

MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF JANUARY 7, 2021

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday January 7, 2021. Answering roll call was Randall J. Deetz; Michael E. Krehl; William L. Hartman; Mike Watson and Bruce Bell II.

ALSO PRESENT: Drainage Board Attorney Shannon E. Kruse; Administrative Assistant Brenda Myers and surveyor staff members Nate Frye and Michelle Lassiter. Surveyor Mike Kline was not in attendance.

IN ATTENDANCE: Joe Gabet

APPROVAL OF MINUTES: The minutes were not approved due to a discrepancy with a prior report given on a transfer needed within the *Eric Morris Drain Number 416-00-0* reconstruction fund to the maintenance fund and the dollar amount not being right originally. Bill Hartman stated that at first it was a reconstruction to maintenance after the dollar amount adjustment it says it is being transferred from maintenance to reconstruction. Chairman Deetz agreed that there was a discrepancy in the different amount being put back because initially it was \$9,000+ and then it was changed to \$7,000+ and that confused him at the time as well.

Nate Frye stated that when he initially put the petition in there were two dollar amounts, one for the purchase of structures and another for the purchase of the pipe for the boring.. Nate said he got them wrong on the two numbers so he presented the correct number the second time around; he didn't have his notes with him so he will need until next week to determine how that transfer needs to happen so it is 100% correct. Nate said he originally presented the wrong invoice and then when the invoice was paid initially last spring... Nate said he wanted time to revisit this so it will be brought back next week.

RE-ORGANIZATION OF THE BOARD/APPOINTMENTS 2021: Drainage Board Attorney Shannon Kruse asked for nominations for Chairman. Mike Krehl moved to nominate Randall J. Deetz as **Chairman**, seconded by Mike Watson, motion carried. With that, the nominations were turned over to Chairman Deetz.

It was noted for the record that Bruce Bell II who is the appointment by the Commissioners to sit on the Drainage Board in place of Commissioner Todd Sanderson.

Bill Hartman nominated Mike Krehl as **Vice Chairman**, seconded by Mike Watson, motion carried.

A motion was made by Mike Watson to appoint the following Board members to various Joint Boards as follows, seconded by Mike Krehl, motion carried.

Joint DeKalb – Allen County Board: Mike Watson and Bruce Bell II

Joint DeKalb - Steuben County Board: Mike Krehl and Randy Deetz

Joint DeKalb – Noble County Board: William Hartman and Mike Krehl

Joint Maumee Creek Board (LaGrange; DeKalb; Steuben, Noble) remained the same: William Hartman

Joint Interstate Board(s): County Commissioners William Hartman, Mike Watson and it will be questioned if Todd Sanderson will fill this seat or ask that his Drainage Board seat be filled by Bruce Bell II

Cedar Creek Board: This Board consists of Bruce Laub, Jim Deetz and Dennie Taylor, all appointed through Circuit Court Honorable Judge Kurt Grimm. These appointments are a continuation until a change occurs through the courts.

DRAINAGE BOARD ATTORNEY: A motion was made by Mike Krehl to retain Shannon E. Kruse as the Drainage Board Attorney for 2021, seconded by William Hartman, motion carried.

DRAINAGE BOARD ATTORNEY FEE AGREEMENT: Drainage Board Attorney Shannon E. Kruse presented the 'Attorney Fee Agreement' for calendar year 2021, at the rate of one-hundred twenty-five dollars (\$125.00) per hour, which is the same rate as the past several years.

Mike Krehl moved to accept the agreement as presented and for all to sign said agreement as presented, seconded by William Hartman, motion carried.

DRAINAGE BOARD ADMINISTRATIVE ASSISTANT: A motion was made by Mike Krehl to reappoint Brenda F. Myers as the Administrative Assistant to the Drainage Board, seconded by Mike Watson, motion carried.

APPROVAL OF MINUTES: William Hartman questioned in the minutes of December 17th, 2020 the transfer of funds as requested by Nate Frye of the surveyors' office.

APPROVAL OF CLAIM FOR JANUARY: A motion was made by Mike Watson to approve the claim for January Attorney Fees in the amount of \$1,295.00, seconded by Mike Krehl, motion carried.

SURVEYOR OFFICE CLAIMS: *The William Bickel Drain Number 133-00-0* project Nate said the surveyor has some questions about that so he wants to discuss it due to the extent of the changes that they need to make to the system upstream; what he (surveyor) would like to do is, since they need to certify the reconstruction for collections and they need to have a joint meeting in order to do that, he would like to have a discussion with that Joint Board as to the game plan going forward for the rest of the system. Nate said they have done a lot of assessment and evaluation to the upper system, the question pertains to doing it under maintenance or is the proper thing to do this by a reconstruction. Nate said he is hoping for a joint meeting in February sometime but this will be discussed in detail at the January 14th meeting next week.

As for the claims: Chairman Deetz questioned the *Ozro Freeman Drain Number 175-00-0* cost of \$29,375.00 being listed as maintenance since this was done by a Consent and Waiver for reconstruction.

Nate said the Ozro Freeman was all billed through maintenance since the landowner is paying for it. Nate said he has a few they have gone back and forth on in the office as there are some reconstructions that have gone through as maintenance, and a few that have gone through the general fund.

Chairman Deetz stated that a reconstruction whether by Consent and Waiver or an actual hearing process it is put through as a reconstruction and collected as such.

Attorney Kruse stated that Randy is correct, if the character of the project is a reconstruction, the consent and waiver only changes the way that the reconstruction gets approved, it does not change how it is labeled or paid for; it is classified a reconstruction.

Nate said he would take that out of the maintenance list; his thought is there are pros and cons of doing 'it' in the maintenance fund and the general drain fund, if they set aside \$80,000 to reconstruct the Ozro Freeman since we do have a defined bottom on the general drain fund, that ties their hands a little bit when it comes to doing other projects because that would then have to be taken into consideration; that being said he agreed with Randy's point that if this was ran through the reconstruction it is more clearly defined as a separate financial obligation and is easier to track. Nate said he can kind of

see both sides of the argument and questioned if the Board wanted to make a determination as to what is proper and preferred, that will make it easier for him to be consistent moving forward.

Bill Hartman didn't know how he felt about it and Mike Krehl stated that it is a reconstruction, period, this was not done as a maintenance project. Bruce Bell II thought there should already be procedures in place that would differentiate between the two. Chairman Deetz stated that the procedures took place 6-8 months ago when a consent and waiver was signed by Prosser's for the reconstruction due to upsizing and relocation of the tile; this is a no-brainer, it was presented as a reconstruction, was done as a reconstruction and needs to be on a claim ledger as a reconstruction and charged as such. Attorney Kruse stated that for the Auditor's office and State Board of Accounts and keeping everything on track, if something is termed reconstruction, we need to be consistent.

Nate Frye stated that for the last four years he has seen them go down both paths and he has never gotten a clearly defined do this or do that on this situation so it is actually good now to have one.

Chairman Deetz stated that he has not seen reconstruction projects going down 'both paths' and if they had, they should *not* have.

PLAN COMMISSION PETITION – THE BURROW: Present is Joe Gabet, ForeSite Consulting LLC on behalf of William and Martha Moore who own a 10 acre parcel that they are either selling or gifting a 4.79 acre parcel for their grandson to build a home on.

A report as given by Nate Frye on behalf of Surveyor Mike Kline stated that this property is in the watershed of the *William Brown Regulated Open Drain Number 61-00-0* and a small portion is within the watershed of the *Solomon Shank Lateral 2 Spur 1 Regulated Tile Drain Number 28-02-1*. 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 adjoining tracts. This report is subject to any additional information submitted at the Plan Commission hearing.

A motion was made by Mike Krehl 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 William Hartman, motion carried.

GUY PLATTER DRAIN NUMBER 112-00-0: This is ready for the surveyor to do the final review on so it can be sent out for quotes next week according to Nate.

FRED GROSCUP JR DRAIN NUMBER 335-00-0: Chairman Deetz stated that all interested parties have been met with/spoken to and all are onboard for moving forward with this project as has been presented with coming from the southern portion of the county pond, down along the fence line to State Road 8 where it will then go west along the highway past the house, driveway and barn, all the way to Potter Drive where it will then go under and to the *William Peckhart Drain Number 22-00-0*. Randy said the next step will be to re-engineer the design path and the surveyor (Mike Kline) told him that he would have that by mid-January, and that has been relayed to all parties. The new Consent and Waiver will be signed as quickly as it is received with the proper design as stated above.

JOHN KETCHAM DRAIN NUMBER 334-00-0: It was noted that this drain is not on maintenance and is in the red **-\$9,000**. A watershed needs to be established with a rate for maintenance determined and with a hearing held. Nate said they are looking to reconstruct that along with the upper portion of the *Auburn Industrial Drain Number 256-00-0*, because there are some financial advantages in the county doing that in working with the City of Auburn who is doing a comprehensive study on the west side of town to determine the eventual drainage solutions for this area.

There being no further business, meeting adjourned.

Randall J. Deetz, Chairman

Brenda F. Myers, Administrative Assistant