

**MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF JANUARY 21, 2021**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday January 21, 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; Surveyor Mike Kline and office staff Nate Frye.

IN ATTENDANCE: Dr. Joseph L. Smith; Judy Smith; Joe Herendeen; Tracy Pranger; Michael Pranger

**APPROVAL OF MINUTES:** A motion was made by Bill Hartman to approve the Minutes of January 21, 2021 as standard minutes taken by the DeKalb County Drainage Board, seconded by Mike Watson, motion carried.

**UTILITY PERMIT REQUEST – NIPSCO:** Nate Frye reported that a gas line is being ran underneath Cedar Creek on Morningstar Road between Fairway Drive and Dewey Street. Verbiage was added to the permit that they are a minimum of five (5') feet under the water on the directional boring under the creek. It was stated by Nate that the surveyors' office will be onsite to make sure that does happen.

The county regulated drain involved: *Cedar Creek Drain Number 470-00-0*

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

**UTILITY PERMIT REQUEST – CITY OF AUBURN ELECTRIC:** Nate Frye reported that this permit is for replacing of poles, they are replacing a current line that runs down the west side of County Road 19 from State Road 8 to County Road 64 (Phase Power Build).

The county regulated drains involved:

*John Diehl Drain Number 45-00-0*

*John Diehl Lateral 9 Drain Number 45-09-0*

Mike Krehl 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.

**UTILITY PERMIT REQUEST – CITY OF AUBURN WATER DEPARTMENT:** Nate Frye reported that a waterline is being extended to Stonebridge for a water connection.

The county regulated drain involved:

*Laura Yarian Drain Number 210-00-0*

Mike Watson moved that the Board approve the Utility Permit for drain crossings in regard to the above drain and to authorize the Chairman to sign on behalf of the Board, seconded by Bruce Bell II, motion carried.

**DISCUSSION - CASEY'S GENERAL STORE IN ASHLEY:** Surveyor Mike Kline said he has been working with engineers on a project in Ashley on the south side of the county line, east of I-69 where they will be tying into the *Milks-Heckathorn Drain Number 310-00-0*, which is a joint drain with Steuben County and they are the lead county on that drain. These engineers are big with putting in underground storm-water storage, they have put in enough storage (in the plan) to reduce the discharge from their site to a one-year existing storm off that bare ground; they do a nice job in storing their storm water. They will bring their water over and tie into the Milks-Heckathorn drain with a twelve

(12") inch line that is limited as to their discharge but the problem is someone needs to grant approval for them to tie in and also the narrow strip of land is the access road back to their main property and that is owned by Wayne Klink. They are going to pave it for access which puts pavement on top of and within the right-of-way of the Milks-Heckathorn drain and will need a variance for that. Mike said he has talked to the new surveyor in Steuben County and he has no idea what to do and told Mike to just go ahead and do it. Mike asked the Board how they would like to proceed.

Mike Kline said they have spent time getting everything arranged and now they want to close on the property in order to get started as soon as possible this spring.

Chairman Deetz stated there either needs to be a sign-off in the form of a letter from Steuben County's Board for the DeKalb Board to hold jurisdiction or a Joint Board meeting needs to be held. Randy said it is his recommendation that a Joint meeting be held with having a new surveyor and Board members.

Drainage Board Attorney Shannon Kruse recommended a joint meeting be held to discuss this, especially with having a variance involved.

The administrative assistant was instructed to call Steuben County with that request.

**CITY OF AUBURN PLAN COMMISSION PETITION – DEVELOPMENT PLAN LENORA LANE:** Surveyor Mike Kline presented the development plan for the Extension Bridge over the *William Peckhart Drain Number 22-00-0*. Auburn is building a new road behind the Astral of Auburn development and will cross the county drain. Engineering Resources of Fort Wayne has designed the bridge and the surveyor said he has looked over the plans on this and has no issues with the plans for the bridge or the effect on drainage. There would be approximately nine (9') feet of clearance between the water and the bottom of the bridge for access.

Mike Watson moved to approve the drainage plans for Lenora Lane as presented with a revision date of January 11, 2021, subject to any new evidence presented at the Auburn City Plan Commission meeting and requests the Administrative Assistant to pass this decision of the Drainage Board to the City of Auburn Plan Commission, seconded by Bill Hartman, motion carried.

