

MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF NOVEMBER 14, 2019

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday November 14th, 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 members Nate Frye and Philip Bremer.

IN ATTENDANCE: Dakota Snyder; Bobby Hixson; James Deetz

APPROVAL OF MINUTES: Chairman Deetz questioned the Minutes of November 7th, 2019 due to the bids that were opened having the same numbers quoted on a couple of bids. There was a Hixson Fratco with the same numbers as Hixson Sand & Gravel.

Philip Bremer (Surveyors staff) stated that Hixson gave two bids, they were only different in the pipe but included the stone and structures. Hixson gave two bids on two different stone, one was Fratco pipe material and the other was ADS pipe material.

Randy said he is questioning the stone.

Mike Kline said they bid both pipes and they are on the sheet presented, they also bid the stone. Fratco never bid stone.

Nate Frye (Surveyors staff) said there is Fratco and there is also a Hixson Fratco; the Fratco line was Fratco direct. Nate said he could now understand Randy's question and if we changed the third line under stone material to just say 'Hixson Sand and Gravel' for stone and then completely strike the fourth line 'Hixson Fratco' that would clear that up. On down in the list, there is also under 'structure materials' the same misunderstanding, so those two should also be corrected/struck in the minutes as well. Nate said also at the top of that sheet, the 'Engineer's Estimate' reads \$234,282.33, he misread that last week, that is the number that is the engineer's estimate *after* the \$73,000.00 from the realtor, so that number should be \$307,282.33.

A motion was then made by Bill Hartman to approve the November 7th, 2019 Minutes as amended and corrected with the noted changes, seconded by Mike Krehl, motion carried.

INFORMATIONAL – APPOINTMENT TO JOINT DEKALB/NOBLE BOARD: Chairman Deetz stated that next week a Joint DeKalb/Noble County Board meeting is being held to discuss the *William Bickel Drain Number 133-00-0*. At the beginning of the year the appointments are made for Joint Boards with Bill Hartman and Mike Krehl being appointed to this joint board. Mike Krehl owns land in the watershed of this drain and therefore has a conflict, so it was discussed appointing someone to take his place for this meeting only.

Don Grogg moved to nominate Randall J. Deetz as the replacement only for the November 21st, 2019 meeting, seconded by Jacqueline Rowan, motion carried.

APPROVAL OF CLAIMS FOR NOVEMBER/DECEMBER 2019: The claims being presented today are the last claims to be paid from the 2019 Budget.

- Drainage Board Attorney Fees
 - November \$1,294.90
 - December 1,294.90

○ Additional Attorney Fees 2019	1,000.00
● Bassett Office Furniture & Supply	
○ Misc. office supplies	93.88
● STAR	
○ Cedar Creek meeting 9/19/19	6.62
○ Marvin Walker Reconst. Hearing	<u>12.76</u>
TOTAL	\$3,703.06

Jacqueline Rowan moved to approve the claims for November/December as presented, seconded by Don Grogg, motion carried.

RECONSTRUCTION PRIORITY LIST: Surveyor Mike Kline presented an updated priority list for the next five reconstruction projects.

Mike Krehl stated that the list has projects numbered and he was wanting a timeline to go with these projects but Surveyor Mike Kline said he is still trying to get the first five completed.

According to the Surveyor the Ora Bohler drain will come out of the office fairly soon (meaning for hearing); the Ozro Freeman is setting there (in his office) pretty much done, he hasn't done the final check but it too could come out of the office fairly quickly; Fritz Bartels will be a small/quick project and that can be done quickly; Levi Dennison he needs to talk to the Kummer's to find out what they did, at last conversation they had cut up the county tile pretty bad and Mike didn't know if it even works and they now have their own outlet and tile system, so he didn't know how that was going to work with our system.

Chairman Deetz stated that the E. P. Griffin is mostly being done with maintenance monies but we do need to get that one done due to road safety, so if that one can't be done through maintenance, he is going to be pushing to have it on the list for reconstruction. Mike said it will have to go on the reconstruction because it's too small and it's in bad shape, so maintenance is doing just enough to keep it going.

UTILITY PERMIT REQUEST – INDIANA MICHIGAN POWER: Mike Kline presented a utility permit request on behalf of Indiana Michigan Power for a project that included replacement of poles, wire and equipment along County Road 60, beginning approximately 3,258' of #5 CU with #556 AA; starting 3,478' west of County Road 17 going East until 80' west of County Road 11A.

The county regulated drains involved:

Royce Fair Drain Number 158-00-0

Royce Fair Lateral 3 Drain Number 158-03-0

Don Grogg 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 Bill Hartman, motion carried.

INFORMATIONAL: Mike Kline wanted the Board to know that with the bids they got verses the estimates they have been using, they will make some adjustments on the William Bickel Drain Number 133-00-0 estimates; they may be able to save as much as \$50,000-\$60,000. These adjustments will be made and prepared for the Joint DeKalb/Noble meeting next week.

JOHN LEASON LATERAL 1 DRAIN NUMBER 32-01-0: Mike Kline said that Jerry Crowl was in his office at which time they signed a petition to vacate this drain located across their property, they have pattern tiled their land and outletted it into Fish Creek. Mike wanted it on record that he had nothing to do with this project or the tying into Fish Creek, he did not approve it nor did he participate in it.

Chairman Deetz stated that these landowners need to be made aware that vacating this drain does not take them out of the watershed and they would still be assessed for the small portion that will not be vacated.

Mike Krehl stated that the surveyor needs to go out and look at this physically and give a recommendation to the Board and Mike Kline said he would do that.

AWARD BIDS – ERIC MORRIS DRAIN NUMBER 416-00-0: Mike Kline explained the updated bid sheet to the Board and stated that the first area is MATERIALS where the PIPE low bid was from Fratco at \$83,353.69. Mike said he would prefer Hixson who was the next low bid. There was discussion regarding those who bid, where they were located and with Fratco not being local what the State allows regarding bids.

It was questioned if the low bids were accepted across the Board what that estimate would be. Mike Kline said that with the low bids (in green on the sheet presented) they take out the highway department, the donation of \$73,000.00, and that is divided out by the number of acres, and in doing that we stand to save \$264.00 an acre which is about a third of the cost.

Surveyor Mike Kline stated that they have never directly worked with Fratco, they have with ADS however they have used Fratco pipe.

Don Grogg said it would be 1.75% difference between the two bids and that he would lean towards Hixson as they hire local and pay county taxes.

Drainage Board Attorney Shannon Kruse stated that according to the Indiana Drainage Board Code it states that if the Board is wanting the 'local' as a preference that would need to be included in the bid specs to allow bidders to understand that there would be a local preference for purchasing. Shannon asked that if the surveyor is going to do this split bidding in the future, that he let it be known so she can add some wording to the contract if that is what the Board is wanting to do.

Mike Krehl moved to award the materials bid to Fratco in the amount of \$83,353.69. The motion died for lack of a second.

Bill Hartman moved to award the materials bid to Hixson ADS in the amount of \$84,810.51, seconded by Don Grogg.

Mike Krehl stated that the Board is setting a precedence by not taking the lowest bid, and it is not in the initial specs, it states they will accept the lowest bid.

Chairman Deetz stated that his concern is that there needs to be a justification as to why the lowest bid was not awarded.

Drainage Board Attorney Shannon Kruse stated that in determining if a bidder is qualified, the Board shall consider the complexity and magnitude of the work to be performed and the skill and experience of the bidder. If there were an inexperienced bidder and the county had never worked with them before, and then had a local bidder that you had worked with before, that is a factor. Attorney Kruse stated that if the Board is so inclined to award the non-lowest bid there would have to be some Findings of Fact on why the lowest bidder was not qualified, and that is her recommendation. The Board

is acting on behalf of the watershed so if the Board cannot say this bidder is unqualified, the watershed is relying on the Board to spend their money frugally.

Those voting in favor of the motion were Jacqueline Rowan and Bill Hartman.

Those voting against the motion were Mike Krehl; Randy Deetz; Don Grogg and therefore the motion was defeated three to two.

Mike Krehl stated that Hixson's are being represented in this meeting and gave their acceptance of Fratco being awarded the bid, and that the DeKalb County Surveyor also recommends the bid being awarded to Fratco and therefore he made a motion to award the bid in the amount of \$83,353.69 to Fratco, seconded by Don Grogg. Those in favor: Don Grogg, Mike Krehl and Randy Deetz. Those against: Jacqueline Rowan and Bill Hartman.

STEEL CASING PIPE FOR JACK AND BORE: Midwest Pipe and Steel only sent a one sheet bid with no other information and then another bid was received from Core and Main who was the low bid.

Don Grogg moved to award the bid in the amount of \$7,375.00 with Core and Main for the steel casing pipe, seconded by Jacqueline Rowan, motion carried.

STONE: Irving Gravel had the low bid.

Mike Krehl moved to award the bid in the amount of \$55,647.50 to Irving Gravel for the stone, seconded by Bill Hartman, motion carried.

STRUCTURES: Manholes and inlet structures with the low bid from Core and Main.

Jacqueline Rowan moved to award the bid in the amount of \$10,758.00 to Core and Main for the manholes and inlet structures, seconded by Mike Krehl, motion carried.

LABOR: Five contractors bid with the local bidders all being close; Knott Excavating had the low bid. Mike said he talked to Knott and they assured they can get started as soon as materials are delivered.

Bill Hartman moved to award the labor to Knott Excavating in the amount of \$79,800.00, seconded by Don Grogg, motion carried.

JACK AND BORE: There were two bids received with Fleming being the low bid.

Don Grogg moved to award the Jack and Bore to Fleming in the amount of \$24,750.00, seconded by Bill Hartman, motion carried.

Bobby Hixson stated that he would not be upset by Fratco being awarded the bid, he has everything (pipe, fittings) in his yard that will be needed.

Chairman Deetz asked for a total of this project.

Mike Kline stated that the total of all that have been accepted/awarded is \$261,684.19, by taking off the steel pipe and the jack and boring in the amount of \$32,125.00 that brings that total down to \$229,559.19 that was spread over the watershed. When taking the \$73,000.00 donation off of that the final total, barring incidentals, is \$156,559.19 that will be spread over the entire watershed. That assessment amount would then be \$532.30 per acre, which is less than the \$796.58 per acre that was given at the public hearing. That is a savings of 33% for the landowners due to the bidding of the project.

Don Grogg questioned why the Highway will be paying the \$32,125.00 and the surveyor stated that it is paid for by the operator of the road and that is in the Code. Highways pay 100% within their right-of-way and a Railroad pays 50% within their right-of-way. The Highway will also be paying for the crossing at County Road 36.

ANDREW BAXTER DRAIN NUMBER 383-00-0: Mike Kline stated that he has a petition to put this drain on maintenance, the petition was signed by Steven Keesler who claims

that his neighbor (Charles Howard) has done some work on repairing a portion of the drain but Mr. Keesler's part of the drain does not work and Mr. Howard will not let him on his property to repair the drain. This is a small watershed consisting of less than 99 acres. If this were done under reconstruction the cost would be \$43,400.00 at \$440.00 per acre; if done through maintenance over a ten year period it would be \$40.00 an acre. Mike asked if the Board would accept the petition and direct him to prepare this for a maintenance hearing.

Mike Krehl said he'd like to have this looked at prior to presenting to the Board, he would ask for a full report of the tile condition.

Chairman Deetz said he would want a determination from Mike Kline as to whether this should be done by maintenance or if it needs to go on the reconstruction list, he is not in favor of leap-frogging this drain for reconstruction.

STRUCTURE REPORT: Chairman Deetz stated that he had been handed a 'Structure Report' from the State.

Mike Kline said he has already talked to the Highway Department earlier this year, this is where Mr. Goings has a pump on the south side of State Road 8 to pump his water across; they have done work in the field and it needs bottom dipped and that would eliminate the pump.

INFORMATIONAL: Bill Hartman stated that he received a call from Mary Yoder on the upcoming Reconstruction hearing of the *Guy Platter Drain Number 112-00-0*, new notices with the corrected 'Township' have been sent with an explanation.

CITY OF BUTLER DRAIN NUMBER 200-00-0: Chairman Deetz questioned the outlook with getting this completed.

Mike Kline said that he is trying to put together all the items that raised the cost of the project and it looks as though Butler will owe the county \$320,000.00, once he has it prepared and the Board approves it then an invoice/letter will be sent to the City of Butler.

There being no further business, meeting adjourned.

Randall J. Deetz, Chairman

Brenda F. Myers, Administrative Assistant