

**MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF JULY 25, 2019**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday July 25<sup>th</sup>, 2019. Answering roll call was Randall J. Deetz; Michael E. Krehl; Donald D. Grogg; Jacqueline R. Rowan and William 'Bill' Hartman.

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

IN ATTENDANCE: Jim Deetz; Kellen Dooley

**APPROVAL OF MINUTES:** A motion was made by Mike Krehl to approve the Minutes of July 11<sup>th</sup>, 2019 as standard minutes taken by the DeKalb County Drainage Board, seconded by Don Grogg, motion carried.

**INFORMATIONAL:** DRAIN VARIANCE APPLICATION and DRAIN VARIANCE PROCEDURE were both presented and discussed. Chairman Deetz stated that in order to have everyone on the same page, offices working together and streamlining the process these Policy and Application for Drain Variances were asked to be prepared. Everyone was asked if they concurred with what has been presented.

Surveyor Mike Kline was asked if he had looked them over and understood/agreed with how it has been presented and he said he agreed with however the Board wanted to do it.

Drainage Board Attorney Shannon Kruse stated that this process signifies that a request came into the Surveyor's office and that they have the information that they need; the Administrative Assistant to the Drainage Board then signs off that form noting she has seen it and at that time, lets the landowner know when they will need to come before the Board to present their reasoning for the variance and what comes next. The Procedure of how a Drain Variance flows will be given to the landowner so they can follow the process. Shannon suggested that both forms have a date as to when they were adopted.

Chairman Deetz stated that he wanted to make sure that there is a process for recording the document once approved and the Administrative Assistant stated that she is with the landowner when the document is recorded, she gives them a copy and then also takes a copy to the Surveyors office.

Mike Krehl asked how this would be handled if there were multiple landowners on a ditch.

Drainage Board Attorney Shannon Kruse stated that these are site specific most of the time and she didn't recall a joint variance having come before the Board.

Mike Kline stated that it is a common boundary between the properties and both neighbor's would have to sign it and that would require additional wording within the variance.

A motion was made by Don Grogg to approve the Variance Application and Procedure for Drain Variances as presented, seconded by Jacqueline Rowan, motion carried.

**INFORMATIONAL – DRAINAGE BOARD MEETINGS:** It was noted by Chairman Deetz that when the Drainage Board did not meet last week due to the lack of an agenda, there were two people who came expecting there to be a meeting. After much discussion the consensus of the Drainage Board was to meet every week whether there is an active agenda or not. Randy asked (the attorney) if we were required to hold a meeting since it is advertised. Randy said that while he does not want to be the one making the decision

to meet or not to meet, he also doesn't want to waste taxpayer monies if there is no reason for meeting.

Mike Krehl stated that his opinion is that unless there *isn't a quorum* that we should be meeting. All were either elected or appointed to do a service and both Bill Hartman and Jacqueline Rowan agreed.

Don Grogg agreed but stated adding that if there is anyone wanting to talk to the Drainage Board they should be calling the Administrative Office to make an appointment to be placed on the agenda.

The consensus is that there will be a Thursday meeting unless there is no quorum.

**WILLIAM BICKEL DRAIN NUMBER 133-00-0:** Present is landowner Jim Deetz who stated that he is present because he would like to know the status on this Bickel project. Jim said he has copies of the print to move culverts and the other two counties that are involved are Noble and LaGrange who each have copies as well.

Nate Frye said he has that copy but hasn't heard back from them. Nate said there was miscommunication there, this wasn't one that he was actively handling so he was under the impression that he (Randy Sexton) had the information.

Jim Deetz said the message he got from Randy Sexton was that the print is what they had been waiting on. LaGrange County said in their minutes that when DeKalb got to this point, that they were ready to put a culvert in. Jim will be going to LaGrange County on August 19<sup>th</sup> which has nothing to do with this office. The ditch has maintenance and it crosses the railroad; the landowners on the other side of the railroad rarely have to do any maintenance on their ditch because they have enough fall and it keeps itself pretty clean with not having the steep banks that the south side has. Jim said right now they are tied into that maintenance agreement with everybody and the people on the south side of the railroad want the maintenance split, not that they won't contribute to the maintenance on the other side but they want control of their ditch on the south side of the railroad; the banks need sprayed every couple of years and it needs trees taken out of it almost seasonally. They have the ditch now to where it should be and they want it put on a maintenance schedule so it is dipped when it needs to be; sprayed when it needs to be and kept up so in the future they don't have to go through what they have in order to get drainage. Jim asked where the Surveyor is on giving them an estimate on what their ditches cost, there was talk about a 'waiver' (Consent and Waiver) and several neighbors have stated they would sign it but they need to know the costs. Jim said he has not planted crops in the area that the ditch is being put and he's mowed it and prepared it so we can be ready to go, so he would appreciate updates on this as much as possible.

Chairman Deetz asked the Surveyors office if they had anything to add, does the waiver need to get out to Jim or do we have a reasonable timeframe for Jim.

Mike Kline said he was waiting to see what LaGrange and Noble Counties were going to do, he hasn't spoken to either directly but plans to, but it sounds like they just want DeKalb to do the whole thing and then they would pay their share. If that is in fact what they are wanting to do, he will get a contractor; look at what it will cost to pull that culvert pipe out; they will re-bottom dip that bottom piece from LaGrange up to DeKalb and then he can get the cost to do that pipe through Jim Deetz's property.

Jim Deetz said that is exactly what they want to happen; they want DeKalb to hire an excavator and do the work and they will reimburse DeKalb and that is stated in their meeting Minutes.

Mike Kline stated that he wants something in writing from both Noble and LaGrange Counties and the Minutes will do. Mike said he will go ahead and slide this into his work load as quick as he can to get it started.

Mike Krehl questioned about how long that will take and Mike Kline said two to three weeks he can have the costs.

Bill Hartman stated that he is concerned that the summer is slipping away and if we have a wet fall that will become more difficult and expensive to a point we'd have to get gravel back there for one thing; it would be harder to do with water coming down out of the pipe, so he'd like to see this put into higher gear so once the pipe is in it can be bid out and then do whatever it takes.

**UTILITY PERMIT REQUEST – NIPSCO:** Nate Frye presented the utility permit on behalf of NIPSCO. The project consists of installation of natural gas pipeline on Old State Road 3 between County Road 68 and County Road 72, then County Road 68 east of old State Road 3, 800'. Nate said they will begin in DeKalb County and jump over into Noble County for a half mile and then back down State Road 3 into Allen County. The county regulated drains involved are as follows:

*Elmer Ditmar Drain Number 218-00-0*

*Singrey Lateral to Frank Yarde Drain Number 27-49-0*

*Frank Singrey Perry Lateral Drain Number 376-46-0*

Don Grogg moved that the Board approve the Utility Permit for drain crossing in regard to the above drains and to authorize the Chairman to sign on behalf of the Board, seconded by Mike Krehl, motion carried.

**UTILITY PERMIT REQUEST – INDIANA MICHIGAN POWER:** Nate Frye presented the utility permit on behalf of Indiana Michigan Power who are replacing 26 poles and installing 28 poles along County Road 60, starting at the intersection of County Road 11A and going east until 920' past I-69. The county regulated drain involved is as follows:

*Cedar Creek Drain Number 470-00-0*

Bill Hartman moved that the Board approve the Utility Permit for drain crossing in regard to the above drain and to authorize the Chairman to sign on behalf of the Board, seconded by Mike Krehl, motion carried.

**SURVEYOR CLAIMS:** Nate Frye presented the schedule of claims for the Surveyors Office for the Drainage Board to review. No action was necessary by the Board.

**F. H. GEE DRAIN NUMBER 429-00-0:** Chairman Deetz asked if there has been any billings on this drain.

Nate Frye stated that they've been letting that (drain) sit, this is on LaOtto's 'short list', he is supposed to be working on the *John Bemenderfer Drain Number 49-00-0* at Steuben County line to get that opened up today. The Waterloo Treatment plant on *Cedar Creek Drain Number 470-00-0* will take up a good chunk of his time, Nate said he is shooting for having this completed by October 1<sup>st</sup>, so the F. H. Gee he'd like to get finished up in the next couple of weeks.

**CREAGER/COBURN PRIVATE DISPUTE:** Mike Kline said that Jim Dunn worked on the drain on Coburn's property and found the tile to be full of tree roots and the tile is in really bad physical shape, he took some trees down where he needed to so Mike will have his staff go out and shoot some points. The water on the north side of the road is gone but everything is working, but probably won't work for long if someone doesn't do

something about that (situation). The bill to Jim Dunn is just under \$1,900.00 for a temporary fix but it all needs to be replaced and trees taken down.

Chairman Deetz questioned if all parties had been notified of the FINDINGS and Mike said he just found this out yesterday morning and hasn't had time to work on that.

Drainage Board Attorney Shannon Kruse stated that an obstruction is at least temporarily gone. The Board (under the Code) has no authority since it's not a county ditch, to go any further. It is important if the Surveyor writes his FINDINGS, that he do it with direction from the Board regarding what is going to happen. If Grate and Creager want to do something, they will have to do it privately.

Chairman Deetz questioned if everyone (including attorneys who are involved) should be copied the FINDINGS and Shannon said yes. Randy said that now that we do have FINDINGS, that Mike Kline needs to send those FINDINGS to all parties involved as soon as possible once Drainage Board Attorney Shannon Kruse has reviewed his letter prior to sending.

Mike Krehl stated that it needs to be clear that this is a civil matter, it's a private matter, a private ditch, so it's now up to the landowners to solve the issue.

Another alternative (according to the attorney) is to have a meeting with all interested parties where the Surveyor would pass along his findings but Randy stated that seeing how there are attorneys involved, we need to just inform them all of the FINDINGS in letter form. Once again it was clarified that the attorney needs to review a letter before it is sent.

**DELBERT MCBRIDE DRAIN NUMBER 66-00-0:** Mike Kline said that they did some bottom-dipping on the *C. O. Metcalf Drain Number 41-00-0* but they couldn't get any further because it was really soft and mucky, the drain tile has been pushed up by the muck and is all busted with some sitting on top of the ground, so they were looking at getting that replaced when I&M (who is putting the monster poles along the south side of the road) sat a pole on top of the Delbert McBride tile. I&M has offered to pay the entire cost to reconstruct the tile, so Mike said he will go around the edges of the muck in doing the reconstruction. There are two who need to sign a "Consent and Waiver to Reconstruct" but now there is a landowner wanting crop damage from them going through his field. Mike asked the thoughts of the Board. This will be a small project consisting of 8" and 12" tile but he plans to use all 12" tile, this wouldn't create that big of a scar across this landowner, maybe one acre (1,000' by 40') would be affected.

Chairman Deetz stated that he would not want to hold up any project and Mike said I&M is anxious to get this done at a cost of \$25,000.00.

Mike Krehl said that \$500.00 crop damage is a fair amount to pay.

It was the consensus of the Drainage Board to pay the landowner \$500.00 crop damage from the drain fund and to accept the offer from I&M to reconstruct the drain.

**ERIC MORRIS DRAIN NUMBER 416-00-0:** Mike Kline said that he did get D. A. Brown to change the plans for going under County Road 427; they now will be taking bids on that.

**LEVI DENNISON DRAIN NUMBER 317-00-0:** Nate Frye stated that in 2013 the Drainage Board requested this be prepared for a reconstruction hearing, so to him and Mike that would be equivalent to a petition for reconstruction and that would give them a date to put that in the order of other petitions for reconstruction, placing that strictly on petition date, at the top three of the reconstruction list, right under the Eric Morris and

Ora Bohler drains. Once the route has been discussed between Nate and Mike, he will be able to get the profile done and the drainage calcs done so they can actually design the tile.

**INFORMATIONAL:** Don Grogg stated that on County Road 40A there may be a private dispute coming forth where the Souls Harbor Assembly of God church is located across from Thomas Wasson who is complaining of flooding in his front yard. A camera has been put through the tile by the Highway and it was found to be clear. Don talked to the church and they assured him they would talk with Mr. Wasson and take care of the problem. So far though no one has been talking to anyone according to Rod Renkenberger (Maumee River Basin) who had been contacted by Mr. Wasson.

Mike Kline said he has done work for that church in the past and the problem is their tiling system is way undersized and the tile that Mr. Wasson ties into is no bigger than a 6" tile, it goes down into Johnson's field and the existing drain down there is a regulated drain (*Cliff Metcalf Tile Drain Number 83-20-0*) that is in really bad shape.

**STATE BOARD OF ACCOUNTS:** Don Grogg responded to Mike Krehl's questioning of the 'unknown funds' stating that the \$170,000.00 is money that no one knows where it belongs, State Board of Accounts made it clear that the county has to find out where that money belongs, which funds it was meant for, and that is a task for the Auditor's Office but it is not a priority at this time.

**INFORMATIONAL:** Mike Krehl asked about the Kent Hunter situation and Mike Kline thought that everything had been shot but he hasn't had time to go over that with Nate. Mike Kline said he'd have to inquire as to when Mr. Hunter is available to come to a meeting. This can be discussed with the Drainage Board at the next meeting once Mike has been able to sit down and discuss it with Nate. Mike said he heard from farmer Smith who said for the first time in years he didn't have water on his property.

**MARVIN WALKER DRAIN NUMBER 403-00-0 AND ORA BOHLER DRAIN NUMBER 54-00-0:** Mike Krehl asked for an update on these drains and Mike Kline stated that he hopes to have a report for the Board at next week's meeting.

**INFORMATIONAL:** Mike Krehl questioned the Larry Kummer situation and what needs to be done to get that settled.

Mike Kline said that is on the list and has to get done and Nate said he and Mike need to discuss the routing of that so they can put together plans. Mike said on that one they (the landowners) went out and did some of their own tiling, going over, under and through our county tile and did some bypassing on, so he wasn't sure what now is our (county tile) and what isn't, and then it needs reconstruction.

**BUTLER CITY DRAIN NUMBER 200-00-0:** Mike Kline said his office received a billing from the Railroad on this drain for over \$50,000.00. Mike said he wants to finish that project, getting all his final costs together and figure out what to do regarding Jon Shook, but he needs to get this done. There is still a little to do on the Railroad and then he has to figure out the final cost of the crossing so he can split that out and let Butler know what their total cost is for this entire project.

Chairman Deetz stated that it is imperative that this drain project be completed under the term of the current Mayor who put this into motion.

**INFORMATIONAL – DRAINAGE SCHOOL:** Chairman Deetz stated that the Indiana Farm Bureau Drainage School is taking place on Wednesday August 21<sup>st</sup>, 2019 in Indianapolis, Indiana. An email will be forwarded on to all so those wanting to go will have the information to get registered.

**INFORMATIONAL:** Chairman Deetz stated that when the Joint Allen County Drainage Board is closer to making decisions on Cedar Creek, that the Joint Cedar Creek Board be kept in the loop and perhaps be invited to sit in on meetings regarding Cedar Creek.

Nate Frye said he attends the “FRIENDS OF CEDAR CREEK” meetings when he can and Allen Haynes spoke at the last one about the Soil and Water Conservation and how that affects the quality of Cedar Creek. Maintenance and regulation topics weren’t discussed as part of the meeting.

Chairman Deetz stated that as there are Minutes from these types of meetings, that the Administrative Assistant be copied on those so she can email those on to the Cedar Creek Board members to keep them in the loop with opening the doors, so that once Allen County is on board with their side of things, it will make an easier transition/working relationship with the Cedar Creek Board in moving forward and getting work done together.

**ROBERT JOHNSON DRAIN NUMBER 3003-00-0:** Mike Kline was questioned on the boring under the road for this drain, Chairman Deetz wants to keep everyone reminded of the situation in Ashley; it requires no money on our part.

Mike Kline stated that it would be fairly easy to do he just has to squeeze it in to get the paperwork done and to the Highway Department.

**E. P. GRIFFIN DRAIN NUMBER 224-00-0:** Chairman Deetz asked where we are on the pumping station on this drain.

Mike Kline said he hasn’t had time to work on this.

**SPENCER/LECHLEIDNER DISPUTE:** Chairman Deetz asked for an update on this situation.

Nate Frye said he talked to Mr. Lechleidner and he has some additional information that he’s noticed and wants to share, so Nate said he is trying to coordinate a field meeting with Mike and Mr. Lechleidner. Nate then recalled that it was not Mr. Lechleidner but Mr. Vian (the private dispute with **Vian/Frost**) that he had spoken to and is trying to schedule, he has nothing on the Lechleidner dispute.

Mike Kline stated that maybe they can get that (Lechleidner) to the point where everyone is in agreement so that when the crops come off they can go in there, get the tile in, charge everybody and be done.

There being no further business, meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant