

**MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF FEBRUARY 11, 2021**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday February 11<sup>th</sup>, 2021. Answering roll call was Randall J. Deetz; Michael E. Krehl; William L. Hartman; Mike Watson and Bruce Bell II.

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

IN ATTENDANCE: James Deetz

**APPROVAL OF MINUTES:** A motion was made by Bill Hartman to approve the Minutes of February 4<sup>th</sup>, 2021 as standard minutes taken by the DeKalb County Drainage Board, seconded by Mike Krehl, motion carried.

**SURVEYOR REPORT:** The tabulation sheet was presented for the quotes on the *Guy Platter Drain Number 112-00-0* reconstruction project and Nathan stated that he distributed a quote form for the contractors and he noted that he made an error on the quantity on the line item; he contacted them all, sent out a revised quote form with the accurate quantities. Knott used the wrong form so their quantity was low on line item B, so he held their unit cost for the quote after he discussed it with him over the telephone explaining he used the wrong form and asked if he could hold the unit cost to the correct quantity. Nate said he didn't tell him anything about where he was in the quoting process, it was before any data was released to the contractors. Nate said he verified that the unit cost was accurate, adjusting their unit cost to the correct amount which is how he came to the amount being shown now.

Chairman Deetz said this is a good time to instruct the new Board members on how we do quotes and bids and the differences. There has always been an 'engineers estimate' and a tabulation sheet for quote/bid openings at our meetings. Randy said he is uncomfortable with the fact of an error being corrected, as well as the fact that it was not made known at the meeting that Crawford had turned in a bid. All these things, the bidding, the quoting, the estimating and who has turned in bids needs to be above board and fair for all contractors, as well as being transparent.

Mike Krehl stated that with Nate's statement that he himself made a mistake on the original paperwork, he is concerned with the accuracy and validity of these quotes now. We need to have complete transparency. The bids/quotes need to be opened in front of the Board.

Drainage Board Attorney Shannon Kruse stated that if procedure by the Board is changed and not the Indiana Code, the Board has the right to do that. If it is stated in the Code, it needs to be followed. Shannon stated that there is language in the Code which says that if a bid is over \$75,000 (the engineers' estimate) then that has to go through a traditional bidding process (advertised, etc.); if it is under the \$75,000 it can be done more informally and done by an invitation process where the surveyor picks at least (3) contractors qualified to do the work, it does not have to be publicized, etc. The bids/quotes are turned in and according to the Code, there has to be a 'time' and a 'place' noted on the contract for opening the bids ON the invitation, when it is stated that the bids/quotes will be opened at 9:00 a.m., in the Commissioners Court, at times contractors are present for those openings and they have the right to be present, which is that transparency factor. In the Code Section when talking about the under \$75,000, it states that they also are to look at Indiana Code 5.22-7 or any other Code Sections in 5.22

which talk about public purchasing. All of these listed in the Code do specifically state that there should be a 'time' and a 'place' designated for opening of bids/quotes, and that is a protection in that being opened in a public meeting there is no question of the process. Attorney Kruse recommended that the Board, for everyone's sake, make sure all quotes/bids are opened at a Drainage Board meeting as scheduled.

Nathan Frye stated that he has been accepting bids/quotes by email and fax and that is part of what happened, some were accepted by email, of course being kept 'confidential' and he is the only one who saw them. If these were bids of a project over the \$75,000 he would not accept emails. Nate said the routines that he developed when COVID happened is following the example of what INDOT and IDEM did.

Surveyor Kline stated that they will get questions from a contractor and they run a list of all the questions and then send an addendum to all of the contractors so they all are seeing the questions asked and the answers as given.

Chairman Deetz questioned the quote/bid form addressing the fact of 'receiving by email' and asked if the attorney needed to address that.

Bill Hartman asked that the ones that are sent via email, that they be printed off and put in an envelope and sealed, and then all sealed quotes received be brought up to the Board to be opened at the meeting.

Attorney Kruse stated that she would want to research this email/faxing further in the purchasing Code and address it with her findings.

Bruce Bell II stated that he doesn't like the emails being received, there should be standard procedures in place for everything so there is never an issue. If wanting to accept emails, he guaranteed there is a system with DOCU-SIDE or something to make that admissible.

Chairman Deetz agreed stating that an email should have to be totally secure with no one seeing the email or having an opportunity to distort the system. Randy asked that the attorney do her research and then the Board can decide if they want to put a policy in place of how to handle these.

Surveyor Kline stated that this can be rebid if that is what the Board wanted to happen but Nate said he had sent out the bid tabs stating a contractor was anticipated to be chosen today, so now that can't happen. Mike said the next time there are tabulation sheets given they will look different, as what had been presented is not what he wants to see coming out of his office. Mike further explained that the 'Line A' is for 24" tile installation and that was estimated at \$18.00 per foot using some previous work that had been done; the second item is for the installation of 18" diameter pipe and they estimated that at \$15.00 per foot based upon some previous work that had been done. The **total estimate for labor was \$42,338.00**; they had a **total of \$1,844.00 they estimated for incidental labor** and taps and whatever connections and things, and that is how they came up with the total estimate. In discussing this with Knott's and the changes they had to make in the quantity, not the unit price, they are still willing to hold that price and he recommending to the Board to contract with them, it will save money on the project. Mike said he is trying to set up a new program where they will keep track of the bigger projects so he will have a better handle on it. The **total estimate for the project was \$97,212.50** and that came up to just under \$300.00 an acre.

Chairman Deetz stated that bid tabs should not be sent out until a contractor has been chosen.

Bill Hartman moved that the Board award the Reconstruction Contract on the Guy Platter Drain Number 112-00-0 to Knott Excavating in the amount of \$15,020.50 and when the crossing is done, an additional \$1,600.00, seconded by Mike Watson, motion carried.

**DRAIN VARIANCE – CLIFF METCALF DRAIN NUMBER 83-00-0:** Nathan Frye presented the drain variance with the changes as discussed at the last meeting where they adjusted the fence being no closer than ten (10') feet from the top of the bank and a gate in the back facing the drain.

Mike Watson moved that the Board, on the recommendation of the Surveyor, approve and sign the Permit Agreement and Consent for Variance to Build a Permanent Structure within the Right of Way of the Cliff Metcalf Regulated Drain Number 83-00-0, seconded by Bruce Bell II, motion carried.

Chairman Deetz explained why he voted against this at the February 4<sup>th</sup> meeting, it was the fact that he thinks we eluded to the fact that there may be work done on that ditch in a year or two and with that, the landowner may build his fence back further in anticipation of that happening quickly. Randy said he doesn't think this will be happening in a year or two and maybe not six or seven, so he doesn't want the landowner complaining when it doesn't happen soon.

**SCHEDULE OF CLAIMS – SURVEYOR:** The claims for the Surveyors' office were presented for review. No action was necessary by the Board.

Nate said in the interest of transparency, the drain maintenance total is currently at \$242,000 already for the year; that is high because in LOW the funds that they paid out to other counties for inter-county drain collections showed up in the tabulation and he has not had the opportunity to segregate those out to actually show what has been spent on maintenance.

**DRAIN CERTIFICATION DISCUSSION:** It was questioned when the deadline is for certifying drains and Nate said he wasn't sure, he thought the first or second week of March with going by past emails.

**INFORMATIONAL:** Chairman Deetz stated that a joint meeting is needed with Noble County for the Bickel drain and a joint meeting to certify drains in needed with Steuben County. Randy asked where these meetings stand.

Surveyor Kline said he has a meeting with Randy Sexton (Noble County Surveyor) on Tuesday (February 16<sup>th</sup>, 2021) to go over how they want to handle the project. Once that takes place and they come to a joint meeting of the minds, an informational meeting will need to be held to explain what is being proposed. The reconstruction work that has been done needs certified so the money is collected and put back in the drain fund; and the watershed needs to know this drain will go into the red and if reconstruction happens on the top end, they need to know the costs and what they will be paying.

Surveyor Kline stated that he has talked with the City Engineering Department on the *Fred Groscup Jr. Drain Number 335-00-0* regarding manholes, castings, depths, grades and he is now ready to go to the Mayor with the proposal.

Administrative Assistant Brenda Myers stated that she has spoken with Steuben County and they are waiting on information from the DeKalb Surveyors' office.

Surveyor Kline responded that they (Steuben County) doesn't understand that this requires a joint Board, he has taken it as far as he can and a meeting needs to be held to approve it. It's a Steuben County Drain and they need to approve it. Mike was

questioned if he had given the plans and information to the new surveyor in Steuben County and he said that he gave him everything but he is behind the curve with all that has happened. They (Steuben County) don't have the new drain on there; where it is, it was totally different before they rebuilt it for Family Dollar and they have none of that information on their mapping system, so he has no idea where that is. They are trying to get their maps updated with Beacon and that is still an issue for them, their GIS system is not up to date.

There being no further business, meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant