

MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF NOVEMBER 21, 2019

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday November 21st, 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: Randy Sexton; Jerry Teders; Greg Roberts; Derek Simon

APPROVAL OF MINUTES: Mike Krehl stated that there needs to be a correction with the November 14th Minutes where it states that he lives in the Bickel watershed, he owns land but does not live there.

A motion was made by Mike Krehl to approve the November 14th, 2019 Minutes as amended and corrected with the noted change, seconded by Jacqueline Rowan, motion carried.

APPROVAL OF CLAIM: A motion was made by Don Grogg to approve the following claim, seconded by Mike Krehl, motion carried.

STAR NEWSPAPER

- Legal notice Marvin Walker Reconstruction FO **\$ 11.34**

INFORMATIONAL: Don Grogg spoke to the county attorney on Monday about using local bidders, there was a recollection of in times past and 10% if it is so much, and then a 7% and a 3% depending on the amount. Don said we would have been alright last week with doing the 3% but any time we let a bid (in the county) it *has to be in the bid notice that we have a right to do that*, so that is something the Commissioners will be writing into theirs and the Drainage Board Attorney and County Attorney will get together to use the same language on bid forms.

SURVEYOR REPORT: Mike Kline stated that he did not get the Butler City drain project claim put together so he will bring that to the Board at the December 5th meeting.

SURVEYOR CLAIMS: The claims for the Surveyors' office were presented. No action was necessary by the Board.

It was noted that WaterOps is doing a lot of work on Cedar Creek, picking out logs that they hadn't cut; beavers are problematic and they have been putting fencing up; ash trees are a never ending job; they've been at County Road 68 twice this year to clean out at the bridge. Mike Kline said that in the past when this was done with a previous contractor, they cut trees off and threw them up on the bank and those are coming back into the creek.

CONTRACT FOR THE 2019 RECONSTRUCTION ERIC MORRIS DRAIN NUMBER 416-00-0: Surveyor Mike Kline presented the contract with Knott Drainage and Excavating signed by William L. Knott in the amount of \$79,800.00. It was questioned if there was a start date and Mike said that in the contract the 'substantial execution date' which means the drain is functioning is January 31st, 2020 so he is anxious to get started so he can meet that deadline.

A motion was made by Don Grogg for all to approve and sign the contract as presented, seconded by Bill Hartman, motion carried.

PLAN COMMISSION PETITION – HORATIO’S PLACE: Present is Jerry Teders, Tri-County Land Surveying on behalf of Hines Farms Incorporated who are seeking approval of a one-lot subdivision in the southwest quarter section 6, Grant Township. The plan is to build a home on the lot.

Surveyor Mike Kline reported that this plat is in the watershed of the *J. J. Hampshire Open Drain Number 57-00-0* and the *Ray Dilgard Tile Drain Number 90-00-0*. 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 and storm water from this lot shall be directed onto the parent tract and not onto the adjoining tracts.

A motion was made by Don Grogg 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 Bill Hartman, motion carried.

PLAN COMMISSION PETITION – WAKELAND ESTATE: Present is Gregory Roberts, Donovan Engineering on behalf of Aaron and Brannon Wakeland who own this one-lot minor plat subdivision located on County Road 35 where they will build a home.

Surveyor Mike Kline reported that this plat is in the watershed of the *Hilkey Carnahan Lateral 5 Drain Number 12-05-0*. 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 and storm water from this lot shall be directed onto the parent tract and not onto the adjoining tracts.

A motion was made by Don Grogg 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 Jacqueline Rowan, motion carried.

INFORMATIONAL – CREAGER/GRATE PRIVATE DISPUTE: Surveyor Mike Kline stated that he made an error in the amount that should be refunded to the petitioners in the private dispute. After the hearing and at the end of the discussion a motion was made by the Board to refund to Creager/Grate \$147.00. Creager/Grate paid the \$500.00 non-refundable filing fee (so that cannot be returned) plus another \$1,500.00 to get the work done, that is a total of \$2,000.00; the cost of the work done was \$1,853.00 and that left \$147.00 but that is not correct Mike said. The \$1,853.00 was to be split 50/50 between Creager/Grate and Colburn Trust; Colburn Trust sent a check for their half in the amount of \$926.50, so out of the \$1,500.00 that Creager/Grate paid, we should take their share from that which would leave \$573.00. This was caught by Susan Sleeper in the Auditor’s Office and she told Mike in an email that she took the \$500.00 non-refundable out of that and said we would only return \$73.50 so she has two \$500.00 non-refundable so he is going to have to correct her on that.

Chairman Deetz wanted to make sure that the \$500.00 of the non-refundable is still in the account.

Mike Kline said that technically what that is going to do if we do enough of these, then there will be money in there, just like this one, he could pay Jim Dunn the \$1853.00 out of the fund and then the Board decides who is going to pay that back and how and then that goes back into the fund and we aren’t reimbursing anybody; we wouldn’t ask as we did with Creager’s to give us money to do the project, we will have money in there to do

these things and then get paid back once the Board makes a decision but we always want to keep this money in there for use like this.

Nate Frye stated that in this case specifically the \$500.00 non-refundable was spent and paid to Jim Dunn so we are zeroing out the excess in the fund and making it balance between the two landowners, so there won't be a residual \$500.00 when this is done.

Mike Kline disagreed and said they won't take that \$500.00 out; that is going to stay there to build up so he has money to do this stuff.

A motion was made by Bill Hartman to refund \$573.00 to Bud Creager/Bradley Grate as a final settlement of this private drainage dispute, seconded by Don Grogg, motion carried.

AUBURN CITY PLAN COMMISSION – SUMMERSET RIDGE SECTION III: Present is Derek Simon, MLS Engineering on behalf of Biggs Indiana Properties, LLC with this twenty-five lot extension off of Chandler Way, Section III of the subdivision; all of the storm water is being routed to the existing detention pond that they will be expanding the existing pond has an 8" outfall pipe that currently discharges into the *John Weimer Regulated Drain Number 166-00-0*, they will increase that to a 12" discharge pipe.

Mike thought that the John Weimer drain had been vacated but is not seeing that on the map, so he will have to look on the original approvals. The pond is being made bigger and this will discharge down through and into the low area and out through the *John Weimer Lateral 3 Drain Number 166-03-0*. Mike said his only question is with the overflow path.

Nate said the drain was dipped in 2016 and a few weeks ago Chase Culbertson re-dipped this portion of the drain. There is some work needing done downstream of the system according to Nate, the crossing is too high and they are also looking at the crossing downstream to where it flows into the *Daniel Hursey North Drain Number 48-60-0*.

Bill Hartman moved to accept the drainage plan for Summerset Ridge Section III as presented on drainage plans and report specifications as presented by MLS Engineering with a revision date of November 15th, 2019 and a drainage plan dated September 4th, 2019, this is subject to any new evidence presented at the Auburn City Plan Commission meeting and subject to overland flow paths for the hundred year storm being properly designed, and requests the Administrative Assistant to pass this decision of the Drainage Board to the City of Auburn Plan Commission, seconded by Mike Krehl, motion carried.

PLAN COMMISSION PETITION – KACEE'S ACRES: Present is Randy Sexton, Sexton and Associates on behalf of Tim L. Kugler and Cheryl A. Williams-Kugler with this one-lot subdivision where they will build a home on this 2.62+ acre lot located just south and east of Ashley Indiana. A home will be built on the site by their daughter/son-in-law.

Surveyor Mike Kline reported that this plat is in the watershed of the *Milks-Heckathorn Lateral 1 Regulated Tile Drain Number 310-01-0*. 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 and storm water from the lots 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 Don Grogg 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 Bill Hartman, motion carried.

There being no further business, meeting adjourned.

Randall J. Deetz, Chairman

Brenda F. Myers, Administrative Assistant