

**MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF JANUARY 2, 2020**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday January 2<sup>nd</sup>, 2020. Answering roll call was Randall J. Deetz; Michael E. Krehl; Donald D. Grogg and William 'Bill' Hartman. Jacqueline Rowan was absent.

ALSO PRESENT: Drainage Board Attorney Shannon E. Kruse; Administrative Assistant Brenda Myers and Surveyor staff member Nate Frye.

Surveyor Mike Kline was not in attendance.

IN ATTENDANCE: James Deetz

**RE-ORGANIZATION OF THE BOARD/APPOINTMENTS 2020:** Drainage Board Attorney Shannon Kruse asked for nominations for Chairman. Don Grogg moved to nominate Randall J. Deetz as **Chairman**, seconded by Mike Krehl, motion carried.

Bill Hartman nominated Mike Krehl for **Vice Chairman**, seconded by Don Grogg, motion carried.

**Joint DeKalb- Noble Board:** Don Grogg moved to appoint **Bill Hartman and Randy Deetz** to the Joint **DeKalb-Noble** County Board with the understanding that upon the completion of the William Bickel hearing(s) that Mike Krehl will be reinstated, seconded by Bill Hartman, motion carried.

Chairman Deetz wanted to address the Allen County Board simply because both Don and Jacqueline are on that Board and with both being in their last year as Commissioners, Randy asked if they would want to co-mingle that or keep the involvement consistent with the understanding that there will need to be two new members in 2021. Randy questioned having a third member from DeKalb County in preparation of 2021 and the changes that will take place. Don Grogg stated that there currently is a steering committee in place for Cedar Creek and that he would be fine with bringing someone else on Board, or switching.

Drainage Board Attorney Shannon Kruse stated that with DeKalb-Allen Joint Board being a formal Board, there could only be two members according to the Code. A fifth member would have to be involved as a tie-breaker.

**Joint DeKalb-Allen Board:** By motion of Don Grogg once the William Bickel hearing is completed, at that time Don Grogg would be appointed to the **DeKalb-Noble Board** and Bill Hartman would be appointed to the **DeKalb-Allen Board**.

**Joint DeKalb-Steuben Board:** Don Grogg moved to appoint Randy Deetz and Mike Krehl to the Joint **DeKalb-Steuben Board**, seconded by Mike Krehl, motion carried.

**Joint Maumee Creek Board:** (LaGrange, DeKalb, Steuben, Noble) remained the same: Bill Hartman.

**Joint Interstate Board(s):** Mike Krehl moved that the three Drainage Board Elected Officials continue to serve on the Interstate Boards consisting of Donald D. Grogg, Jacqueline R. Rowan and William 'Bill' Hartman, seconded by Bill Hartman, motion carried.

**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.

**Drainage Board Attorney:** A motion was made by Don Grogg to retain Shannon E. Kruse as the Drainage Board Attorney for 2020, seconded by Mike Krehl, 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 Bill Hartman, motion carried.

**DRAINAGE BOARD ATTORNEY FEE AGREEMENT 2020:** Drainage Board Attorney Shannon E. Kruse presented the 'Attorney Fee Agreement' for calendar year 2020, at the rate of *one-hundred twenty-five dollars* (\$125.00) per hour, which is the same rate as the past several years.

Don Grogg moved to accept the agreement as presented and for the four (4) Drainage Board members who are present to sign said agreement as presented, seconded by Mike Krehl, motion carried.

**APPROVAL OF MINUTES:** A motion was made by Don Grogg to approve the Minutes of December 19<sup>th</sup>, 2019 as standard minutes taken by the DeKalb County Drainage Board, seconded by Mike Krehl, motion carried.

**SURVEYORS REPORT:** Nate Frye stated that he found out this morning that the surveyor would not be in the office today and therefore he was unprepared and didn't know where the contract was for the *Eric Morris Drain Number 416-00-0* so that will be presented next week. That contract is for the boring under the road and isn't urgent at this point Nate said.

*Butler City Drain Number 200-00-0* as far as the billing, Nate said to his knowledge the Railroad, Highway and individual landowners in the rural portion of the drain have been assessed; Mike was working on the finalizing of the billing to go to the City of Butler and Nate assumed he was going to present that but didn't know where the notes/minutes were to bring those with him this morning. Nate said they are looking to assess the City of Butler in excess of \$300,000.00 to be billed this month, in January.

Chairman Deetz questioned the paperwork/claims that were handed out at the last meeting, there was a large claim for the Butler City Drain in the amount of \$158,480.00.

Nate said that needs to be talked about, there is something that isn't correct on that one. Nate said the \$158,480.00 was for the total of claims that were paid out, that wasn't an individual claim. Nate explained the payouts on claims and the amounts in his spreadsheet; the \$95,000 he zeroed out in his spreadsheet because he didn't want it showing up in his running total of maintenance money spent so he manually deleted that in the spreadsheet; Nate said we paid the \$95,000 which was the retainage to Crosby for their work that was done in January (2019) and that came out of the maintenance fund (it was written up wrong on the claim). Nate said for example the Noah Smith Drain Number 97-00-0 some of the funds for the work here came out of the open drain when it should have come out of the tile; the drain that the Albert Fisher Drain Number 179-00-0 runs into, they had the same situation where money was taken out of the tile drain that should have come out of the open (or maybe that should have been reversed), Nate said he was going to pull those notes together to present that in the next couple of weeks. That is what happened here, the money came out of the maintenance fund when it should have come out of the reconstruction fund (in the June/July 2019 Minutes). With that being said, Nate said that when he handed out the spread sheet a couple of weeks ago talking about the status of the General Drain Fund, he thought the numbers looked high so he went in and pulled the data up and he isn't sure where the error was, if he screwed something up or if there was something in an editing process in LOW, but his numbers were lower so he re-audited the information he had showed the individual accounts in the

fund and where they are setting; he showed \$375,000 in the General Drain Fund and with the worst case scenario for the Eric Morris, Marvin Walker and Guy Platter reconstructions, they could come up with as much as **-\$110,000.00** short. That's with not crediting back the assessment to the City of Butler, the Railroad and the State Highway, that would bring in \$575,000.00.

Don Grogg suggested that on the spreadsheet where Nate took the \$95,000.00, Don said he would show that out of maintenance but then when adjusted, right underneath that he should put a negative right underneath it for a paper trail, it will still net to zero but will be easier for future reference.

It was questioned why we aren't pursuing billing Butler for what we do know is owed by them and then figuring out the rest and getting it billed, they are using county money.

Nate said the entire bill was supposed to go out this month (January) and some serious time has been put into figuring out what bills applied to Butler and what bills applied to the Railroad. Nate said that there are others hanging in maintenance, the William Hollabaugh Drain that was done in 2018 that the landowner hasn't been billed for yet; the G. B. Collins Drain work that was done under Consent and Waiver that hasn't been billed out yet; same with the Noah Smith Drain; the Ferguson ditch work that was done that both the Highway and Airport need to be billed and those all are supposed to be billed this month Nate said.

Chairman Deetz questioned the reality of a final billing on Butler with the Shook issue still unresolved.

Nate said his understanding is that the final billing will go out on the City of Butler and that there is enough residual funds in the maintenance fund to deal with anything and everything that needs taken care of on the Shook property. Nate said that it was stated a year ago that the office needed a good project manager and he has taken on that roll for lack of better options so the last year for him has been a process of seeing how much he didn't know he wasn't paying attention to, he is looking for errors and omissions.

Chairman Deetz asked that the concerns of the Board be relayed to the Surveyor, stating that this needs to be discussed in full. It is crucial in moving forward with the Bickel hearing coming up to know where we stand financially because at some point during that hearing the question of how to fund the project is going to be asked of the Surveyors office.

Mike Krehl asked that this be placed on the agenda for next week to discuss these financial concerns, we are letting people 'use' county money which we are in need of for future projects.

**PLAN COMMISSION PETITION – JACOBLEVI MANOR:** Nate Frye, on behalf of Surveyor Mike Kline, presented this one lot subdivision on County Road 39 where Dan and Karen Pfister will build a one-story home. Nate said the surveyor's office is actively working on the Daniel Hursey North drain and there are a couple of culverts that need to be lowered but none of the issues on the drain should directly affect anything that is going to happen on this property, as far as drainage there are no issues according to Nate.

Surveyor's staff member Nate Frye presented this one-lot subdivision on behalf of Surveyor Mike Kline reporting that this property is in the watershed of both the *Daniel Hursey North Regulated Open Drain Number 48-60-0* and the *James Provines Regulated Tile Drain Number 207-00-0*. 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. 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 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.

**WILLIAM BICKEL DRAIN NUMBER 133-00-0:** Mike Krehl handed out copies of a letter that he was asked to give to the Drainage Board, Surveyor's office and the Joint Board as this landowner will not be available for the hearing.

Don Grogg read and submitted the letter dated December 19<sup>th</sup>, 2019 that he received in the mail into record. This letter from David & Alice Frazie was noted as already received and noted as an objection by the Drainage Board Administrative office.

There were questions raised by Bill Hartman after a conversation that he had with these landowners personally a couple of weeks ago, and he hopes to have yet another conversation with them to alleviate some concerns. Bill said one of the questions they have is if maintenance monies could be used to reconstruct if necessary the upper end.

Jim Deetz stated that he talked to landowners in both DeKalb County and Noble County who own more than twenty-five (25) acres and he believed that as of now there is 1,000 acres on board with this project; no one wants to spend the money but recognizes the need to be done. After doing more investigating after the last meeting Jim said that the drain has already been lowered enough to drain everything on the upper end.

Chairman Deetz told Jim that everything that he is saying is pertinent but it is pertinent for the hearing more so that for this Board here.

Jim said that it has been talked about doing a maintenance project and that is exactly what he thinks needs to happen and everybody agrees with that. No one dreamed that they would still be sitting here from 1998 to 2020 still not having this ditch finished.

Chairman Deetz encouraged Jim to put a plan together and provide enough copies for the Board members as well as the landowners who might be present for the hearing, giving a written plan of how to proceed, but Jim said that he wasn't so sure that the two county surveyors had gotten together as of yet to discuss a plan. Jim asked if there was a surveyor present or just a representative and he was told a representative.

Nate Frye said the plan will be the same as what they used to fix the E. P. Griffin drain which is actually working now, it will be: they will go open up the tile at the county line, run a roter north, see if the tile is open and flowing and go as far as they can, they will hit the intersection and do the same thing working up each direction locating the tile, determining the depth and condition of those tiles and keep cleaning the system systematically from bottom to top and determining the condition of each portion of tile as they go. That is really the only thing they can do Nate said. The tile that was replaced fifteen years ago doesn't mean it wasn't installed improperly and isn't working.

Jim Deetz stated that his frustration is that he sits here today hearing that there isn't money to do this; the previous surveyor surveyed and inspected all of this, made a plan to do this (project) and even had a material list, a contractors list, what it was going to cost and all of a sudden that is all going to be thrown out the window because nobody has any records.

Chairman Deetz stated that little can be done about the second part of Jim's concern but as far as the money, the Board is trying to address that situation in order to have the funds available. The frustration is shared but as far as what was in place and didn't happen, there is little that can be done.

Bill Hartman said if we can get the money repaid that is owed the county (outstanding bills) and then a few (landowners) in the William Bickel willing to put money towards the project it shouldn't be a problem.

Mike Krehl stated that it is problematic to think that there are outstanding bills from 2018 that haven't been invoiced.

It was determined that all of these and other concerns need to be addressed at the Joint DeKalb-Noble hearing next Thursday.

**INFORMATIONAL:** Don Grogg questioned a resignation that was to be effective as of tomorrow and asked if that had been rescinded and it was stated that it had been rescinded.

There being no further business, meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant