

MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF JUNE 11, 2020

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday June 11th, 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: Pam and Galen Anspaugh; Jerry Teders; Jeremy Perkins

APPROVAL OF MINUTES: A motion was made by Mike Krehl to approve the Minutes of June 4th, 2020 as standard minutes taken by the DeKalb County Drainage Board, seconded by Jacqueline Rowan, motion carried.

APPROVAL OF CLAIMS: A motion was made by Jacqueline Rowan to approve the claims as presented in the amount of \$84.09, seconded by Bill Hartman, motion carried.

Bassett Office Furniture & Supply	\$84.09
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INFORMATIONAL: Chairman Deetz stated that he attended the meeting to hear the Jonas, Jason, Christ and John Schmucker subdivision on County Road 68 and County Road 427 (*ref. Minutes June 11th, 2020*) to express that the Board had some major concerns about drainage in the area and that it would be costly. Being in the vicinity of the airport overlay district they will have to install a detention pond rather than a retention pond as was being submitted, and that will make a difference how they proceed with issues. The subdivision did pass with a vote of 4-1.

UTILITY PERMIT REQUEST – AMERICAN ELECTRIC POWER: This project consists of installing a power tap on the north east side of the intersection of County Road 40 and County Road 55 where they will run a pole line down County Road 55 for 8,320 feet, turning east out of DeKalb County right-of-way to feed Steel Dynamics. The county regulated drains are as follows:

Solomon Shank Drain Number 28-00-0

Jacob Varner Drain Number 10-00-0

C. O. Metcalf Lateral 7 Drain Number 41-07-0

Don Grogg moved that the Board approve the Utility Permit for drain crossings in regard to the above drains and to authorize the Chairman to sign on behalf of the Board, seconded by Bill Hartman, motion carried.

SURVEYORS REPORT: Nate Frye presented the surveyors claims for June. No action necessary by the Board.

INFORMATIONAL: Nate reported that spring collections have posted and are now into the system; \$628,000.00 has been collected on miscellaneous reconstruction accounts; \$589,000.000 has been collected on miscellaneous maintenance accounts, bringing the General Drain Fund up to \$666,505.93 and the Drain Maintenance Fund to \$5,664,701.20 and that does not include the \$108,000.00 that went up in claims on Monday. Thus far *no* money has been borrowed towards the Bickel or any other drains. A better report will be forthcoming next week Nate said.

WILLIAM BICKEL DRAIN NUMBER 133-00-0: Mike said that he had zero cooperation with LaGrange County Highway Department, they did nothing to help on this project; the pipe was put in and the rest of the open drain has been bottom dipped.

ERIC MORRIS DRAIN NUMBER 416-00-0: Present is Pam and Galen Anspaugh 3533 CR 36, Auburn with a complaint of trucks and work equipment using their drive way a lot during the months of March, April and May; the lawn has not been leveled, prepared or seeded; there is trash, etcetera piling up on the west side of the driveway at a standpipe and she was wondering who was going to keep that cleaned out. Galen said there will continually be things that are going to run off down to the roadway so he suggested a different head being put on the standpipe instead of the current one. There is standing water on both sides of the culvert that he never had before and no way for the water to escape there.

Mike Kline said he would take a look at the standpipe to see if he will need to make a change.

The other issue Pam spoke about was the driveway; the end of the driveway wasn't good to begin with and with the traffic, it is her opinion, that there should be a little more responsibility that needs to be taken for the rest of the driveway by the county. Their plan was to asphalt along with this project and asked that the county do more than the portion that was dug up with the truck traffic.

Chairman Deetz stated that it has been brought to his attention that there is no variance for this driveway and the purpose for bringing that to the landowner's attention is to make them aware of the process regarding responsibility within a seventy-five (75') foot right-of-way of a county drain.

Drainage Board Attorney Shannon Kruse explained the seventy-five feet of a right-of-way and what that entails. A driveway is considered a permanent structure, as are trees. A variance should be on the record for any future landowner of this property so they would be made aware.

Bill Hartman reminded everyone that by Code, the county is not responsible for anything other than the section that was torn out with removing the tile. It's a courtesy that the county puts asphalt over that area.

Chairman Deetz stated that arguably the county could charge the landowner for the section they had to remove being in the right-of-way; as a courtesy they would put asphalt over that portion and would be willing to work with the landowner to do that portion along with the landowner doing the remainder.

The Surveyor was instructed to look at this driveway for 'excessive damage' due to truck traffic; pictures have been reviewed by the Board and they are not seeing the 'damage'. Mike said the Board would need to look at this as well so they could make the decision as to what they would want to do in regards to what's being requested. Mike said he can take the position that this is in his drain easement and any damage caused the county has no responsibility for under the Drainage Code.

Don Grogg stated that he would agree about the easement but he still wanted to see some numbers and Randy asked for square footage and exactly what it is that the Anspaugh's are requesting. It would take something pretty significant to change from what is allowed with the right-of-way and Code.

DRAIN VARIANCE – GEORGE MATSON LATERAL 2 SPUR 4 DRAIN NUMBER 73-03-4: Present is Jeremy Perkins on behalf of Paul Kohli who is seeking permission to be thirty to forty feet away from said drain for a septic system located in Hamilton Indiana area on County Road 10.

Mike Kline said he could move the tile; Nate questioned if the tile had been located and Mr. Perkins said he had located it, there are suck holes in it and it's actually closer than

the map shows. Mike said he would need to have a drawing showing a stakeout of where the system would be. Nate asked to be called when the stakes are set.

Chairman Deetz asked if there was a drain request or any complaints made, the Surveyors office didn't know if there were. The drain needs to be staked with the tile being located before a variance can be obtained.

PLAN COMMISSION PETITION – OAK LAWN ADDITION: Present is Jerry Teders, Tri-County Land Surveying on behalf of Larry D. Wilks who is the landowner who is seeking permission of a one-lot subdivision to build a house just west of his existing house. This plat is located in Jackson Township

“Surveyor Mike Kline reported that this plat is in the watershed of the *Daniel Hursey South Lateral 5 Regulated Drain Number 48-85-0*. 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 Bill Hartman 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 Don Grogg, motion carried.”

JOINT INTERSTATE MEETING: The administrative assistant presented an email from Defiance County Ohio with a request for a teleconference to discuss the joint interstate drains which for their county needs to take place prior to June 30th. The consensus of the Board was to schedule the teleconference for June 25th at 9:30 a.m.

There being no further business, meeting adjourned.

Randall J. Deetz, Chairman

Brenda F. Myers, Administrative Assistant