

**MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF FEBRUARY 13, 2020**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m. Thursday February 13<sup>th</sup>, 2020. 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 member Nate Frye.

IN ATTENDANCE: James Deetz; Kevin Webb

**APPROVAL OF MINUTES:** A motion was made by Bill Hartman to approve the Minutes of February 6<sup>th</sup>, 2020 as standard minutes taken by the DeKalb County Drainage Board, seconded by Jacqueline Rowan, motion carried.

**DISCUSSION:** Chairman Deetz stated that there were items noted that the Board wanted updated on as follows:

CITY OF BUTLER – Randy asked if that had been invoiced and Mike Kline said he is still working on that. It was asked if there was any intention of doing a partial billing and then billing the remainder at a later date but Mike said he read where this may be included in a bond and plans to talk with the Mayor of Butler on that. Mike Krehl asked if by stating this would happen soon if that meant thirty days. Mike Kline said that would all depend on how many things get pushed ahead of this and decisions would have to be made on what the Board wants. Mike Krehl said this is a priority with waiting since 2018 to get this finalized. Chairman Deetz said that the main objective is to have open and clear communication with Butler so they are aware of what is coming. We are in a cash flow situation here and Don Grogg told the Surveyor that he may be hearing from Council on this.

CROSSING IN LAGRANGE COUNTY – Randy said he assumed the crossing would be done at the same time and by the same contractor doing the William Bickel drain project. Mike Kline said that he has plans put together and will talk to two or three contractors to gather quotes so this can be done soon, LaGrange is paying for the bottom dipping and the pipe and installation.

James Deetz stated that he was incorrect when he stated that the pipe was laying on the ground and ready to go, that will need to be ordered and will take thirty days to get it.

Mike Kline said he will go up there next week and get this going, he has been putting the paperwork together on the Bickel project and has the advertisement for bids and legal notices for both the installation and materials done; the bid forms are done and with a little help from Nathan those will be finished up, the contracts are put together for final review and if he can get everything to the newspaper by next week they will make the March 19<sup>th</sup> meeting easily.

LECHLEIDNER/SPENCER – with getting close to another planting season Randy wanted to get this resolved. There is a new landowner in the mix with Lechleidner selling their property. Mike Kline said he would contact the landowners and get this moving.

CREAGER/GRATE – check refund has not been processed according to Mike Kline.

FRED T. MILLER DRAIN NUMBER 91-00-0 – a 'Claim Letter' has been received, nothing has been filed in court by Mr. Hunter, but this outlines what his position is in what he would settle for. The number of trees 'destroyed' varies from the report and the claim letter, which will be settled by the insurance company.

*A report was given by the Auditor stating that 'General' liability for the county is zero; public official employee practices is \$10,000.00 deductible and law enforcement would be \$25,000.00 deductible on general liability.*

Drainage Board Attorney Shannon Kruse asked that Nate Frye put together a folder of before pictures (via GIS) and after pictures (which were taken by camera) as this will be beneficial and most likely requested by the County Insurance Company for a settlement.

**UTILITY PERMIT REQUEST - NIPSCO:** Surveyor Mike Kline presented the utility permit for a project starting at the intersection of County Road 40 and County Road 19 where NIPSCO will be directional drilling 3,025' of 2" main, ending 3,025' north of the intersection of County Road 40 and County Road 19. The county regulated drain involved: *Mary McDowell Drain Number 238-00-0*

Don Grogg 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 Bill Hartman, motion carried.

**DRAIN VARIANCE:** Mike Kline stated that a drain variance for a permanent structure within the drain right-of-way of the *Daniel Hursey South Drain Number 48-80-0* for Larry Redmon, south of County Road 60 had been requested (Ref. Minute Book 15, page 436 where it was stated that this sale was contingent on approval of a variance). Mike said he has put this variance together with the new landowners name but felt the Board should make it clear in the Minutes that this variance is approved for Schmucker, not Redmon, since this property was already sold at the time of the request.

It was the consensus of the Board that all variances show the actual landowner when preparing documents.

Mike Kline will contact Mr. Schmucker regarding appearing before the Board for approval.

Drainage Board Attorney Shannon Kruse stated that the Board had approved this crossing at the January 2020 meeting so it's a matter of putting the correct name on the variance.

Mike Kline said the new property owner needs to sign the variance so he may as well come before the Board to ask questions or answer any questions the Board may have, sign it and have it recorded at the same time. Mike will instruct Mr. Schmucker to contact the Drainage Board Administrative Office to schedule an appointment.

**DISCUSSION – UTILITY PERMIT/VARIANCE:** Mike Kline said he has a request from Indiana and Michigan Power (I&M) who are building a substation at the SDI site where it will cross the *Solomon Shank Drain Number 28-00-0* going to the SDI substation. One of their poles will be in the right-of-way of the county drain and they want to know if they need to have a variance. Mike said a variance could be given for that one pole but there are three lines crossing the drain so he questioned this being done as a utility permit instead.

Attorney Shannon Kruse stated that based on the wording (variance/permit) they are very similar and that is the bigger issue with making sure the 'protections' are in either document. Shannon stated that we may want to have a utility permit for the utility and then have SDI sign a variance for the pole on their property, it's not unreasonable to have these both in place.

Chairman Deetz stated that his preference would be having a utility permit with having lines involved. The consensus, if while it doesn't appear to make a lot of difference

(between documentation), it makes more sense to have a utility permit in place to protect the county as much as possible.

Kevin Webb (113 Matthew Cove Auburn Indiana) who is Chairman of the Board of the Auburn Alliance Church which dealt with AEP and I&M with a brand new line through their existing right-of-way (he served as the head negotiator) questioned if there is a utility easement over that ditch. AEP is strict in their placements and SDI should be more flexible and therefore in his mind, the variance would be with SDI.

*(Kevin Webb is a candidate for Commissioner)*

Mike Kline said he didn't think there was an easement since SDI owns the property so one is not needed.

**ERIC MORRIS DRAIN NUMBER 416-00-0:** Mike Kline stated that there are problems with trying to go under the road, the soils are extremely bad and when digging a hole to put their boring pit in they got down about 2-2 ½' and it is full of water; digging on the west side of the road it was the same. Mike said he talked to the foreman on the site and he feels real comfortable that they could do an open-cut; they have a special box that they have built to hold that material back as they are going through and we would put stone under the pipe as they bed to hold it. As far as an issue with the school Mike said they have spring break in late March and that may be a good time to do this. Mike said one other option they have would be to set the structure on the east side; open-cut, put the pipe in and set the structure on the west side and that would be done until they get to it. Mike said the option that we would have and he is strongly thinking about, would be to get the new drain all the way through and up to that point, let it drain to try to get the water down as far as they could before actually making the road crossing. Mike said when they dug the pit they were close to a catch basin where the tile comes under the road and that is covered in dirt and fell into the hole because the hole got bigger. The pipe under the road was plugged full which is why water is setting. It could be such a thing they will have water problems there until they get the new pipe up to the road. Mike said he will ask the City of Auburn if they will bring their jet truck in and try to jet that out while they have the pit open and then they could use some flex-pipe to put that back together temporarily so it would work some. Mike said they also have all that steel pipe they had already purchased and he's thinking that would work for a jack and bore in Ashley (*Robert Johnson Drain Number 3003-00-0*); if he can get the State Highway to agree to pay for that then he can move the contractors up there and get that project done.

**JOHN KETCHUM DRAIN NUMBER 334-00-0:** Mike Kline stated that this drain is behind Taco Bell and could be under Pizza Hut, runs under the Interstate to the County farm and is flooded worse than it ever has. Mike said this drain is not on maintenance and he has no money to spend on it and currently it is in the red ~~-\$8,000.00~~ so they have avoided doing any work, the landowner who owns the undeveloped ground has been paying LaOtto Excavating to do some work out there; the City of Auburn sewer department has been helping on some of it as well. The drain that Mike said they 'never knew where it was', according to Fred Knott it appears they found it by the road and are putting a new 6" tile in to try getting some of that water off. Some catch-basins have been found to be totally plugged on Dickman's property so they are asking the City of Auburn to bring the vac truck in and open those up; pumps have been put in to try getting the water down. Mike said we need to fast track the *Fred Groscup Jr. Drain Number 335-00-0* reconstruction to get that tile reconstructed to make that the outfall to the

county pond and avoid a lot of this flooding. Mike said he talked to the new Mayor of Auburn about meeting so he can show him maps and ideas of what needs to be done; Mayor Yoder had stated that the City had the money to do this project so Mike wants to make sure the new Mayor is on board with the county so we can then get a request for proposals out for engineering of the project. There are several things that need to happen at the same time and his staff is not capable of handling this, they need to verify the watershed; look at getting under State Road 8 which will be expensive; look at the connection of the drains to make sure we have a regulated drain that is all put together and maintained by either the city, state or county; and then at Grandstaff the *Auburn Industrial Park Drain Number 256-00-0* is in very great need of being reconstructed, it is covered with corrugated metal pipe that was installed in the 1960's and there are house jacks and 2 x 4's that are holding that drain up and there was a major problem with a truck entrance to Kroger's and Mike said he did as much as he could and then Kroger put a new concrete slab across it to keep their trucks from falling in. That whole area needs to be looked at as once piece so if we can work with the City of Auburn and they have the funding, this could be done under the Code similar to what was done with Garrett.

Chairman Deetz strongly suggested that Mike make it clear that the engineering has to be done by an outside resource.

Mike said this entire area will need to be looked at by the City of Auburn (for development) and maintenance of drains, they are continually adding more hard surfaces and buildings along State Road 8 and this system is not able to handle it.

Chairman Deetz stated that we have historically stated that one cannot tile themselves out of a watershed because of overland flow; in doing the Groscup and taking the water from the pond at Interstate 69, are we as a county still going to be reliable for a good chunk of that expense because the natural watershed coming across Interstate 69.

Mike said if we can get the tile done and cut off at the right-of-way of Interstate 69, then we would no longer be in that watershed.

Chairman Deetz wanted justification for that next farmer then that comes in saying he has tiled himself out of a watershed.

Mike said that his answer is that this is all an urban area with the other being rural, so he can make that change where that is for development and that will all be given to the City of Auburn to handle.

Nate Frye made a generalized comment that with shifting a tile one does tile themselves out of a watershed in that case, but by the same token if you take a forty acre field and redevelop turning that into a forty lot subdivision, re-contouring all the earth and putting in roads and building pads, you do more than change the tile and outlet, with that you redefine the watersheds in that area and that is more the case in this area we are discussing.

Mike Krehl stated that if the Groscup reconstruction is what the surveyor is wanting to get done, then that needs to be brought to the Board as a priority for 2020; there needs to be a list of priorities in order for the Board to prioritize them.

**INFORMATIONAL:** Don Grogg told Drainage Board Attorney Shannon Kruse that Jan Bauman (Auditor) would like to have a RESOLUTION for the borrowing of money no later than the 21<sup>st</sup> of February so she can get that out to the Council. Don told Shannon that she could talk to Jan, but this seems to be between Shannon and Don Stuckey to do whatever it is that Jan needs on the paperwork.

This is the Resolution for several drains, not just the Bickel drain; this will take two separate Resolutions since it involves two different Boards. It was stated that there is a possibility that interest would be charged (in borrowing) and Shannon stated that they have to (add interest) according to the Drainage Board Code. That interest would go to the general drain fund, not individual drains.

**FRANKLIN GROGG DRAIN NUMBER 236-00-0:** Don Grogg stated that on County Road 40, just west of County Road 19 (1774 CR 40) on the Max Wallace property, he and Randy visited this site yesterday and there is standing water. The new drain was installed further out to the east of the fence row of the existing drain; Max has standing water and this is probably 4 – 6’ higher in elevation on the west than it is in the east but the water is not getting there. Max is claiming that when Tri-County put this tile in they never located the existing tile and he and his neighbor are sure there is another drain that Max would own that was never connected. Don asked that the field inspector go onsite and talk to Max. Max appeared before the Board back in September and the Surveyor assured him that he would get with him on this but he hasn’t heard anything.

Mike Kline said that if Max knows where the tile is they can tie it in.

Chairman Deetz said Max is willing to dig but he’s not happy about digging; it was claimed that Mike had said that someone could locate it. One tile has been found but there is thinking that there may be one or two others.

Nate said that he would either go out or he would send Bill from the Surveyor’s office.

Don Grogg will call Max today informing him of the plan.

**INFORMATIONAL:** It was questioned if the *Marvin Walker Drain Number 403-00-0* project has started yet and Mike said that it has not, he will be talking to the neighbor of Rory Walker’s in order to get across his property.

**INFORMATIONAL:** Bridge work is being done by Waterloo at the State Department, all have been notified of that.

**SURVEYORS SCHEDULE OF CLAIMS:** Nate Frye handed out the schedule of claims for the Surveyors office. No action was necessary by the Board.

There being no further business, meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant