

MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF MARCH 5, 2020

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday March 5th, 2020. Answering roll call was Randall J. Deetz; Michael E. Krehl; Jacqueline R. Rowan and William 'Bill' Hartman. Board member Donald D. Grogg was absent.

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; Walter Prosser; Joe Prosser

APPROVAL OF MINUTES: A motion was made by Bill Hartman to approve the Minutes of February 27th, 2020 as standard minutes taken by the DeKalb County Drainage Board, seconded by Jacqueline Rowan, motion carried.

Mike Krehl abstained from the vote as he was not in attendance for that meeting.

APPROVAL OF MARCH CLAIM: A motion was made by Jacqueline Rowan to approve the claim in the amount of \$1,295.00 as presented, seconded by Mike Krehl, motion carried.

- Attorney Fee month of March \$1,295.00

BUTLER CITY DRAIN NUMBER 200-00-0: Surveyor Mike Kline stated that Dave Wagner is now back working for the City of Butler and he contacted Mike and said that they have the money available once they are invoiced, to pay the county in full. Mike said that he is still trying to configure and calculate the final invoice. Hopefully before the end of next week we'll have that done; I'll have the Treasurer's office write the billing out and get it over to them with an explanation of all the things that went over budget and why, and we will get that money fairly quickly back. Mike said he is trying really hard to go through all his paperwork and come up with a final billing to the railroad and he is doing that in great detail because they will look at that with a fine tooth comb and complain about anything they don't agree is correct. The only other thing is dealing with Mr. Shook.

Mike Krehl asked the surveyor if he was pretty firm that he would have the billing done by the end of next week and the surveyor stated that he is hopeful but everyone keeps bothering him but as soon as he can get it, he can't make promises because he just got six culverts from the state highway that they want done and he has gotten five projects from the city that they want done; there is a big project going on in Waterloo for Nucor and they want to start moving dirt right now and so some of these things get...

Mike Krehl stated that since this project was done in 2018 we're talking a year and a half and now we have a city that wants to pay their bill.

Mike Kline said he wanted to get the money, but you have to try to balance to get this stuff done, so he will get it done as soon as he can possibly get to it, so he can get it over to them.

Mike Krehl asked if the attorney could try talking to Shoop's attorney one more time.

Chairman Deetz stated that the Board would rely on the Drainage Board Attorney's expertise on moving forward with this, working together with Mike. Randy asked that Shannon come up with a little more information as far as the date the claim expires and maybe what she feels the preferred game plan is.

Drainage Board Attorney Shannon Kruse stated that she can take a more comprehensive look at it, but as of right now, if we set foot on his property, even if we have a right-of-

way we could be arrested for trespassing. If you have an attorney involved and they are claiming damages, to go back on his property is not legally smart to do. Shannon stated that she cannot recommend that anyone make contact. Shannon will calculate the timeframe as to when the claim runs out.

ERIC MORRIS DRAIN NUMBER 416-00-0: Surveyor Mike Kline stated that Flemings sent a proposal to cancel the contract on the jack n' bore of County Road 427; they have \$8,842.00 invested in mobilization and digging holes, locating utilities and demobilization that they are wanting paid for in order to cancel the contract. Mike said Flemings also have given a proposal for the open cut in the amount of \$30,858.00 which would make the total payment to Flemings \$39,700.00 and that would be paid by the Highway. Mike said he wants some assurance from the Drainage Board/Commissioners that this will not be an issue with the Highway Department. If they were to do the open cut they should do it the last week of March when kids are out of school for spring break or it would have to be during the summer months as it will take three days to cross the road with the conditions they have to work under.

Chairman Deetz stated that while everyone is understanding that this has to be done, it is the recommendation of the Board that the contracts and cancelations be prepared and the Commissioners can discuss this with the Highway; the Board can then make a decision as to doing it in two weeks or waiting to do this until summer.

Mike said he will get the paperwork together and wait to hear what the Commissioners say after talking to the Highway Department, and then we can make some adjustments if needed.

INFORMATIONAL: Attorney Shannon Kruse stated that she was successful in obtaining an extension of time on the Hunter situation (*Fred T. Miller #91-00-0*) until the end of March. Shannon is hopeful to have an answer by next Thursday's meeting or at the March 19th meeting.

INFORMATIONAL: It was questioned by the Administrative Assistant the sending of the legal notice by Surveyor staff to the newspaper for the *William Bickel Drain Number 133-00-0* without first correspondence with her office for it to be put on the agenda.

Nate was unsure of the noted time and Mike thought it was said bids would be opened at 10:00 a.m.

It was asked that there be better correspondence when anything is to come before *any* Drainage Boards so the proper time can be allotted by the Administrative staff.

OZRO FREEMAN DRAIN NUMBER 175-00-0: Chairman Deetz stated that it is known that Mr. Prosser has offered to pay for this project and Mr. Prosser is present to discuss moving that along.

Mike Kline stated that he and Walter Prosser have discussed that he has a contractor wanting to do the project (bottoming dipping and tile work) and therefore Mr. Prosser would like to proceed with this. Mike said the Board needs to listen to his proposal and decide whether we can do this by Consent and Waiver so it can begin; the Board would also have to decide if they want Mr. Prosser to be the one who hires the contractor or if the county needs to follow their procedure in getting quotes since this is a regulated drain. Mr. Prosser is willing to pay the entire cost and would like to hire who he wants, but Mike said at the very minimum he felt there needs to be a Consent and Waiver to Reconstruct signed by everyone in the watershed, with the understanding in the C&W

that Mr. Prosser is paying 100% of the cost, he can then work with some of his neighbors who are willing to help absorb some of the cost.

Walter Prosser stated that what Mike has said is true, he does have a contractor in place who gave him estimates on doing the project from the dipping of the open ditch, to putting in all of the tile that needs put in. The question the contractor has is the culvert under the road; that has been in place for more than 20 years and with it being under water he couldn't tell if it needed to be replaced. Is this something that can be ordered in soon; also the lowering of the culvert, would the Highway do that or would the contractor do that?

Chairman Deetz stated that it would be his understanding that the contractor would install the culvert with the Highway paying for and ordering the culvert.

Mike Kline said he was planning on doing all this work under maintenance for the bottom dipping and the lowering of the culvert; he has talked to a couple of contractors who said they would dig around the culvert pipe, dig through and then slide it back down in where it belongs, and then re-bed it moving on upstream. Mike said the last inspection report he saw, the life expectancy (of the culvert) is another twenty years, so he would like to try moving it and putting it back in to get twenty more years out of it. Mike said his concern is he would want someone doing this that has done it before (many times) and has experience rather than one who is new and hopeful. Mike said he has contractors that have done this so he would want to make sure that Mr. Prosser's contractor has done this and knows what to do. If the culvert is taken out and found to be bad it could take thirty days to get one ordered and in place.

Walter Prosser said that Mike Kline knows this contractor, he has worked for the county and for him.

Chairman Deetz stated that a Consent and Waiver would need to be signed by all watershed landowners before this can move forward and Mr. Prosser said he can get those signatures if the surveyor can give him the names.

Mike Krehl moved that a Consent and Waiver for Reconstruction be signed and turned in to the Surveyor's Office in order to move forward, seconded by Jacqueline Rowan, motion carried.

Chairman Deetz stated that the bottom-dipping and maintenance was being done through maintenance; a few years ago it was discussed that maintenance is the responsibility and done through the Surveyor's Office and therefore the Surveyor should be able to work out these details with Mr. Prosser and the contractor.

Mr. Prosser stated that he'd prefer to not use all of the maintenance fund, he'd like to keep some in there for further maintenance when they do the spraying.

Mike said his other question is: if Mr. Prosser is paying 100%, can he pick the contractor that he wants and omit the need to obtain quotes.

Mr. Prosser stated that his contractor is going to give a quote in accordance with county specs for the reconstruction.

Nate Frye wanted to suggest that this be done in three phases, the first phase be dipping from County Road 34 to County Road 36, and he has already talked to other contractors about that; phase 2 to do the culvert to the north and give the contractor (Crawford) the ability to quote with the others that Nate had talked to, in order to make sure they are getting the best prices, and that will give them time to put this Consent and Waiver in place to reconstruct the tile.

Chairman Deetz stated that it was just determined that the maintenance portion of this was going to be handled between the Surveyor's office and Mr. Prosser and Mike Krehl agreed.

Mike Kline said that this would move fairly quickly once started, there won't be weeks and months between this, there will be days to get this lined up and done because they will have to get the road closed and make sure they have options in case something happens when they get the pipe in there, but in the meantime Mr. Prosser can get the Consent and Waiver signed and once approved by the Board, Mike will make sure to get the materials right away so they are ready to start. The tile process is whether the Board wants quotes on the reconstruction since Prosser's paying for it, Mike's opinion is that if he wants a certain contractor and he's paying the bill, he wouldn't have a problem with it as long as all the rules and regulations are followed.

If the Board is letting the contract then we must follow the Code and there would need to be 'invitations' for bidding according to the Drainage Board Attorney.

Chairman Deetz stated that just because this is being paid for by a landowner, we don't bypass the process of documentation or responsibility.

Mike Kline said that the maintenance work can begin right away as soon as the water is down; once they get the culvert they can work that situation out and in the meantime he will put together the Consent and Waiver for Mr. Prosser to take around.

Mr. Prosser asked when that Consent could be ready and Mike told him he would have it for him next week because it doesn't take long to do.

INFORMATIONAL: Jim Deetz questioned if the plan was still to open bids at the Joint DeKalb-Noble meeting on March 19th, and the answer was yes.

Mike Kline stated that he spoke to Zach in LaGrange County and he will be ordering the pipe.

There being no further business, meeting adjourned.

Randall J. Deetz, Chairman

Brenda F. Myers, Administrative Assistant