

**MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF OCTOBER 17, 2019**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday October 17, 2019. Answering roll call was Randall J. Deetz; Michael E. Krehl; Donald D. Grogg; Jacqueline R. Rowan and William 'Bill' Hartman.

ALSO PRESENT: Administrative Assistant Brenda Myers; Surveyor Mike Kline and staff member Nate Frye.

Drainage Board Attorney Shannon Kruse was not in attendance.

IN ATTENDANCE: James Deetz; Max Wallace

**APPROVAL OF MINUTES:** A motion was made by Bill Hartman to approve the Minutes of October 10<sup>th</sup>, 2019 as standard minutes taken by the DeKalb County Drainage Board, seconded by Jacqueline Rowan, motion carried.

**INFORMATIONAL – FRANKLIN GROGG DRAIN NUMBER 236-00-0:** Present is Max Wallace 1744 County Road 40 with a complaint that two years ago there was tile replaced on this drain, he now has water standing on top of a hill and wondered why he's getting assessments in the amount of \$500+ when he has a problem that was created by the county. Max said when he's stopped by the Surveyors office he either gets told they're done with it or they will send somebody out, but he's never had anyone come out nor has he gotten a phone call to discuss this problem, so he doesn't know where to turn for help. At the time it was done, it was done through a reconstruction.

Mike Kline stated that he's talked to Mr. Wallace and been out there several times, which Mr. Wallace strongly disagreed with. Mike said he's asked where Max's tile is and he says he doesn't know where the tile is, they put the new tile in and at that time Mike said he told Max they would look for the tile, they found a three (3") inch tile and hooked it up and at that time it was said that took care of the problem but now it's said that it didn't. Mike said he thinks Max's problem is the Brechbill's and the previous owner of this property who put a new tile down through to the west of the county tile, and Mike thinks they hooked whatever system Max had into that. Mike said he didn't know what to do but if Max could find something that they had done to cause his problem, then he wouldn't have a problem paying for it but as he has told him, they've dug and cannot find it.

Max said he was there when the contractor dug eighteen (18") inches deep and he and Mike argued the fact. Max said Carl Ellert ran a tile across the road and across the corner of his property and they have that part of it fixed, it's on Max's fence row where it's not fixed; he has an open ditch now so it can bring it out over the top of the ground. Max said if the Surveyor wants him to dig this up and find it he would and then he would send the surveyor a bill.

Chairman Deetz said that we are not looking to locate the regulated tile here, but a tile that may have been missed.

Mike Krehl questioned if it was possible that they bypassed Mr. Wallace's tile when doing this and Max said yes, the new tile was rerouted and when they dug the new one in they didn't find his tile to hook it in.

Mike Kline said an old tile was hooked up and if Max will show him where the tile is he will get it hooked up.

Max said he will show them where the tile is.

Chairman Deetz asked that Max try locating the tile and then call the surveyor's office to come and hook it up. Randy asked Mike if he has a timeframe that he can get someone out there to do this, we don't have an obligation to find a private tile however if this is a tile that was not located when the reconstruction was done or he was hooked into a tile that wasn't functioning and we tied that one in, then he can understand why this landowner has a drainage problem.

Bill Hartman said it may be just a coincidence but it's a possibility that the old tile (the private tile) is failing or starting to fail, and along with that the excessive rains we've had the past few years, that could be the situation.

Don Grogg suggested that we go out and dig deeper than eighteen (18") inches to find if we've missed it and hook it up, if we didn't then it's possible that Max has a problem elsewhere but we need to at least have someone look at this.

Nate said he'd like to have a contractor out there to locate the tile, if they go further on Max's property they could cut a line further west and find the tile that drains that area tracking back to the county tile; as they track it they can determine where the problem is and reconnect it, once that is said and done they can get an invoice, bring it back in with a detailed accounting of what they had to do and then decide who pays what.

Max stated that this can wait until the neighbor's corn comes off if they want.

**WILLIAM BICKEL DRAIN NUMBER 133-00-0:** Mike said he has the final plans but he hasn't gotten with Randy Sexton in Noble County to show him the plans. The plans were reviewed with Mike stating that the estimate is a little on the high side.

Bill Hartman commented that he has been talking with Hixson Sand & Gravel and they have given him a tentative commitment that they will provide the stone for the William Bickel ditch and their price as compared to this estimated price that Mike has given by Klink is a difference of \$16,000.00.

Chairman Deetz instructed Mike to get with Hixson to make sure they get their bid in, and to also get with the contractors so they are involved with the bidding process.

Mike Krehl stated that Ralph Ziebell does not own the ground that is being shown in his name on the list, it is in the process of changing hands. Mike asked how long it will be before a public hearing can be held and if it will be an open hearing.

It was stated that the hearing is an open hearing and there is time to hold this before the end of the year but it would have to keep moving along quickly in order to do that.

The Administrative Assistant will schedule a Joint meeting once she has heard from Randy Sexton and then at that meeting a hearing can be set if the assessment roll is approved.

**JOHN WEIMER DRAIN NUMBER 166-00-0 and DANIEL HURSEY NORTH DRAIN NUMBER 48-60-0:** Mike Kline said the John Weimer drain is located on County Road 35 and in the vicinity of Auburn Drive and the railroad on County Road 46-A, when crossing you can see that the culvert and ditch sit with water; the John Weimer drain comes down through and that is where the Daniel Hursey North drain starts. This is basically for the Commissioners to know and understand; Mike said they have shot everything from the bridge at County Road 47 to County Road 35 which he is trying to get to drain, so if he goes from the bottom of the ditch at County Road 47 over to the culvert pipe on County Road 35, he can get a .1% grade which will drain that and make that whole system work much better. The problem being that at County Road 45 the culvert pipe has to go down a foot; at County Road 43 that culvert pipe has to go down a foot and a half and when you get to County Road 39 where the new pipe is laying and

ready to be put in, that has to go down six feet. Two private crossings also have to go down six feet in order to get this to drain. The culvert pipes were put in without anyone looking at the whole system and Mike said he is trying to put together a plan on how to get this done and the cost associated with it. For now, Mike does not want the County Highway to put that pipe in until he knows where it should go, he knows that Ben has the contractor and is anxious to get it put in but Mike said if he does, it will have to be torn out in the future and then put back in again. Mike said he needs another week or two to put this plan all together. The two private culverts normally would have to pay their cost however Mike said his former inspector had told them where to put them.

Chairman Deetz said the problem he has is that Mike is asking for a couple of weeks but obviously if we are putting something that depth it would constitute a reconstruction which is a slow process and the other thing is, most asphalt places will be shutting down shortly and that is Ben's rush in getting this done. Randy said while he doesn't want to waste anyone's money but being realistic this is going to take time, so Mike and the Highway Superintendent need to get with the Commissioners and put together a reasonable master plan.

Don Grogg asked if the culvert on County Road 35 was in that bad of shape.

Mike said he wouldn't say that it can't wait but the new pipe is setting there to be put in. Ben can put it in but he needs to know that it will get changed sometime way before the life of the pipe is done. Mike said he wasn't sure that this would be a reconstruction, because they didn't build that drain to go backwards so over the years it's a failure to maintain it and keep it up. It will be quite expensive to move all those pipes and he didn't know whose responsibility that would be but that needs to be discussed.

Chairman Deetz said doing this through maintenance the drain fund would be in the red far too long and according to Drainage Code if drains are deepened, and he would be hard pressed to say we are not doing that when we go down six feet, that is a reconstruction.

Don Grogg said they will talk about this Monday at Commissioner's meeting with Ben. Don asked where this was on the priority list and Mike Kline said it isn't on any priority list. Don said Ben could go ahead and put this in and then pull it up when they have to and then set it back down in the drain after they come through there at County Road 35.

**ALBERT FISHER DRAIN NUMBER 179-00-0:** Chairman Deetz said there was discussion to put this in the red at the last meeting with a motion that was seconded and then tabled for discussion.

Nate Frye said the drain has not been collected the allotted 25% increase but he couldn't say how that would change the finances since he didn't have any paperwork with him.

Chairman Deetz encouraged a motion to take this off the table for discussion.

Don Grogg moved to take this off the table for discussion, seconded by Bill Hartman, motion carried.

Don Grogg stated that he understands what Steuben County is saying however he does not want to put this drain in the red especially when it doesn't benefit our county.

Mike Kline said that Steuben County could in turn say the same when our county is in need of drainage on our part that goes into their county. This is a Joint Drain but the DeKalb County section is not; part of the maintenance cost is being paid by Steuben County.

Chairman Deetz stated that this is going to be have to done at some time and it's his feeling that the money would come out of the drain fund, which won't cost the county anything it's just the fact that we would pay it upfront and then as it collects it pays back the General Drain Fund and that is why he is in favor of it. With that, there needs to be the 25% increase to the fund.

Mike Krehl stated that he does not feel real comfortable with this whole scenario.

Bill Hartman said he is sure there are some private tiles that go into this that would benefit the DeKalb County farmers.

Chairman Deetz asked if the motion changed with changing the 25% increase.

Bill Hartman moved to put the drain fun in the red to do this project and to increase the collections the allotted 25%, Randy Deetz seconded. Those in favor were: Jacqueline Rowan, Bill Hartman and Randall Deetz. Those opposed were: Don Grogg and Mike Krehl. The motion passed 3-2.

**INFORMATIONAL:** Surveyor Mike Kline said that he spoke with Glen Crawford, Crawford Excavating and was assured that he would be bidding projects and he is also looking for work here in the county.

There being no further business, meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant