

MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF AUGUST 1, 2019

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday August 1st, 2019. Answering roll call was Randall J. Deetz; Michael E. Krehl; Donald D. Grogg; Jacqueline R. Rowan; 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: Tim Goulouff; Matt Smith; Tim Hess; Joe Herendeen; Kellie Knauer; Tim Baker

APPROVAL OF MINUTES: A motion was made by Jacqueline Rowan to approve the Minutes of July 25th, 2019 as standard minutes taken by the DeKalb County Drainage Board, seconded by Bill Hartman, motion carried.

INFORMATIONAL: Chairman Deetz stated that he has noted frustration from both the Drainage Board as well as the Surveyor's Office, the Code has been reviewed and a 'plan' put in place to hopefully move past that. With the Surveyor's Office having a full plate and with realizing that he has maintenance/reconstructions and a list of other things that according to Statute he has to do that the Drainage Board has absolutely no involvement with or control over, the thought process is since the Board has nothing to do with the maintenance of drains (that falls under the realm of a surveyors office) and while he has kept the Board informed, that is his to take care of and it's appreciated to be kept informed. The area of concern is reconstruction and that is not moving at the pace that each individual Board Member would like it to, with each one having a drain they are pushing to see come to fruition. Chairman Deetz asked that the Surveyor bring a list of priorities of Reconstruction to the Board for review and discussion, a list that the Surveyor feels he can complete between now (August 1) and the end of 2019; it may be one, two or three but Randy has asked that he under-promise and over-perform on that list. This would give at least a timeframe for informing landowners where their project would fall into place on a list (timeframe) to be done. Randy said this Board should be able to answer the question of when a project will get done or where it is on a list/timeframe, and that has not been in place. Once the list has been provided, there will be a decision making process, between and by the Board, to look at individual projects and the urgency of each one, taking the project under their jurisdiction in hiring an engineer and design that project. Randy said that the Surveyor (Mike Kline) has assured him that his office will work with whatever information that engineer would need in order to accomplish designing said project, but ultimately, Randy said it then is 'our baby', so once it's decided that the list is appropriate and the Board agrees to that list, then Mike is left out of the mix unless there is a lag time there. The Board will no longer push and complain weekly to try to get projects done, while we may think it's being productive in pushing the Surveyor by trying to put a little wood under a fire, Randy said he is understanding of how it appears (to that office) in trying to make everyone happy and it is causing frustration all the way around.

Drainage Board Attorney Shannon Kruse said that she added a 'memo' that lays out on the reconstruction side, what procedurally under the Drainage Board Code is supposed to happen; the other part of the conversation was so that when a landowner comes into the Surveyors office, they don't have to feel like they (surveyor office) have to have an answer as to when a project is going to be done, that goes to the Board and that

landowner would be made to come in and make their request directly to the Board, who would in turn be looking at their priority list to determine when a project could potentially be done and stating how it would have to happen. This creates a more cooperative effort.

Surveyor Mike Kline said it is upsetting to constantly get chewed on, he doesn't work 'for' the Drainage Board; he is a technical expert, an elected official who doesn't have to be present *in* these meetings but he is because he wants to help and to get things done. All that is stated in the Drainage Code does not explain his total job Mike said, he has so much more that he has to do but he is asking is that everyone bear with him as he tries to get things done. Pet projects cannot be moved in front of the line with lists that go back years and years, so everyone needs to understand that moving forward. Mike said he is willing to work together with the Board but he will not sit in these meetings week after week and get chewed on because someone wants a project done right now.

Chairman Deetz said that is the vehicle at this point, if there is a project that they cannot get through the Surveyor's office, the Board has the ability to go outside of the Surveyor's office to get it done. This is not a reflection on his office, it falls back on having forty years of work that we've had lag-time on and this gives the Board the ability, if they decide to go with outside resources, the insight of frustrations in not being able to get contractors or engineers, etcetera. We will need to work together in watching drain balances and getting information from the Surveyor's office. Randy said he would like to see a list of one, two or three projects that Mike can get done by the end of 2019 and if there is a project towards the bottom of the list that the Board feels is more important, then they hold a discussion and declare it an emergency (if warranted) and go from there.

Mike Krehl said he'd like to wait and review the list and while he understands where both Randy and Mike Kline are coming from, they need to also be looking at this from a farmers perspective, a list of forty ditches didn't happen overnight, and this is a farmer's livelihood and that is important to keep in mind. Mike would like to look at the list and set some timelines that the Surveyor needs to then live up to, and both Bill and Jacqueline agreed.

Don Grogg also wanted to review the list first, Don said he didn't know that he was in total agreement.

Drainage Board Attorney Shannon Kruse stated that once the Board reviews the list, they would vote to approve that list and from that moment in time that is what they are going off of; that does not mean that there isn't criteria to move projects in advance of the list with economic development or emergencies, etcetera.

Mike Kline asked for consensus from the Board for at least the first five or six items on the list presented and then he would come back with a timeframe that he could do those; if they are shuffled, he will have to change them. The first thing on the list is *Eric Morris Drain Number 416-00-0*; *Marvin Walker Drain Number 403-00-0* is ready to go but he didn't know if that would be by Consent and Waiver or a public hearing so he will talk to Rory Walker; *William Bickel Drain Number 133-00-0* is almost finished as far as design work goes, they are putting profiles together and may need a public hearing if a Consent and Waiver isn't viable; *Guy Platter Drain Number 112-00-0* the profiles are finished so the preliminary designs are needed so he can look at it but that requires a public hearing; Mike said they are almost finished with the design on the *Ora Bohler Drain Number 54-*

00-0 and that requires a public hearing. In order to put a timeline to these there is information that he needs to know so he knows what the procedure will be.

Chairman Deetz said his charge to Mike Kline is taking these as the worst case scenario (in making a timeframe), and that goes back to the overpromising and underperforming; a timetable is what the Board wants at this point. Randy asked the Board if they needed to look at this list having just received it and then discuss it at next week's meeting.

The consensus of the Board was to review this for a week and discuss at the next meeting.

SURVEYORS REPORT – DRAIN VARIANCE: Surveyor Mike Kline presented a 'drain variance' for Pamela Connelly-Castle who came before the Drainage Board with a presentation for 'Ride with Faith' located along County Road 60 explaining that they would need a fence along the *Fred Dosch Drain Number 36-00-0*. The fence would be within the seventy-five feet right-of-way, with being twenty-five feet from the top of bank. Mike said that he would work from the opposite of the ditch when necessary. The document is signed by the landowner.

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 the Fred Dosch Drain Number 36-00-0, seconded by Bill Hartman, motion carried.

PLAN COMMISSION PETITION – CEDAR WOODS: Present is Tim Gouloff, Gouloff-Jordan Surveying and Design, Inc. who are proposing a four-lot subdivision at the corner of County Road 19 and County Road 66. Lot #1 has an existing house and septic and it shows a secondary (on the plat) if it was ever needed at the southeast corner of Lot #1.

Surveyor Mike Kline told Tim that he forgot to tell him that on Lot #4 he would need a minimum building elevation with the appropriate notes added, 2' above base flood elevation. Mike told Tim he could check with the Plan Commission who will provide the standard language that they use on those.

Surveyor Mike Kline reported that this plat is in the watershed of the *Cedar Creek Regulated Open Drain Number 470-00-0* and the *James Ferguson Regulated Open Drain Number 86-00-0*. The plat does not appear to exceed the threshold set by the Drainage Board for additional drainage improvements. This development shall not block off-site drainage across the site. Storm water from this lot shall be directed onto the parent tract and not onto adjoin tracts. A flood protection grade shall be established for Lot #4 with appropriate notes so that the owners of Lot #4 can comply with the DeKalb County Floodplain Management Ordinance. See Plan Commission office for language. There are drainage swales, pipes and culverts shown on the plat for the conveyance of storm-water and all lot owners shall construct and maintain said swales, pipes, and culverts at all times and follow the individual lot drainage summary shown on the plat. This report is subject to any additional information submitted at the Plan Commission hearing.

A motion was made by Don Grogg to accept the report of the Surveyor concerning the drainage subject to any new evidence presented at the Plan Commission meeting and requests the Administrative Assistant to pass this decision of the Drainage Board to the Plan Commission, seconded by Mike Krehl, motion carried.

INFORMATIONAL: Present is Matt Smith 100 Pearl Street, Coldwater MI. 49036 on behalf of his brother Mark Smith who owns property located 610 US 6 West, Corunna, IN. Matt stated that he wanted to make the Surveyor aware that the levy that is in place,

he thinks the neighbor who is always shooting muzzle loaders, he thinks they are messing with that and right now with the water down a guy could probably go in and put a piece of culvert in between those tiles that are broke.

Surveyor Mike Kline asked for the location of that, is it near the open or on the tile that runs over on his brother Mark's property?

Matt showed the area on a map.

Mike Kline said he would go up and look at this area.

PLAN COMMISSION PETITION – VORDERMAN'S: Present is Joe Herendeen, Sauer Land Surveying on behalf of Alex and Reginald Vorderman for a two-lot minor plat on County Road 68, about a half mile east of County Road 427.

Mike Kline asked if there were some covenants or an agreement for the existing pond, such as who can use it, can both parties use all of it, can they only use the portion that is on their property.

Joe responded that he doesn't have anything for that but it is something that will have to be addressed with the covenants and restrictions for the secondary plat but at this time he was unaware of any type of agreement.

Surveyor Mike Kline reported that this plat is in the watershed of the *James Ferguson Warner Lateral Tile Drain Number 86-53-0*. The plat does appear to exceed the threshold set by the Drainage Board for additional drainage improvements. This development shall not block off-site drainage across the site. Storm water from these lots shall be directed onto the parent tract and not onto adjoining tracts. This report is subject to any additional information submitted at the Plan Commission meeting.

A motion was made by Bill Hartman to accept the report of the Surveyor concerning the drainage subject to any new evidence presented at the Plan Commission meeting and requests the Administrative Assistant to pass this decision of the Drainage Board to the Plan Commission, seconded by Don Grogg, motion carried.

PLAN COMMISSION PETITION – STONEBRIDGE ESTATES: Present is Joe Herendeen where Henney Builders is developing a sixty lot subdivision off of County Road 64 where forty-four (44) lots will be one-acre plus estate lots, and sixteen (16) lots will be more town-house style lots. This has the *James Ferguson Drain Number 86-00-0* going directly through the middle of it.

It was questioned if these lots would have public utilities. Joe said public sewer but he thought they would all be on wells. The pond use was questioned but Joe wasn't aware of anything being addressed; that pond isn't within the Diamond Lake development, he thought that to be a private pond so that will be addressed since the street water will run into it. Joe said there was no record of an association when he was researching.

Surveyor Mike Kline said he didn't have a report to give, all he has seen on this is in talking generalities, he has no final drainage plan or calculations or an overall plan.

Joe Herendeen said that would be forthcoming with the secondary plat. This is the primary stage right now.

Mike Kline said that all he could say at this point is that the concept looks doable, but there will be or could be some issues, they've got some ponding along the drain and that drain needs bottom-dipped and the banks pulled back; there may not be enough when they are done because he will work from that side since it's not developed. Some of the ponds may not be viable, doable because there won't be enough room left for him to get

contractors through with a pond. There is still quite a bit of work for them to do on the final drainage plans.

Don Grogg stated that he is not in favor of sending anything on to the Plan Commission, there is not enough information being given to make any decisions; there is potential for a lot of runoff and many concerns.

Mike Kline said what they are trying to do is get approval of a primary so they can then do the plans and design; knowing this is contentious and that things could change, they most likely don't want to have to make changes with design work. The concept is reasonable but details have to be done for a secondary plat.

Chairman Deetz said that while he doesn't expect full detail he would like to have some agreement with the pond and this more definitive so the Plan Commission can make also make good decisions. The concept needs to jump out so it is understandable in making a recommendation. Randy asked if they could delineate the verbiage for the existing pond (as far as drainage) with an agreement and come back next week.

Mike Kline was asked what he would need to be prepared and he said that if he and Joe could get together quickly and get some basic design to this, they could make this happen.

Joe told Mike that he would be in contact with him to get this worked out and an appointment time of 9:00 a.m. was set for August 8th, 2019 to come back before the Board.

GEORGE MATSON LATERAL 5 DRAIN NUMBER 73-05-0: Surveyor Mike Kline stated that they have been bottom dipping the George Matson main drain on County Road 49 and plan to finish it this fall so the entire drain is done. This is the one that the *Ora Bohler Drain Number 54-00-0* dumps into and they've widened and deepened the ditch and got additional fall for their tile out of the Ora Bohler drain, going upstream they've gotten a lot of that work done, and then he finds that the George Matson Lateral 5 is an open drain. Doug Houser who is the landowner said the tile is still in place and full of holes and asked that they be fixed, they dug out a portion because it wasn't working but he was told he couldn't touch the tile. Mike said he told him that if he wanted to fix the tile himself the county would pay for the materials. Mike said Mr. Houser wouldn't have a problem if the county were to make the open portion of drain the regulated drain and then vacate the tile, the problem is he wants the tile crushed so it will quit sucking dirt in his field.

It was questioned if the tile could be capped at both ends and Mike said yes and then he would fill the holes with sakrete.

Mike said there is an exposed pipeline at the bottom of the drain.

Chairman Deetz stated that you capsule it by the landowner knowing what's best for his property and if the landowner is content and happy with an open ditch, then we go for it. Mike said that he would talk to him and ask that he do a petition to vacate a portion of the exiting tile and have the Board accept the open portion as the new regulated drain so we can get it functioning properly and take care of it.

The consensus of the Board was to vacate up to County Road 49 and make the open regulated.

INFORMATIONAL: Mike Kline stated that the City of Garrett wants to run a water line out for the new subdivision that is going in, they would be running down an easement and want to do a variance to be in the right-of-way but Mike said he thought it would be

better if we did a Utility Permit to allow them to be in there. They would be no closer than fifteen (15') feet west of our *Elias Schopf Drain Number 242-00-0*, as it shows 15-17' on their plan.

It was the consensus of the Board that the preference is to have the City of Garrett prepare a Utility Permit Request.

TORT CLAIM: Drainage Board Attorney Shannon Kruse stated that she will respond to a letter dated July 26th, 2019 received from Attorney Christopher C. Myers and Associates who represent Jon Shook (*Butler City Drain Number 200-00-0*).

There being no further business, meeting adjourned.

Randall J. Deetz, Chairman

Brenda F. Myers, Administrative Assistant