schwarz, II, Schwarz Law Office, PC located in Hudson Indiana and he is an attorney representing Dale Moughler on the *George Matson Drain Number 73-00-0*.

Drainage Board Attorney Shannon Kruse stated that what we are wanting is to tell him (the attorney) to get more facts from the surveyor's office, such as the history of the drain, the fact that this was not a recent happening; when the ditch was put in that that was the slope; there may need to be more technical representation from the surveyor.

Chairman Deetz stated that his thought process was for the attorney to respond to the letter with Code Statutes and the fact that the surveyor has shot topography, that the spoiling has not changed this; due diligence was taken in addressing Mr. Moughler's concern and that the Board stands firm in feeling that he is being adequately assessed.

Mike Kline stated that if Mr. Moughler wants to move dirt around on his property, he would have no problem with him doing that. Under the new LIDAR mapping the area in contention is an area consisting of twenty-five (25) acres and he is paying roughly \$210.00 when assessed at \$8.40 per acre. When the drain was and is dipped again, the surveyors office spreads the spoils on the seventy-five (75') foot right of way according to the Code. In working with all the entities involved, Army Corp, IDEM and DNR, they do not like fields running directly into open ditches. Mike said the Sebewa soil is a sandy loam, very nearly level, very poorly drained, and moderately deep over sand and gravel, and that is what is in this area of contention.

Drainage Board Attorney Shannon Kruse stated that she has enough information to draft a response to the attorney and she will then have Mike look it over.

**INFORMATIONAL:** Surveyor Mike Kline reported that Wednesday October 17<sup>th</sup> he will be taking his office staff members Nate Frye and Philip Bremer to Decatur Indiana to a Philupial Erosion Seminar, which is basically a new way of looking at a stream moving silt and material through the system. Mike was asked if he filed a travel request and was advised to contact the Auditor since he will be leaving the county with a county vehicle.

There being no further discussion, this meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant