

**DEKALB COUNTY DRAINAGE BOARD MEETING**

July 28, 2022

**Drainage Commissioners Present:**

Michael V. Watson, Chairman  
Bruce Bell, II, Vice-Chair  
William L. Hartman, Member  
Sandra M. Harrison, Member  
James A. Miller, Member

**Others Present:**

Michael C. Kline, County Surveyor  
Michelle Lassiter, Sec. /Drainage Board Admin. Asst.  
Shannon Kruse, Attorney  
Katie Rutan, Office Clerk, Surveyor's Office

**Guests:**

Mary Dangler  
Danny Dangler

**Absent:** None

Chairman Michael Watson called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m.

**APPROVAL OF MINUTES**

A motion was made by Bill Hartman to approve the Minutes of July 21, 2022, as presented as the standard minutes of the DeKalb County Drainage Board with the correction of Mr. Ferguson to Mr. Barkhaus under the Variance Discussion. The motion was seconded by Bruce Bell, II, and the motion carried.

**VARIANCE REQUEST**

GEORGE MATSON LATERAL 14 REGULATED TILE DRAIN NO. 73-14-0: Danny Dangler of 2919 County Road 43, Waterloo, presented a variance request for a fence to be no closer than 58 feet, outbuilding number one to be no closer than 8 feet, and outbuilding number 2 to be no closer than 48 feet to the centerline of the George Matson Lateral 14 Regulated Tile Drain No. 73-14-0.

Mr. Dangler explained he and his wife had a 20-year existing pool that the home owner's insurance was now requiring to have a fence around. The fence would be 58 feet from the centerline of the tile.

Mr. Kline explained the Dangers' also had two existing outbuildings that would be included in the variance request to clean up the property requirements so future property owners would be aware of the property limitations. Mr. Kline further explained that the Dangers and Board might want to consider vacating in the future the section of the drain from the east side of County Road 43 through the Dangers' property to its eastern end in the field to the east of the Dangers' property. Mr. Kline further explained that the vacation would remove the drain right-of-way on the Dangers' property making the maintenance of the drain the Dangers' responsibility.

Mr. Miller moved to approve the Dangers' variance request with the findings that the existing buildings had been on the property for a long time, and the variance was being used to clean up the situation and was in no way setting a precedent for future construction for less than 40 feet within a drain right-of-way. Sandra Harrison seconded the motion, and the motion carried.

**UTILITY PERMIT**

Indiana Michigan Power (IMP) – Requesting two crossings of the *Albert Fisher Regulated Open Drain No. 179-00-0* and two crossings of the *John Leason Regulated Tile Drain No. 32-00-0* along County Road 4A between County Road 73 and County Road 79.

Mr. Kline explained that IMP was doing extensive work on their infrastructure in DeKalb County. IMP planned to install a new distribution line north and easterly along County Road 4A and rebuild a transmission line that traveled northeast away from County Road 4A through a field to County

Road 79. These electric lines would cross the *Albert Fisher Regulated Open Drain No. 179-00-0* with a 25KV line and a 15KV line.

Mr. Kline further explained the two lines would also cross the *John Leason Regulated Tile Drain NO. 32-00-0* in two locations as well and would end at the substation by Terry Lake in Hamilton, Indiana. Mr. Kline recommended approval of the IMP utility permit request.

Mr. Miller moved to approve the IMP utility permit request as presented. Mr. Bell seconded the motion, and the motion carried.

Mr. Watson informed the Board the Surveyor's office schedule of claims was at the back of their information packet for review.

### **SURVEYOR'S REPORT**

Mr. Watson asked for the Surveyor's Report and Mr. Kline provided the following information:

**DON VANFLEIT REGULATED TILE DRAIN NO. 40-20-0:** Mr. Kline informed the Board he had reviewed the information presented by Mrs. Harrison at the last meeting regarding the *Don VanFleit Regulated Tile Drain No. 40-20-0*. Mr. Kline stated he had been aware of this drain's issues for a long time. When the County rebuilt County Road 56 the Surveyor and Board wanted to construct a new tile and installed a 30-inch diameter tile. Mr. Kline explained that 330 acres of the watershed lay above this section and sent a river down across this area. His intention when the 30-inch tile was installed was to add a 24-inch tile with a small mound and swale to direct into a catch basin to pick up the water. There were now several structures and trees in the drain right-of-way. The tree roots might be partially blocking the drain.

Mr. Kline stated the drain had been worked on continually over the years. He was asking the Board to allow his staff to work on this section of the drain by connecting a 24-inch tile to the existing 30-inch tile and routing it through an open area, away from the homes to keep them out of the 75-foot drain right-of-way. His proposal included a 48-inch manhole with grating on top and eight to ten feet of riprap, utilizing a small swale and dyke to direct the water, keeping it off the landowner's property. The upper end was a lot of old tile that needed replacing. There would be a need for standpipes to pick up some of the water to keep it from going over land.

Mr. Kline stated the cost would be approximately \$50,000. The drain's maintenance account had a little over \$32,000. He would like to transfer 75% of the account's balance to the reconstruction account and the next three years' collections to pay for the reconstruction of this section of the drain.

Mr. Kline wanted to do the reconstruction through a consent and waiver process with the complainant landowner, DeKalb County Highway Department, and possibly one other landowner signing the consent and waiver. This would give the complainant landowner immediate relief until a larger reconstruction project could be done for the remaining drain section going south.

Mr. Miller questioned whether replacing this section of the drain would push the drain's woes further down the line. Mr. Kline stated it would. However, he was too worried about that, as the area down the line was woodlands and an abandoned railroad line. Mr. Kline stated the reconstruction would get the water into the tile and off the land surface, currently, the water ran down the line anyway. It was going down as surface water currently.

Mr. Kline explained he had not spoken to the landowner yet. He wanted to get the Board's thoughts first. He didn't want to raise the landowner's hopes if the project wasn't supported by the Board.

Ms. Kruse stated the State Code allowed for 75% of the maintenance account to be used for reconstruction as long as there was no foreseeable maintenance for which the money would be

needed. She stated that Mr. Kline had done reconstructions in the past using these sections of the State Drainage Code.

Mr. Kline stated that if the Board agrees to the project, he would want the Board to commit to putting the larger reconstruction project for the drain on the reconstruction schedule to be done as soon as possible. This would allow for individuals in the future to understand how and why this section was done. Mr. Kline stated this drain wasn't on the reconstruction priority list but should be.

Mr. Kline stated he believed the reconstruction priority list should be discussed in the near future and reorganized. Mr. Kline stated he had several other drains with similar situations that needed to be addressed.

Mrs. Harrison and Mr. Miller both agreed the project should be moved forward. Mr. Bell had some concerns over the project being moved ahead of existing projects. Mr. Kline stated that this project would not push other projects back. Mr. Kline had the project almost completely engineered, and it would be a minor undertaking for his office staff.

The Board consensus was for Mr. Kline to put sketches and information together, then to speak with the landowners to see if they were willing to go through with the consent and waiver process.

Ms. Kruse explained that there were shortcuts that could be used to move processes along more quickly. However, the landowners needed to be a part of the process. Ms. Kruse didn't have any concerns as long as the processes met the spirit of the Drainage Code.

E. P. GRIFFIN REGULATED DRAIN NO. 224-00-0: Mr. Kline stated he was progressing with the reconstruction plans for this drain. There was quite a bit of fall to the drain. He wanted to get the northern end fixed to stop the drain from sucking in and depositing silt in *Cedar Creek Drain No. 470-00-0*.

FRED GROSCUP SOUTH REGULATED TILE DRAIN NO. 352-80-0: Mr. Kline stated this drain reconstruction would be a bit trickier to design. The drain was an urban drain, it would require a 10-year storm design, which will require more time to design than a simple agricultural drain needs.

E. P. SHERWOOD REGULATED TILE DRAIN NO. 162-00-0: Mr. Kline stated he had dug through old notes for the drain, and Mr. Hartman was correct there was a section that had been repaired using 24-inch tile and was lowered. He and his staff would get shots of the tile to see if it will work with the reconstruction plans. If so, it would reduce the reconstruction costs. Otherwise, Mr. Kline was waiting on the public hearing date.

JAMES FERGUSON WARNER LATERAL REGULATED TILE DRAIN NO. 86-53-0: Mr. Kline stated before the reconstruction of this drain could begin, the *James Ferguson Regulated Open Drain No. 86-00-0* would need to be dipped to get more fall for the tile. However, contractors had informed his office that they would not be able to schedule the dipping before September or October.

Mr. Kline informed the Board he had hired a new field inspector to replace David Ward. The new employee would be starting on Monday, August 1, 2022. The individual had a degree in Business Administration, but was excited to be starting and was used to being outside, as he was a hunter.

Mr. Kline also informed the Board there were several reconstruction projects from the last two to three years that had not had finalizing paperwork completed or assessments turned into the Auditor and Treasurer. He had an employee working with Mrs. Lassiter to put programs in place to get those projects completed and to keep future projects from being left open. There would be a checklist along with electronic and paper files readily available for review for each project during the reconstruction process. This program would remove the ongoing chaos from the process.

Mr. Kline stated that Mrs. Rutan was a great asset to the office and was getting all of the files organized so that they could easily be located when needed.

LEVI DENNISON REGULATED TILE DRAIN NO. 317-00-0: Mr. Kline stated that Mr. Gensic of Gensic Engineering had not been in contact with his office during the current week. He was supposed to have provided the proposed assessment rolls for review. Mr. Kline stated he had spoken with Mr. Gensic a week ago regarding some concerns and reservations he had about the current proposal. Mr. Kline stated he believed his office could have done the project for approximately \$100,000 less than Mr. Gensic's estimate, dependent on the contractor numbers used. Mr. Kline stated he would bring his concerns up to the Board during the public hearing. He stated it was not his project. However, it would reflect on his office. Mr. Bell was going to contact Mr. Gensic to get a timeline for when information would be presented to the Board for consideration in a public hearing.

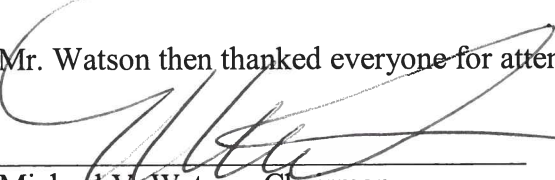
WILLIAM BICKEL REGULATED TILE DRAIN NO. 133-00-0: Mr. Hartman asked for a status report on this drain. Mr. Kline stated that Jim Deetz was mowing the section of the Phase 1 Reconstruction on his property so that Mr. Kline could inspect it, get shots and help Mr. Deetz get rid of the water standing on his property. Mr. Kline also stated he needed to contact the LaGrange County Surveyor to discuss bottom dipping the open drain section where there had been some bank slide-ins. Mr. Rychener from the Surveyor's office was looking to see how the area could be accessed without damaging too many crops. Mr. Hartman stated he believed it could be accessed through a lane on the Frazie property.


Mr. Bell stated he would like to see more of the reconstruction wrapped up that had been in play for the last couple of years.

#### **DISCUSSION**

Mr. Watson asked the Board for additional discussion. There was no additional discussion.

Mr. Watson then thanked everyone for attending the meeting and declared it adjourned at 9:29 a.m.

  
Michael V. Watson, Chairman

  
Michelle Lassiter, Administrative Assistant