

MINUTES OF THE DEKALB COUNTY CEDAR CREEK DRAINAGE BOARD MEETING OF OCTOBER 24, 2019

Chairman Bruce Laub called the regular meeting of the DeKalb County Cedar Creek Board to order at 10:30 a.m., Thursday October 24th, 2019. Answering roll call was Bruce Laub; James Deetz and Dennie Taylor.

ALSO PRESENT: Cedar Creek Attorney Shannon E. Kruse; Administrative Assistant Brenda Myers; Surveyor Mike Kline and staff member Nate Frye.

IN ATTENDANCE: Allen Haynes; Rod Edgell

APPROVAL OF MINUTES: A motion was made by Dennie Taylor to approve the Cedar Creek Drainage Board Minutes of September 19th, 2019 as standard minutes taken by the Cedar Creek Drainage Board, seconded by Jim Deetz, motion carried.

Bruce Laub abstained from voting as he was absent for the September 19th, meeting.

CEDAR CREEK FEASIBILITY STUDY: Allen Haynes with the DeKalb County Soil & Water Conservation District gave a little background on getting to this point with the Soil & Water Conservation District who deals with water quality. In looking at Cedar Creek for a canoe trail, and then Mike Kline approached him in a conversation stating that he could use some help on how to work on Cedar Creek through the city with it being so narrow and difficult and that he was looking for different practices to work on the creek. Allen then had a conversation with DNR at the State Fair and they suggested this feasibility study be done. The DeKalb County Commissioners were approached with the idea, the Cedar Creek Board approved the funding to do the study and so now the next step is to do a follow-up with the LARE applications being due by January 15th, 2020. Rod Edgell is present, he is the coordinator from DNR that Allen worked with on the feasibility study and he is here today to answer any questions regarding DNR and the LARE grant and the process in general.

Surveyor Mike Kline stated that the options being presented are basically a way to put together a plan of work that needs to be done; if when going through these options, the county has an opportunity to apply for LARE GRANT money which is going to save money rather than the Surveyor doing it or hiring someone to do it. It also gives us a better idea and plan of what needs to be done long term to keep Cedar Creek healthy and help reduce flooding and also stabilize the banks of the creek. Mike wanted the Board to consider these options from a long-term standpoint.

Drainage Board Attorney Shannon Kruse noted with affirmation of the county surveyor that all we have been doing for the last fifteen-twenty years all we have been doing is maintaining the drain as best we can. This would be a more proactive approach.

Mike said he would like to change the basic rate of \$6.24 and come up with a minimum assessment or possibly a per acre assessment.

Allen Haynes explained that the LARE project stands for Lake and River Enhancement Program, it comes from the State and the way the process works, you do a feasibility study and once that is done and are ready for the next step, you apply for the grant. A contractor would be able to take from the plans that are presented in the study as it would be completely designed for them. Grants are due the first of January, they are announced in July and they last for two years.

Rod Edgell, DNR stated that it would be a two year grant and it is a process to get the money allocated; once allocated it is usually closer to September before the money is available to where a project could begin. The DNR does require a bidding process, not dictated by them as they rely on the sponsor to do that and once that is done, the Board

would select a contractor and then they can go to work, the permits and design would already be in place. As far as the LARE timeline goes, potentially funding for construction could be available by fall of 2021.

Allen stated that this kind of puts a roadmap in place and they came back with a recommendation that we do a 30% design on the entire stretch, which would put together what has to be combined and complete. On a plan like this Allen said he has been told it would have a pretty long shelf life but what he doesn't know is if this kind of approach has any validity in terms of seeking money or anything like that. Allen said their #1 Option that came back was to do work in Eckhart Park based on the criteria that is laid out in the feasibility study. Other entities can apply for LARE grants so at this time the Auburn Parks and Recreation Board is going to submit a LARE application to move on to the design phase of this area, because it is a regulated drain moving through the park, the county surveyor would be an integral partner in that process. Option #3 was not an area that was recommended in the feasibility study but the City of Auburn is moving ahead on the plans for the Cedar Creek Landing Park. Allen integrated to them that since we are working on Cedar Creek and if they are building a park there, it would be nice if we had the stream pieces of that taken care of before they build a park so that we aren't hurting the park to do the stream part. Allen doesn't know the timeframe for the City of Auburn, they have to work with FEMA to get permits for all they want to do, but it would be really helpful to mesh these two projects together because there are things that could be done with the banks that are not currently in the design of their consultant since they are strictly looking at the top of the ground. Sequencing would be really important. Either with or without the park that is being proposed, this area east of Cedar Creek and north of State Road 8 would still be a good location for flood relief.

Mike Kline said that the funding from Cedar Creek would be minor compared to the whole project and he asked the Board to seriously consider funding their portion as it would be very beneficial. To partnership with other entities i.e. the Auburn Parks Department, the DNR or others, that will help immensely.

Attorney Kruse asked the surveyor if it was fair to say from Allen's list that #1 and #4 he would be asking for the Cedar Creek Board to take the lead on those two, and then possibly partner with #2 and #3 as it comes about and Mike Kline said that is what he is asking.

Chairman Laub asked what is being expected of the Surveyor by Messenger Corporation and Mike stated that they want to be assured that the county is going to protect their property, their building, their investment in the community; it can't be guaranteed but we can certainly look at ways of making it better.

Attorney Kruse asked if what Mike was looking for was a motion by the Board to proceed with the LARE grant application, and being open to committing the 20% needed and Mike said yes, at some point.

Allen Haynes said that he needed to know because if he has to have a grant ready for submittal January 15th, 2020, that has to be written and approved by this Board, so whichever 'options' the Board is wanting this grant cycle, he needs to know that today. Cedar Creek has a really good chance of being approved, it has the support of the feasibility study behind it; the Cedar Creek landing south of SR 8 bridge has really good chance of being approved because another park is going in and you would be working with another municipality for another partnering arrangement; the Messenger site because

it says right in the feasibility study that the condo folks are not onboard yet if we were to submit an application for that one right now, it would be prioritized lower simply because of that aspect. The first one, LARE has never funded anything like this before so it would be a first time application; Allen said we have never seen a 30% designed plan for a stretch of a stream and that would probably be lower on the priority list for funding.

Mike said the Board needs to think about this and review this but he would strongly recommend that the county partner with the City on Eckhart Park.

Attorney Kruse stated that there could be a consensus that the Board is open to it but without a formal request of the Board by the City, that is a drawback.

Mike said being so far into the year and with the Board just now hearing about this, we need to get the City to a meeting to discuss what they would like, or as an option the Board could have a letter of commitment to that project and then work out the details and how they are going to split the funding with the City.

Allen said what he sees as being the best would be for the Board to say they are going to support #2 and #3; the County could commit the full amount, up to that amount or they could work out the details later; we already know the Parks Department is submitting an application. Cedar Creek Board can say yes they are going to work in those two areas and then work to partner with these people (being the City) to be the best they can, that way we can submit applications while working out details. Allen strongly urged the Board to take the responsibility for the park area (south of SR8).

Attorney Kruse stated that there would need to be another meeting prior to signing an application for the grant.

A motion was made by Jim Deetz that by consensus of the Cedar Creek Drainage Board to move forward with #2 as a partner with the City of Auburn Parks and Recreation Department, and with #3 the Cedar Creek Drainage Board would be the lead entity applying for the LARE Grant with Allen Haynes preparing the grant, asking the City of Auburn for a contribution with the park idea, seconded by Dennie Taylor, motion carried.

Allen will begin the process of working on the applications of #2 and #3; he does know that the City of Auburn is submitting an application for #2 and on #3 the Cedar Creek Board will take the lead on.

Attorney Kruse stated that the Cedar Creek has no problem with being a partner on #3 however, if they need to be the lead, they are open to doing that.

INFORMATIONAL: Jim Deetz questioned what happened with the \$30,000.00 that was awarded to Don Lewis.

Mike Kline stated that the \$30,000.00 was the close out of the contract but Jim stated that Don Lewis stated at that meeting that if he did any more work on Cedar Creek, that money would be in that bid and that appears that the drain fund has lost money due to that. It was stated at that meeting that if he worked on the creek he would deduct that from the \$30,000.00 contract and Nate said he recalled that being said.

Nate Frye stated that Don Lewis is still working on Cedar Creek. Nate said that when it was negotiated what the fee would be to break the initial contract Don Lewis indicated that he had already started constructing equipment to use on Cedar Creek. Nate said that while we haven't gotten any 'rebates' on other work they have had him do on Cedar Creek, the equipment that he constructed with those funds is what he has been using.

Chairman Laub felt there should be a discounted rate being given.

Nate said they did discuss that there is cleanup work that needs done in that last stretch of Cedar Creek, it's nowhere near the amount of work that had been originally discussed and he can breach that conversation with him and he'd have no problem doing that.

Jim Deetz said that he would be open to having Don Lewis come before the Board to discuss some concerns that he has with work being done on Cedar Creek that the Board is not privy to. Jim said he is not suggesting that there is anything wrong, but he feels the Board needs to be more involved in what is being done in Cedar Creek.

Mike Kline said all they are doing is routine maintenance but Jim said some of that routine maintenance is costing a lot of money.

Jim Deetz said he would like to know more about what is happening and he also felt we need to be holding more meetings, it should not be just when there is something that needs attention; this Board should have updates periodically.

Chairman Laub stated that he would like to see a line by line expense of the maintenance that is occurring with Cedar Creek and agreed with Jim and holding meetings on a regular basis. Bruce would ask that Don Lewis come to the next meeting so they can have a similar conversation of what was just said here.

The Administrative Assistant will gather the copies of the minutes of when Don Lewis and the settlement of the contract happened for the Board to review. A meeting will be called to take care of the LARE grant as well as a conversation with Don Lewis, and also a line by line expense of Cedar Creek being presented by the surveyor.

There being no further business, meeting adjourned.

Bruce Laub, Chairman

Brenda F. Myers, Administrative Assistant