

**DEKALB COUNTY DRAINAGE BOARD MEETING**

September 16, 2021

**Drainage Commissioners Present:**

Randall J. Deetz, Chairman  
 Michael E. Krehl, Vice Chairman  
 William L. Hartman, Member  
 Michael V. Watson, Member  
 Bruce Bell II, Member

**Others Present:**

Nathan Frye, First Deputy Surveyor  
 Michelle Lassiter, Sec. /Drainage Board Admin. Asst.  
 Shannon Kruse, Attorney

**Guests:**

Terry Weimer	Troy Ackerman
Regi Miller	Jerry Teders
Tom Miller	David Brand
Michael Ley	George Brand
Erik Weber	Michael Moor
Daryl McConnell	Gordon Stemen

**Absent:**

Michael C. Kline, County Surveyor

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

**APPROVAL OF MINUTES**

A motion was made by Mike Krehl to approve the Minutes of September 9, 2021 as the standard minutes of the DeKalb County Drainage Board. The motion was seconded by Bill Hartman, the motion carried.

**VARIANCE REQUEST – CEDAR CREEK DRAIN NO. 470-00-:** Custom Vintage Homes, LLC – request to construct a house in easement right-of-way. Terry Weimer of 14733 Coldwater Rd, Fort Wayne, In 46845 and Regi Miller of Mike Thomas Realtors were present to present the request. Mr. Weimer had signed a purchase agreement contingent on being permitted to build a home 30 feet from the top-of-bank of the Drain. Mr. Miller was the real estate agent for the property. Mr. Weimer stated he wanted to build on the northeast corner of the property at the bend in the Drain due to the view. It was explained to Mr. Weimer that the top-of-bank was determined by the County Surveyor. It was further explained that should a variance be granted, the landowner would be responsible for any additional cost for maintenance the encroachment created. Mr. Frye informed the Board that the point in the Drain where Mr. Weimer wished to build was the fluvial path of the Drain, meaning the water would continue to erode that section of back and the top-of-bank was continually changing further inland. There was a brief discuss among the Board with a consensus that the closest a permanent structure should be built to the top-of-bank was 40 feet. The Board requested a Variance Agreement be drawn up with the 40 feet from top-of-bank referenced and be brought back to the Board for further consideration.

**PLAN COMMISSION PLAT DRAINAGE PLANS:** Jerry Teders of Tri-County Land Surveying presented the drainage plan for a one lot, 6.00 acre subdivision The Passage located on County Road 7, in the Southeast Quarter of Section 8, Township 33 North, Range 12 East, Keyser Civil Township and within the watershed of the *John Wilderness Lateral 4 Regulated Tile Drain No 204-04-0*. The Board accepted the Surveyor’s Drainage Report, which stated “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.”

Mike Watson moved to approve the Drainage Plan dated 09.02.2021 for the Plat of The Passage subdivision as presented, with the Surveyor’s recommendations, and a letter of approval to be sent to the DeKalb County Plan Commission. The motion was seconded by Bruce Bell, II, motion carried.

Mr. Teders then presented the drainage plan for another one lot, 6.00 acre subdivision Sea Cam Property, located next to The Passage, also on County Road 7, in the Southeast Quarter of Section 8, Township 33 North, Range 12 East, Keyser Civil Township and within the watershed of the *John Wilderson Lateral 4 Regulated Tile Drain No. 204-04-0*. . The Board accepted the Surveyor’s Drainage Report, which stated “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.”

Mike Krehl moved to approve the Drainage Plan dated 09.02.2021 for the Plat of the Sea Cam Property subdivision as presented, with the Surveyor’s recommendations, and a letter of approval to be sent to the DeKalb County Plan Commission. The motion was seconded by Bruce Bell, II, motion carried.

**VARIANCE REQUEST – CEDAR CREEK DRAIN NO. 470-00-:** City of Auburn Indiana – request to install a temporary parking lot in easement right-of-way. Daryl McConnell, City of Auburn Director of Engineer Department, presented the City’s request to install a portion of a temporary parking lot to be utilized by Credent Wealth Management within the 75 foot easement right-of-way of the drain on lots 282 and 297 of the Original Town now City of Auburn. The portion within the easement would consist of three ADA parking spaces consisting of 12 inches of limestone with 4 inches of porous asphalt on top, the associated spacing between the spaces, with a concrete sidewalk. Additionally, there would approximately 30 additional parking spaces that would be created with asphalt grindings located within the easement that would not require a variance. The City was not planning on any underground drains. It was anticipated that during a heavy rain event the water would runoff over land. The contours would be maintained by removing 8 to 9 inches of soil and bringing it back onsite when the parking lot was removed. Mr. Deetz asked Mr. Frye if the asphalt grindings would be a pollution issue. Mr. Frye stated it should not have a significant effect. It should release less petroleum chemicals than new asphalt. In addition, with the City being a designated MS4 entity, the contamination would be an issue with which they would have to deal.

Erik Weber, City of Auburn Attorney, stated the City had received permission from FEMA for the temporary reuse of the lots as a parking lot. The City had also received approval from the Maumee River Basin Commission, and were requesting variances from the City of Auburn Board of Zoning Appeals as the parking lot design did not meet the City’s parking lot standards.

Mr. Deetz encouraged the City to look at underground drains for the parking lot. Mr. Deetz requested the variance agreement be typed up to include the construction materials in the document. The agreement would be considered at the next Drainage Board meeting.

**PUBLIC MEETING: PAUL FUNK DRAIN NO. 3-00-0 AND G. B. COLLINS LATERAL 1 DRAIN NO. 87-01-0 RECONSTRUCTION PLANS**

Mr. Deetz apologized to the guests for starting the public meeting five minutes late (9:05 a.m.).

Mr. Frye informed the Board that the area involved with these drains was a big bowl to which the water filters to the center. There was an original plan to lower the open drain, but a TransCanada gas line had created an issue making the plan not viable. Mr. Frye stated he had spoken with John Ritchey of the Army Corps of Engineers who informed Mr. Frye that two weeks ago a Federal Judge in Arizona State had vacated the Trump Administration's EPA rules. Since the Trump Administration had repealed the Obama Administration's EPA rules, this takes the rules back to the 1986 EPA rules, and all wetlands are now considered federally regulated. Mr. Ritchey had also informed Mr. Frye the Army Corps of Engineers will not allow open ditches to be dug any deeper than the original plans without delineation and mitigation of wetlands, which can cost \$75,000 to \$100,000.

Mr. Frye explained that the water in the area of these watersheds wanted to flow southwest, but there was not a reach to the open drains. Each water shed was 211 acres. The water sits in a "bowl". The plan would include using maintenance to dip the open section of the G. B. Collins Drain back to its original specifications. And to split the tile going both north and south, avoiding the potential wetlands to avoid delineation and mitigation. The Surveyor's policy is to avoid muck soils for pipe as it is not stable. The Surveyor's field crew have not be able to locate the G. B. Collins Lateral 1 tile. It may have disintegrated over the years. The proposed new tile route was chosen based on overland flow paths and low contour spots on the land, using oversized tile due to the flatness of the land. The Surveyor's Office recommendation would be to reconstruct the G. B. Collins Lateral 1 Drain first, then the Paul Funk Drain. The plan include 24 inch tile at the bottom of the system and 18 inch tile at the top end. The G. B. Collins Lateral 1 would use 940 feet of 24 inch tile, and 1,277 feet of 18 inch tile.

Bruce Bell, II excused himself from the meeting at 9:24 a.m. as he had another commitment to attend.

The culvert on County Road 45 was approximately 36 inches in size and would be able to handle the water after reconstruction.

Mr. Frye stated that tile prices have increased 30% to 40% since March 2021.

Mr. Deetz explained to Mr. George Brand how the assessment payments were generated by the Auditor's Office based on the assessment rolls sent to that office once the construction was completed. Individuals have one year to pay it without interest. Otherwise, 20% is due the first year, with up to five years to make payments. Each year a 10% interest fee would be added as per State Statutes.

Mr. Deetz stated the land owners in the watersheds would need to decide if the cost of the project and the benefits the reconstruction would provide would be acceptable.

Tom Miller stated he wanted to meet with Mr. Frye to discuss the plans. He had some ideas that might reduce the amount of tile needed for the reconstruction.

Mr. Frye was asked to bring in three weeks updated detailed plans and assessment rolls to the Drainage Board for consideration as to whether to set a public hearing date. Letters were to be sent to those attending this meeting with the additional information.

### **SURVEYOR'S REPORT**

Mr. Deetz asked for the Surveyor's Report and Mr. Frye presented the following:

**ELIAS SCHOPF DRAIN NO. 242-00-0:** Countryside Estates Association – fence in right-of-way easement request. Mr. Frye presented the Variance Agreement for the Association fence to be no closer than 12 feet to the drain, and stated the top of the drain is five feet underground.

Bill Hartman made a motion to approve the variance for the Countryside Estates Association to install a fence no closer than 12 feet to the *Elias Schopf Drain No. 242-00-0*. Mike Watson seconded the motion, motion carried.

**MEDIACOM:** *Henry Beams Lateral 3 Drain No. 205-03-0:* MediaCom requested a utility permit for work along County Road 68 between County Road 51 and County Road 55. This would be an installation of underground fiber to provide service to Rhinehart Finishing at 5345 County Road 68 in Spencerville. Mike Krehl moved to approve the MediaCom Utility Permit request for County Road 68 between County Road 51 and County Road 55. Mike Watson seconded the motion, motion carried.


**INTERGOVERNMENTAL AGREEMENT:** *Frederick Groscup Jr Drain No. 335-00-0:* Mr. Frye stated he needed to review the consent and waiver. The County Commissioners and the Leins would need to sign the agreement. Mr. Watson will make sure after the Commissioners sign the agreement, it goes to the City to forward to the Leins for signatures.

#### **INFORMATION**

Ms. Kruse informed the Board that Mr. Weimer's attorney had contacted her asking for the Word document of the Variance Agreement to tweak. The Board's response was that the PDF could be provided, the Word document could not. Ms. Kruse will make the appropriate response.

Mr. Watson stated he would not be at the September 23, 2021 Drainage Board meeting.

There being no further business, meeting adjourned at 10:21 a.m.

  
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Randall J. Deetz, Chairman

  
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Michelle Lassiter, Administrative Assistant