**PLAN COMMISSION PETITION – COPPER RIDGE ESTATES:** Present is Joe Herendeen, Sauer Land Surveying, on behalf of Brian & Romona Wilcoxson, stating that as far as the drainage and concept from last week, nothing has changed, they will still be picking up all of the water except for the south end of Lot #1, that will naturally drain off. Lots 2, 3, 4, 5 and 6 won't be directed to a drainage system but rather will outlet under the culvert under County Road 27 and into the *James Ferguson Drain Number 86-00-0*; they have added a drainage covenant to the plat that states that any building over 200 square foot has to tie into this drainage system as requested by the Drainage Board, and they also have it stated in the covenants that all lot owners shall keep this property as natural as possible and that any additional water caused by construction that enters any adjoining properties is subject to Drainage Board review and action. If there are any issues with adjoining landowners, they should contact the Association and then as a second step, the DeKalb County Drainage Board for resolve.

Mike Kline said a landowner would file a complaint with the Plan Commission who would review it and under these covenants and restrictions, it can be referred to the Drainage Board who would then resolve the issue.

Judy Smith voiced concerns of the natural area, what area would be left alone and if they would still have their water standing at the back of their properties and it was stated that

it should stay the same. The surveyors' office stated that with the repairs needed on the *James Ferguson Dove Lateral Drain Number 86-34-0* to the north of the development, there were complaints on the west side of the road so maintenance has taken place in that area as well as on the Westrick property and that will take some of the standing water away that was in place due to the tile having not working properly.

Dr. Joseph Smith asked how he could obtain a copy of the covenants and Chairman Deetz directed him to the Recorder's office where they will be able to give him a copy of the recorded plat.

A motion was made by Mike Watson to approve the drainage plan for Copper Ridge Estates for the development located at part of the Southwest Quarter of Section 20, Township 33 north, Range 13 east in Jackson Township, DeKalb County Indiana, as per the plans, specifications and drainage calculations as presented by Sauer Land Surveying, Inc., dated January 13, 2021, this is subject to any new evidence presented at the DeKalb County Plan Commission meeting and requests the administrative assistant to pass this decision of the Drainage Board to the DeKalb County Plan Commission, seconded by Bruce Bell II, motion carried.

**GUY PLATTER DRAIN NUMBER 112-00-0:** Nate Frye reported that the quotes for this project are due back in the Surveyors' office on February 3<sup>rd</sup> and will be reviewed at the meeting on February 4<sup>th</sup>.

**FRED GROSCUP JR. DRAIN NUMBER 335-00-0:** Surveyor Kline stated that there are issues with going in front of the house and having all the tile and easements on the county property; if putting this all on county property, the Leins' have no access at that point without easements. Surveyor stated that the Board needs to know what the rules are, there are setback requirements, a landowner cannot build to a property line but can sell to the property line, but this is for their benefit as much as the county's and they are getting a big benefit in that the county is paying for it all. Surveyor Kline said that the county is going to have to have somebody survey and establish that line and also establish a right-of-way of State Road 8, an easement cannot be put on the State's property because they are not part of this agreement. There is a very small area to get through between what appears to be the State property and the house of only 35-36'; in looking at the soils map the ground water is high and under that soil 50-60" the soil maps indicate there could be sand and gravel so that could be a problem going through that area.

Chairman Deetz struggled with understanding why suddenly now a survey is needed. The Leins' and City of Auburn are working very closely together on this project.

Surveyor Kline said the lines now have to be established so someone would have to be hired to do that because he isn't willing to establish boundary lines, he doesn't have the time, staff, resources or liability insurance.

The consensus of the Board was for both the County Surveyor and a Commissioner (Mike Watson) to meet with the City of Auburn to determine what the process is for moving forward with this project since the county has agreed to fund this project.

**DRAIN VARIANCE – ROBERT SHIPPY DRAIN NUMBER 319-00-0:** Present is Michael Pranger Jr. and his wife Tracy who live at 245 CR 28, Kendallville, Indiana requesting approval for a structure that will be 59' from the top of Robert Shippy drain. The Prangers' own both sides of the open drain and he has taken it upon himself to keep the drain maintained.

Nate Frye stated that a corner of an existing barn and a porch/awning are both at thirty-eight feet from the top of bank and those did not previously have a variance and knowing those would need to be addressed were added in this variance. Even though it is not procedure to have the variance prepared prior to approval, the surveyors' staff prepared this variance with the anticipation that it would be approved.

Mr. Pranger questioned if he were to add a porch onto the new barn if that would constitute another variance and he was told that it would.

Bill Hartman moved that the Board, on the recommendation of the Surveyors' office, approve and sign the Permit Agreement and Consent for Variance to Build a Permanent Structure within the Right of Way of the Robert Shippy Drain Number 319-00-0 which addresses previous encroachments as well as the new building, seconded by Mike Watson, motion carried.

**WILLIAM BICKEL DRAIN NUMBER 133-00-0:** Surveyor Kline stated that his office has been doing a lot of work on this and he is trying to set up a meeting with Surveyor Randy Sexton for next week as this whole system is a problem. Mike said there is nothing he can do in Noble County until he gets the rest of the drain straightened out; one problem is the tile ends on the ground and then there is another 1,000' down to another point that has been torn out, there is open access to our tile and the ground level is the same as the elevation in an area (as shown on the map) 1,000' away, so there is no way to get the water to drain being flat. There are standpipes in a couple of areas and Mike said the knowing what has been done, this entire system needs to be lowered approximately 4' in order for this to drain. Mike said he took the existing ground which is the low point and calculated 3' of cover on a 12" tile, and that puts him 4' below the existing tile and that has to run all the way back through to get into where they have the new tile setting, and he does have that low enough that he can make that work. The problem is there is 9,000' of tile that is all 24" and 18" tile; the tile at the road is going to be 20' deep, there is some 22' deep cuts on the field line and so when you calculate the cost of the tile, calculate the cost of installation that deep and all of the pieces and parts that go with it, 9,000' of tile, you are looking at close to \$400,000.00 project. To do it right it would be a major project, there is \$38,000 in maintenance fund but it will take more than that amount just to get across Mr. Hartman's property, so the drain would have to go into the red. Mike is going to show this information to the Noble County surveyor to see if he has any ideas/thoughts and then hold a joint meeting. The big problem was on Maumee Creek and there were issues with Army Corp and IDEM and if Rex Pranger hadn't taken it on himself to lower this even though we were told we couldn't touch it, Rex was leaving office so he lowered it and that is why the new system got to working on Deetz's property; Mike said he is concerned about the piece on Krehl's property, that should have been lowered to make that work and will be a problem in the future, so that system has to be lowered. Mike said if he is going to do this it's going to be done right or he isn't going to mess with it.

Mike Krehl asked the surveyor if the ditch work that was done on his property was a waste of time and money and Mike Kline said he tried to explain that, he was told what to do and he thinks that is going to come back and bite him because he doesn't think it's going to work. Mike Krehl said that will come back on the surveyors' office because everything that was done per the surveyors' recommendation. Mike Kline disagreed.

Chairman Deetz stated that the Joint Board needs to come up with what the best solution is and perhaps hold an informational meeting. Randy said the project was to run from point 'A' to point 'B' and as soon as that was done the surveyor was to investigate and come up with a plan to go from point 'B' to point 'C'; that is what in his mind we owe to the Noble County people that went along with the bottom reconstruction or maintenance.

Bill Hartman said this is new to him and stated that Denny (Weber) told him that the new tile is 3' below the old tile at that point where they come together, he can't see why we can't continue on using maintenance and he would like to know how deep that new tile is on Weber's.

Surveyor Kline stated that the other problem is he is shooting what he can see and get to, he doesn't know what's actually in the ground, all he has is standpipes, what he is seeing is very flat at the county line. Surveyor said he will get it all plotted out; he was getting LIDAR data from Noble County to get it all put together, now that he has that he can plot it all out.

It was questioned by Mike Krehl what the plan is for the tile setting on his property. Mike asked for the surveyor to help him understand why he can't hook on to where the new tile stops.

Surveyor Kline said that is what he is wanting to do, he can put that next new tile as far as he can going west; Mike Krehl said he misunderstood that part of the conversation. Surveyor Kline stated that will make the whole system work on the upper end. If the Board agrees he can do that right now.

Mike Krehl said there is a standpipe and he pointed out the area to the surveyor but the surveyor said he didn't see or shoot from there, he will go look again.

Chairman Deetz stated that the surveyor needs to work with Randy Sexton closely on this, that way whenever people are asking he too is up to speed, and then we need to work forward towards the best solution for the remainder of this project

Surveyor Kline said he will get the plans finished on what he thinks is there and he will bring that to this Board so they can look at it, if the Board feels something is missing he can investigate. Mike said he would like to have better information, he will meet with Randy Sexton, get good information and work forward with a good solution. Surveyor Kline stated that he will finish the plans and bring those to the Board.

Nate Frye commented that this breaks down to approximately \$600.00 per acre and that is about the norm on reconstruction projects of this size.

There being no further business, meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant