

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

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday April 2, 2020. Answering roll call was Randall J. Deetz; Jacqueline R. Rowan; William 'Bill' Hartman joined the meeting at 8:55 a.m., and Donald D. Grogg attended via teleconference.

Board member Michael E. Krehl was not in attendance.

ALSO PRESENT: Drainage Board Attorney Shannon E. Kruse; Administrative Assistant Brenda Myers.

Surveyor Mike Kline and his staff member did not attend.

IN ATTENDANCE: Kristen Blevins.

**GOVERNMENT ORDER:** Drainage Board Attorney Shannon Kruse read into record the Executive Order 20-02 and 20-04 for adopting a policy for electronic participation and suspend the requirements to have members be physically present for meetings being deemed to be essential. All other provisions remain in effect, therefore governing bodies may meet by videoconference or by telephone conferencing, so long as a quorum of members participate and any meeting is made available to members of the public and media, which is the situation here. Member Don Grogg is meeting via telephone and present at this meeting is Randall Deetz and Jacqueline Rowan.

**APPROVAL OF MINUTES:** A motion was made by Jacqueline Rowan to approve the Minutes of March 19<sup>th</sup>, 2020 as standard minutes taken by the DeKalb County Drainage Board, seconded by Randy Deetz, motion carried.

Don Grogg abstained from the vote as he was not present for that meeting.

**DRAIN VARIANCE – ALEX PROVINES DRAIN NUMBER 71-00-0:** Present is Kristen Blevins, Blevins Builders on behalf of Rick and Denise Hall for a concrete driveway over the Alex Provines Drain Number 71-00-0 located at 3588 Highlander Cove in Auburn Lot #11, The Highlands.

Chairman Deetz wanted to make it clear that should this driveway have to be dug up with any projects on the Alex Provines drain would be at the expense of the landowner.

Kristen stated that Rick and Denise have been made aware of that.

Don Grogg moved that based upon the facts stated and this having previously been accepted and therefore recommended by and in the office of the DeKalb County Surveyor, that the Board approve executing a variance, for a concrete driveway to cross the Alex Provines Drain Number 71-00-0, seconded by Jacqueline Rowan, motion carried.

Kristen was made aware that in light of some working from home and the possibility of not holding meetings, that the Surveyors office would be made aware that this was approved for preparing and asking that the Surveyor contact Ms. Blevins as soon as possible to make her aware that this variance has been prepared and is ready for the landowner signatures; the document will then be brought back to the Surveyor who will then make the Administrative Assistant aware that this is ready for the signatures of the Board and Recording.

**INFORMATIONAL:** Chairman Deetz stated that under the circumstances the Board should allow someone be it the Commissioners, Administrative Assistant, Surveyor, or Drainage Board Chairman, to work forward of approving documents. Randy said it would be similar as to how they do things with the Auditor in allowing them to do business as normal in lieu of meeting.

Drainage Board Attorney Shannon Kruse stated to clarify, this does not mean any decisions can be made in regards to assessments or hearings, nothing that would entail a public hearing. If it were more of an 'administrative' functions for Plan Commission approval, variances, utility permits, contract signing, or those types of matters that need addressed. Shannon stated that while it would be fine to reach out and ask the surveyor his thoughts on a variance request type situation, as far as a decision and/or signing; that would need to be done at a public meeting.

After much discussion it was determined that instead of putting this on the Chairman of Commissioners, that Don Grogg (being a Commissioner) would be that contact person who would attend to those functions so we can move forward with projects without meeting at this time on a regular basis.

A motion was made by Jacqueline Rowan to appoint Don Grogg to act on behalf of the Drainage Board regarding executive/administrative/decision-making outside of the realm of circumventing any hearing processes, seconded by Bill Hartman, motion carried. **INFORMATIONAL:** Bill Hartman asked if there had been any progress being made on the *William Bickel Drain Number 133-00-0* as far as getting across the county roads. This is all ready to go it's just a matter of getting the contractors in there and moving things along at this point.

Chairman Deetz stated that he wasn't aware of any progress. Randy suggested that Bill question Mike or Nathan on this.

**OZRO FREEMAN DRAIN NUMBER 175-00-0:** Walter Prosser has obtained all the signatures needed on the Consent and Waiver except for two who are not local. In contacting one of those two, they are in favor of this project however, with this virus and social distancing being required, he does not want to sign anything or have anyone come to his home to do that. Mr. Emmert lives in Albion. With having all the signatures except those two, would this be acceptable to move forward.

Chairman Deetz stated that it is policy of this Board that a Consent and Waiver be 100% signed by all affected landowners and therefore all signatures would be required.

There was discussion of the March 12<sup>th</sup>, 2020 meeting where the Consent and Waiver would be prepared only for the three landowners directly affected.

Drainage Board Attorney Shannon Kruse stated that with the Consent and Waiver as it is, all signatures would be required; the only way to change that would be with a new Consent and Waiver. According to the Drainage Board Code if a landowner is relocating a drain from one side of their property to the other and they are paying for it all then permission of the Board is all that would be necessary. In this situation, the tile is being upsized and relocated and is happening on more properties than one. If the approval of these other two landowners is given in writing, it can be attached to the Consent and Waiver without getting direct signatures.

The mailing addresses were given to Mr. Prosser but the administrative assistant asked permission to send a letter to the Emmert's with clarification of this process and to inform Mr. Prosser of the outcome of this meeting. Permission was granted.

**INFORMATIONAL:** On the Vian private dispute it was asked if there had been a motion to return the filing fee since nothing had taken place and in researching this the administrative assistant found no motion, only conversation that was held in regards to returning the fee.

Chairman Deetz stated that the Surveyor has been given the directive on proceeding and investigating.

There being no further business, this meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant