

DEKALB COUNTY DRAINAGE BOARD MEETING

March 20, 2025

Drainage Commissioners Present:

Kellen Dooley, Member
 James A. Miller, Vice-Chair
 William L. Hartman, Member
 Steve Kelham, Member

Others Present:

Glenn Crawford, County Surveyor
 Troy Bungard, Survey Tech
 Shannon Kruse, Attorney
 Tyler Lanning, Lead Survey Tech
 Rebecca Wright, Drainage Board Secretary

Guests:

Alex Smith, Klink Variance
 David & Esther Schmucker, Schmucker Variance
 Steve Maxwell, Graber Development Plan
 Mitchell Garlock, BrightSpeed
 Nolan Johnson
 Joe Frydel B & M Ashman, Mediacom

Absent:

Bruce Bell, II, Chair
 Katie Rutan, Office Clerk

Vice-Chairman James Miller called the Drainage Board Meeting for March 20, 2025, to order at 8:30 a.m.

APPROVAL OF MINUTES

The first item of business was the approval of minutes from the March 6, 2025, meeting. Mr. Miller asked for a motion to approve the minutes. Mr. Steve Kelham motioned to approve the minutes as presented, and Bill Hartman seconded the motion. Mr. Miller asked if there was any discussion about the minutes. Hearing none, he called for a vote to approve the minutes. The motion carried.

VARIANCES

Mr. Miller then introduced the next item of business, the first of two variances. Mr. Alex Smith came to the podium to discuss the variance at his grandmother's property on County Road 27 in Ashley, IN, on the John Hamman Regulated Open Drain Number 188-00-0. He explained that the family wanted to put in a culvert to access the backside of the parcel. He stated his family farmed both pieces of the parcel and currently had to go through "heavy muck" and cross onto the neighboring parcel to farm the back section of the property. In addition, at times, the family had to cross a county road traveled by semis, presenting a danger. Adding a culvert would eliminate all the problems.

Lead Field Inspector Tyler Lanning explained that the Office would work with Mr. Smith to add a 6' culvert. He thought the plan looked good.

Mr. Miller asked if there was any further discussion. Hearing none, he asked for a motion regarding the variance for a culvert for Parcel # 10-02-08-300-006 on County Road 27 in Ashley, IN, in Section 8 of Smithfield Township on the John Hamman Regulated Open Drain Number 188-00-0.

Kellen Dooley motioned to accept the variance per the Surveyor's recommendation. Steve Kelham seconded the motion. Jim Miller asked if there was any discussion regarding the variance. Since there was no more discussion, the Drainage Board voted, and the motion carried.

Transitioning to the second variance on the agenda, Vice-Chairman Miller asked for representatives of Parcel No. 11-11-20-100-008 to step forward. David Schmucker came to the podium and introduced himself. Mr. Schmucker stated he would like to build a garage, but the George Wade Drain No. 31-00-0 ran through his property, so he needed the variance. He did not want to be too close to the property line as there had been conversations about reconstructing the George Wade Drain and moving it to the property line.

Mr. Glenn Crawford agreed that the plan was to relocate the drain eventually, and Mr. Schmucker asked if he could move his garage closer to the drain. Mr. Dooley asked how soon the drain would be reconstructed, and Mr. Crawford answered that it depended on funding. Vice-Chairman Miller asked if the relocation would remain on Mr. Schmucker's property, and Mr. Crawford said it would. After some discussion with Jim Miller, Mr. Crawford concluded that David Schmucker could construct the garage adjacent to the current location of the George Wade Tile, but not on top of it. Ms. Shannon Kruse requested that the variance be amended to reflect the changed wording, and members of the Surveyor's Office agreed to make the change.

Mr. Miller asked if there was any further discussion. Hearing none, he asked for a motion regarding the variance for a garage for parcel number 11-11-20-100-008 at 5392 County Road 60 in Saint Joe, IN, in Section 20 of Spencer Township on the George Wade Drain Number 31-00-0. Bill Hartman motioned to approve the variance, Mr. Kellen Dooley seconded it with the new language added, and the motion carried.

UTILITY PERMITS

The meeting moved on to the business of two utility permits for Brightspeed, and Mitchell Garlock, a representative for both projects, introduced himself to the board. He stated that Brightspeed was expanding its network to better service customers in Ashley, Indiana. Survey Tech Troy Bungard explained the first project would require boring along County Road 15 between Old State Road 4 and County Road 2 in Ashley, IN. The project required the crew to cross the Ernest Fifer Drain No. 136-00-0. Mr. Garlock stated Brightspeed would work with the Surveyor's Office before the project began. He stated the crew would bore at a minimum depth of 48" below the tile.

Surveyor Glenn Crawford added that if the tile was deeper than 48", the crew should go over the top of the tile. Tyler Lanning directed the crew to check the depth before starting the project. Glenn Crawford also suggested contacting the office so the Surveyor Field Inspectors could mark the drain to avoid mishaps.

Hearing no further discussion, Mr. Miller first called for a motion regarding the Brightspeed Utility Agreement for County Road 15 in Section 35 of Fairfield Township in Ashley, IN, on the Ernest Fifer Drain No. 136-00-0. Mr. Bill Hartman motioned to approve the utility agreement, and Kellen Dooley seconded the motion. Jim Miller asked if there were any questions about the agreement, but since there was none, he called for a vote, and the motion carried.

Mr. Garlock continued that the second project was on Story Lake and involved boring along County Road 11, where they would cross the David Bair Open Ditch Number 212-00-0 at 0502 CR 11. He said his recommendation was to bore under the ditch at 48". Mr. Lanning agreed that the project involved boring under the David Bair Open Ditch.

Vice-Chairman Miller then asked for a motion regarding the Brightspeed Utility Agreement for 0502 County Road 11 in Section 10 of Fairfield Township in Hudson, IN, and the David Bair Open Ditch No. 212-00-0. Mr. Steve Kelham motioned to accept the agreement, and Commissioner Kellen

Dooley seconded. Jim Miller asked if there was any further discussion, but hearing none, he called for a vote, and the motion carried.

DEVELOPMENT PLAN

Mr. Jim Miller then asked if anyone was present to discuss the development plan for a chicken barn at 4677 County Road 64. Steve Maxwell stepped to the podium to address the Drainage Board. He stated that Mr. Jonas Graber wanted to build two chicken barns. They had worked with the County Highway Department and agreed to install a tile through the neighboring parcel, across the road, and into a ditch. Mr. Maxwell continued that he had worked with Surveyor Glenn Crawford to refine the drainage plan for the project, so it met with County Highway approval and maintained current drainage conditions. Surveyor Glenn Crawford explained, in detail, the drainage system to the Drainage Board, which included two dispersal ponds that would be released to separate locations, and answered follow-up questions the Drainage Board had.

Commissioner Jim Miller asked if the Surveyor accepted the plans as presented. Surveyor Glenn Crawford answered he did: The project had undergone several revisions and was acceptable.

Mr. Miller asked if there was any discussion, but hearing none, he called for a motion regarding the chicken barn at 4677 County Road 64 in Section 24 of Jackson Township on the John Means Lateral 1 Drain No 363-01-0 in the Cedar Creek Watershed 470-00-0 in Spencerville, IN 46788. Mr. Steve Kelham motioned to approve the development plan, and Mr. Bill Hartman seconded the motion with the favorable recommendation of the Surveyor. Mr. Miller asked if there was any more discussion. Hearing none, he called for a vote, and the motion carried.

CONSENT AND WAIVER FOR RECONSTRUCTION

Jim Miller asked if anyone for the George Wade Open Drain No 31-00-0 Consent and Waiver for Reconstruction project was present. No one stepped forward, so Lead Field Inspector Tyler Lanning explained that two landowners wished to convert a section of open drain to a tile drain. Their parcels were the only two affected by the change. He specified that the landowners had to pay the entire cost and work in coordination with and under the supervision of the Surveyor's Office and County Highway Department. He also said the landowners would use The Surveyor's Office reconstruction plans for the Consent and Waiver.

Commissioner Bill Hartman asked if the Consent and Waiver would occur before the reconstruction of a portion of the George Wade 31-00-0, and Mr. Lanning answered it would. The Board discussed the idea of reconstructing a portion of the George Wade at length.

Mr. Miller asked if there was any more discussion. Hearing none, he asked for a motion regarding the George Wade Open Drain No 31-00-0 Consent and Waiver for Reconstruction in Section 17 of Concord Township involving Parcel No. 02-11-17-400-005 and Parcel No. 02-11-17-400-006. Mr. Bill Hartman motioned to approve the consent and waiver with the favorable recommendation of the Surveyor, and Steve Kelham seconded the motion. Mr. Miller asked if anyone from the audience wanted to speak about it. Mr. Nolan Johnson stepped forward.

He explained that he was a neighbor and could not attend the hearing when it was brought to a reconstruction hearing. He asked about lowering the tile. Mr. Crawford confirmed that the plan was to lower the tile. Tyler Lanning agreed that the George Wade Drain was "pretty bad" and The Office

often repaired holes in his field. Technician Troy Bungard displayed a map of the area and drawings to help answer Mr. Johnson's questions about the reconstruction. Mr. Lanning explained the depth of the future tile and how it would improve the condition of Mr. Johnson's property. Mr. Crawford and Tyler Lanning discussed cost-effective tile location options for the future reconstruction of the George Wade Drain No. 31-00-0 with Nolan Johnson.

Mr. Miller asked if there was further discussion. Hearing none, he asked if the Board consented to move the George Wade Reconstruction up on the list. Mr. Bill Hartman said the Board should. Tyler Lanning suggested the Board return to the Consent and Waiver on the meeting agenda so the Surveyor's Office could prepare the necessary information on the George Wade Reconstruction for the next meeting. Mr. Miller called for a vote on the Consent and Waiver to reconstruct a portion of the George Wade Drain No 31-00-0 on Parcel Numbers 02-11-17-400-005 and 02-11-17-400-006, and the motion passed.

REVISED AGENDA ITEM: MEDIACOM UTILITY PERMIT

Joe Frydel with the B & M Ashman Corporation stepped to the podium and introduced himself. He stated Mediacom wanted to replace 421' of line between Iwo Street and Zona Drive parallel to an open ditch. Mr. Lanning said it looked good from the Surveyor's Office. Mr. Crawford asked if the line would go on top of their existing line. Mr. Frydel answered that Mediacom would follow a recent powerline route as this was a "forced route." Mr. Crawford noted the area was tight in one particular location, but the Office had just cleared the ditch, so there should not be an issue. Mr. Frydel said crews were used to working next to open ditches close to fences and permanent structures. He felt confident the space would be adequate for their work.

Mr. Jim Miller asked for a motion regarding the Mediacom permit at 339 Iwo Street to 127 Zona Drive in Auburn, IN, in Union Township on the Cliff Metcalf Open Ditch No 33-00-0. Mr. Bill Hartman motioned to approve the utility agreement, and Steve Kelham seconded the motion. The motion carried. Mr. Miller told Mr. Frydel to contact the Office 48 hours before beginning the project.

SURVEYOR'S REPORT

Mr. Miller asked for the Surveyor's Report, and Mr. Tyler Lanning reported that the Office had been working on the Reconstruction Plans for the Erwin Selke Drain No 439-00-0. He gave a brief history of the drain, noting maintenance on areas that were particularly problematic for landowners. The Office regularly spent the drain's maintenance account to avoid damage to properties in the watershed. He noted the costly maintenance orders and issues he discussed led to the decision to move the drain up on the Reconstruction List.

He further explained that The Office obtained the necessary signature from the landowner to the west of CR 17 where the Erwin Selke Drain outletted. The landowner was not part of the watershed but agreed to have the Selke continue to outlet on his property. Mr. Lanning continued further, explaining that the Reconstruction Plan the Office created included tiling around existing homes and redirecting the drain flow north with sections of solid tile and structures at different points. To accurately reflect which landowners benefit from the drain, it printed two assessment scrolls as The Erwin Selke was a small watershed and each member would benefit from the reconstruction to varying degrees as some had large parcels at the top of the watershed but were not experiencing issues but others at the bottom of the watershed had small parcels and were experiencing flooding. To add to the complexity of the plan, the watershed contained wetland areas.

Ms. Shannon Kruse read portions of the drainage law about objections to reconstructions landowners could make to inform the Office which assessment scroll to use. Mr. Crawford and Mr. Lanning also presented potential costs based on the different assessment scrolls. Based on the discussion and the information Ms. Kruse read from the law, the Board recommended the assessment scroll it preferred to the Surveyor's Office. Then the Board discussed dates to hold the Erwin Selke Reconstruction hearing and decided on May 22, 2025, at 8:30 AM. Mr. Steve Kelham asked about trees in the way of a reconstruction. Mr. Lanning said landowners were not supposed to plant trees in the drain right-of-way and gave a bit more history of the drain. He added that the Surveyor's Office agreed to adopt the drain in 1989, and houses had already been built on top of it. Before that, it had been a private tile. At the time, the Office knew the area had flooding issues, and the houses were a probable cause of them.

Mr. Lanning asked if the Board had questions about the design of the reconstruction. Kellen Dooley asked about the existing tile. Members of the Surveyors Office answered the question saying it would be tied in and capped off so that it could not take on more water.

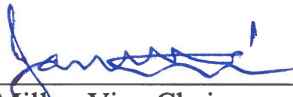
Kellen Dooley motioned to accept the Erwin Selke Reconstruction Hearing date, and Steve Kelham seconded the motion. Mr. Jim Miller asked if there was further discussion, but hearing none, he called for a vote, and the motion carried.

Mr. Glenn Crawford asked which Reconstruction Hearing the Board would like to schedule next: The Ora Bohler, the EP Griffin, or the George Wade. Mr. Bill Hartman answered that he would like to see the elevations on the George Wade.

Moving the Surveyor's Report away from drain reconstructions, Tyler Lanning directed the Board's attention to County Road 13 and the AL Ober Lateral 8. He stated the Office had repaired several large holes in the field but was limited by funding. He explained the plan was to cut through the road to gain fall. The Office intended to repair a problematic section using the funds in the maintenance account. The hope was that the minor repairs would be sufficient for the planting season.

He also pointed out County Road 56 on the Noble County Line and the Ed Riccius Drain No 465-00-0. He stated that the landowners were extending a pond in Noble County so that it stretched into DeKalb County. The dirt from it had created large mounds in the field. Mr. Steve Kelham said he had farmed the parcel and was aware of the change to the property. Mr. Lanning pointed out the top of the tile on County Road 1, as the County Highway Department reported water coming out of an existing standpipe. Mr. Lanning raised several questions regarding the pond and the Ed Riccius Drain that concerned him. He stated the Office had received calls from neighboring landowners as well. Mr. Steve Kelham said in his experience, he had not noticed much water moving through the standpipe, so it was a stark contrast for water to come out of it. All parties agreed that the Office should inquire with Noble County whether the landowner had acquired proper permitting and investigate how the pond might impact the tile.

There being no further discussion, Mr. Jim Miller adjourned the meeting at 9:59.


James Miller, Vice-Chairman


Rebecca Wright, Secretary

DEKALB COUNTY DRAINAGE BOARD

3/20/2025

Name & Contact Information

Petition of Interest

Alex Smith 260-927-5265

grace Johnson

Steve Maxwell 260-224-6813

Joe Frydel 260-366-3074

David Schmucker 260-573-1270

Esther Schmucker

MITCHELL GARLOCK 811

Carol Klink

Jonas Gubler

Drain Farm: 1

Drainage

BRIGHTSPEED

