

WHITLEY COUNTY DRAINAGE BOARD – MINUTES REGULAR MEETING – APRIL 21, 2025, 9:00AM
Whitley County Government Center - County Commissioner/County Council Meeting Room – 1st Floor

Pursuant to law, the Whitley County Drainage Board met with those members present as follows:

Member Michael Schrader, Member Brad Cormany, Commissioner Rob Schuman

Members absent: Chairman Seth Schrader, Vice Chairman Dave Johnson

Staff present: County Engineer Brad Allen, County Surveyor Dane Drew, Drainage Supervisor Max Utterback, Drainage Board Attorney Matt Shipman, Drainage Board Secretary Jennifer Stephenson

CALL TO ORDER: Member Michael Schrader called the meeting to order at 9:00AM.

IN THE MATTER OF PUBLIC ATTENDANCE: There were seventeen (17) visitors in attendance for the April 21, 2025, Whitley County Drainage Board meeting. A guest list is included with the minutes of this meeting.

IN THE MATTER OF CONSIDERATION AND ADOPTION OF THE MARCH 17, 2025, WHITLEY COUNTY DRAINAGE BOARD MINUTES:

A motion was made by Cormany to approve and adopt the March 17, 2025, Whitley County Drainage Board Minutes as presented. Motion was seconded by Schuman. Motion passed 3-0.

IN THE MATTER OF PUBLIC HEARING:

DRAIN: 089-000B COX J

CURRENT ANNUAL DRAINAGE ASSESSMENT: \$.95 per acre / \$5 minimum (\$1,245.33 annually)

PROPOSED ASSESSMENT: \$40 per acre / \$200 minimum (\$52,162.60 annually)

M. Schrader opened the Public Hearing at 9:05am.

DESCRIPTION: Proposal to increase the assessment rate on the 089-000B COX J county regulated drain to allow for the first phase of tile replacement consisting of 2000 feet of 36" or 42" tile with an estimated cost of \$91,000. All landowners within the watershed were notified with no notices returned as undeliverable. One (1) written objection was received from Kirk Trabert, who was in attendance opposing the increased assessment on his property due to questioning his watershed acreage for this tile. Allen will look into Trabert's parcel. Walter Trabert, Sr was in attendance to question the scope of the tile replacement. Mark Trabert was present to note that he had checked the elevations recently and wanted to confirm the tile would be deeper than the present tile. Utterback will make sure the depth is correct for the tile size and fall when it gets to that time. Tom Bernhard was in attendance to question how far the tile will be replaced since he is on the very top end. Bernhard has lots of issues on his ground. Utterback will try to run the locator thru Doctor's property to see if there might be a blockage causing problems for Bernhard. Corbin Stalf was present to speak about a private tile that he was concerned about and to make sure the main that will be replaced will be lower than the present one. Utterback responded that contractors do their best to tie back in all of the taps during these projects. Karen Dewey was present to ask about her wetlands, hoping it will not be affected, located behind her house. Allen doesn't believe her wetlands will drain any faster. The COX J watershed contains 1239 acres with fifty-seven (57) assessments, twenty-three (23) minimums. The current maintenance fund balance is \$2,468.54. Cormany motioned to approve the proposed assessment increase to \$40 per acre / \$200 minimum, collecting \$52,162.60 annually. Schuman seconded the motion. Motion passed 3-0.

M. Schrader closed the Public Hearing at 9:22am.

DRAIN: 619-000B SCHRADER E

CURRENT ANNUAL ASSESSMENT: \$15 per acre / \$50 minimum (\$4,843.77 annually)

PROPOSED ANNUAL ASSESSMENT: \$40 per acre / \$200 minimum (\$13,919.72 annually)

The Board did not have a quorum at this meeting, so this Public Hearing will be postponed until the May meeting, with updated notices sent to property owners. Those in attendance for this drain were allowed to speak since they were present. DeAnne Conn questioned who complained about the tile. Her taxes will double and feels there are many retired property owners on this tile. She does not believe the numbers are fair and county taxes are higher everywhere. Utterback responded that this tile is old clay tile and once this phase is complete, the entire tile will have been replaced and should be working well, which means drain assessments would not need to keep being collected once there is enough in the fund to cover potential maintenance that comes up. M. Schrader noted that the subdivision many areas

where the water is standing and needs to be allowed to drain. Mark Trabert was present in favor of the project and just wants to get it done. Justin Alexander was present to state that he has quite a lot of a possible private tile that he needs to maintain for everyone. Utterback noted that the maps are sometime incorrect and the county tile may be extended a bit, but it will be looked into once closer to time. Sam Hall was in attendance to state that the housing addition had a couple of houses built in low ground and now experiences water problems and doesn't think the amount he will be charged is fair for his fixed income. Again, this hearing will be tabled until the May meeting.

DRAIN: 644-002B SMITH-BRADEN #2

CURRENT ANNUAL ASSESSMENT: \$3.50 per acre / \$5 minimum (\$557.48 annually)

PROPOSED ANNUAL ASSESSMENT: \$40 per acre / \$200 minimum (\$7,411.00 annually)

M. Schrader opened the Public Hearing at 9:44am.

DESCRIPTION: Proposal to increase the assessment rate on the 644-002B SMITH-BRADEN #2 county regulated drain to allow 2100 feet of 15" tile to be replaced with an estimated cost of \$35,400. All landowners within the watershed were notified with one notice to Norfolk & Western Railway returned as undeliverable. No written objections were received. The SMITH-BRADEN #2 watershed contains 149 acres with fourteen (14) assessments, ten (10) minimums. The current maintenance fund balance is \$2,993.28. Schuman motioned to approve the proposed assessment increase to \$40 per acre / \$200 minimum, collecting \$7,411.00 annually. Cormany seconded the motion. Motion passed 3-0.

M. Schrader closed the Public Hearing at 9:46am.

IN THE MATTER OF CONSENT FOR PERMANENT STRUCTURE PETITIONS:

DRAIN: 545-002B PLUMMER #2

Northeastern REMC is requesting to place a new utility pole located a minimum distance of forty (40) feet from the PLUMMER #2 county regulated drain. Schuman motioned to approve the Consent for Permanent Structure Petition to Northeastern REMC for a new utility pole to be a minimum distance of forty (40) feet from the PLUMMER #2 county regulated drain. Cormany seconded the motion. Motion carried 3-0.

DRAIN: 570-000B RILEY H B

Northeastern REMC is requesting to install a new utility pole located forty (40) feet from the RILEY H B county regulated drain. Cormany motioned to approve the Consent for Permanent Structure Petition to Northeastern REMC for the new utility pole to be a minimum distance of forty (40) feet from the RILEY H B county regulated drain. Schuman seconded the motion. Motion carried with all in favor.

DRAIN: 573-001B ROACH S #1

Northeastern REMC is requesting to replace an existing utility pole located fifty-five (55) feet north of the ROACH S #1 county regulated drain. Schuman motioned to approve the Consent for Permanent Structure Petition to Northeastern REMC for the new utility pole to be a minimum distance of fifty-five (55) feet from the ROACH S #1 county regulated drain. Cormany seconded the motion. Motion carried with all in favor.

DRAIN: 664-031A STANGLAND #31

Ricky Wells is requesting to keep three (3) existing storage sheds on skids, with each located five (5) feet from the top of bank of the STANGLAND #31 county regulated drain. Also, evergreen trees located five (5) feet from the top of bank. His existing home located thirty-five (35) feet from the top of bank and an existing carport located fifty (50) feet from the top of bank. Lastly, the existing gravel driveway located fifteen (15) feet from the top of bank. DNR has approved the above structures to remain within the floodplain area. Schuman motioned to approve the Consent for Permanent Structure Petition to Ricky Wells for the existing structures. Cormany seconded the motion. Motion passed unanimously.

DRAIN: 279-000B HIVELY D & 279-002B HIVELY D #2

Thomas Helmkamp requested to construct a new home to be located a minimum distance of thirty-five (35) feet from the HIVELY D county regulated drain and a septic system to be located a minimum distance of thirty-five (35) feet from the HIVELY D & HEVELY D #2 county regulated drains. Cormany motioned to approve the Consent for Permanent Structure Petition to Thomas Helmkamp for the new home and septic system to be located a minimum distance of

thirty-five (35) feet from their respective county regulated drains. Schuman seconded the motion. Motion carried with all in favor.

DRAINS: 234-000AB GUY F1, 563-000B RATHBUN S B (2), 563-001B RATHBUN S #1, 045-003B BRUNNER O #3, 045-000B BRUNNER O, 743-008A VANCE-SMITH #8, 743-007A VANCE-SMITH #7 (2), 743-010A VANCE-SMITH #10, 057-000A BIRCH-KING, 743-005B VANCE-SMITH #5, 743-001A VANCE-SMITH #1A, 095-001B CREAGER O #1, 095-000B CREAGER O, 132-003B DOWELL L #3, 132-000A DOWELL L (2), 144-000A EEL RIVER, 141-000B EBERHARD F (2), 619-000B SCHRADER E, 203-000A GANGWER H, 205-024B GEARIN C #24, 203-039B GANGWER H #39, 205-026B HEARIN C #26, 086-000B COOK W, 086-001B COOK W #1, 296-000B HULL B, 296-001B HULL B #1, 660-003B SOLON M #3

Legion Engineering applied for Zayo to request the placement of fiber optic to cross the above listed drains running from the west side of Whitley County on 950 West, to the eastern side of the county on 800 East. The submitted site plans have been noted of the Drainage Board requirement of boring a minimum of four (4) feet under legal tiles and six (6) feet under the natural bottom of open drains. A stop work order was issued by the County Commissioners recently until all permits/petitions with the affected county departments is obtained. The first two crossings that were completed without approval will be confirmed that neither tile was compromised. Cormany motioned to approve the Consent for Permanent Structure Petition to Legion Engineering for crossing the thirty-one (31) county regulated drains. Schuman seconded the motion. Motion passed 3-0.

IN THE MATTER OF LET/BID JOBS:

216-015B GOBLE E #15 – Bids were recently accepted to replace 2000 feet of 24" tile on Phil Frazier's property south of 700 South and west of 200 East.

The labor bid was tabled until the May meeting to allow for the lowest bidder to be contacted and the scope of the project discussed before being awarded the job.

Schuman motioned to approve the pipe bid to FRATCO for \$24,860. Cormany seconded the motion. Motion passed with all in favor.

Cormany motioned to approve the backfill bid to Brad Hull Trucking for \$20.75/ton for #8 limestone. Schuman seconded the motion. Motion passed 3-0.

IN THE MATTER OF OTHER BUSINESS:

579-002B ROUCH L #2 – Property owner, Richard Coe, was in attendance to discuss the ROUCH L #2 drain which begins on his property located on the east side of Indiana Street. Coe has been experiencing flooding often on his property crossing his driveway and has turned in drain repair applications regarding this issue in recent years. There has been work done on the top end of the tile, which included clearing on Macino's property, to try to alleviate Coe's flooding. However, with a recent medical issue in his family and the need for delivery trucks to get up his drive to deliver medication, the flooding is causing issues. In the last few weeks Coe has measured fifteen (15) inches of water standing which is not even the deepest point of the flooding. Utterback explained that the original goal is to do a complete tile replacement beginning at the bottom end, which means it is going to be several years until we get to Coe's property. Utterback noted that the top end needs work, but the drain maintenance fund would need to go further in the red to allow for that. Coe asked that the Board consider doing so, or else delivery trucks and emergency vehicles may not even try to get up his drive. Allen added that the tile locator could be ran under Indiana Street to make sure there is no blockage in that area. Coe did mention that the road is starting to split and drop off towards Macino's property. Utterback noted that replacing 4000 feet of 15" tile that is left to replace on this drain would be estimated cost of \$80,000. Schuman motioned to allow the drain maintenance fund to go up to \$4,000 more in the red to conduct exploratory work. Cormany seconded the motion. Motion carried with all in favor.

IN THE MATTER OF THE ENGINEER REPORT:

Allen noted that the tile spray program is something that will need looked into since we have roughly fifteen drains that need to be sprayed. Allen will have more info coming in the next couple of months.

IN THE MATTER OF THE FIELD WORK REPORT:

130-000B DENNER E – Utterback explained that this drain had the assessment increased in 2024 to allow for complete tile replacement. There are property owners at the top end that are having septic system issues due to the flooding. Utterback would like to request going in the red approximately 3-1/2 years to allow for 2000 feet of 15" tile to be

replaced getting us up to the south side of the wooded area on Jeanne Ross' property, with an estimated cost of \$37,400. Cormany motioned to approve the drain maintenance fund to go on the red approximately 3-4 years to allow for replacement of 2000 feet of 15" tile, estimated at \$37,400. Schuman seconded the motion. Motion carried 3-0.

205-017B GEARIN C #17 – Utterback explained that this drain will need to have the assessment raised to allow for general maintenance to be completed and due to the fund being currently (\$4,835.81) in the red. Property owners, Dick & Todd Kyler, recently reported a very large suck hole being 8'-10' in diameter located on the south side of 400 South. Utterback would like the Board to allow the drain fund to go further in the red to allow for the suck hole repair and to also approve increasing the assessment in order to have funds to make repairs if needed in the future. Schuman motioned to allow the drain fund to go in the red to repair the large suck hole and also to approve moving forward with a Public Hearing to increase the assessment, publishing at a rate of \$40 per acre / \$200 minimum, collecting \$21,574.04 annually. Cormany seconded the motion. Motion carried 3-0.

433-000B MARRS A – Utterback explained that property owner, Dennis Wolfe, is requesting 1000 feet of tile to be replaced from the bottom end up to SR5. They have picked up an Owner Funded Reconstruction packet, but nothing has been submitted to the office yet. Even if they decide to do an Owner Funded Reconstruction, the assessment will still need to be increased to allow for jetting under SR5 and clearing on the west side of SR5. The drain fund currently collects \$95.05 annually with the balance on hand at \$0.00. Cormany motioned to approve moving forward with a Public Hearing to increase the assessment to \$40 per acre / \$200 minimum, collecting \$5,394.72 annually and to also allow staff to review and potentially approve the Owner Funded Reconstruction if all information is up to specs. Schuman seconded the motion. Motion passed unanimously.


ADJOURNMENT: There being no further business and no further questions or comments from the public, Member M. Schrader adjourned the meeting at 11:29am.

Submitted by: Jennifer Stephenson, Drainage Board Secretary

PUBLIC ATTENDANCE LIST - WHITLEY COUNTY DRAINAGE BOARD, APRIL 21, 2025:

1. Jon Gotz, SWCD
2. Walter Trabert, Jr
3. Walter Trabert, Sr
4. Kirk Trabert
5. Mark Trabert
6. Justin Alexander
7. Sam Hall
8. Karen Hall
9. Tom Bernhard
10. Corbin Stalf
11. Sally Snodgrass
12. Rick Coe
13. De Anne Conn
14. Chuck Dewey
15. Karen Dewey
16. Richard Kyler
17. Spencer Teague (did not sign in)

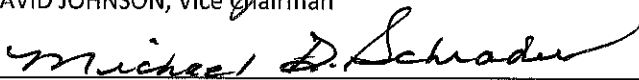
Members signing do hereby concur that the foregoing is a true copy of the proceedings of the Whitley County Drainage Board meeting held on April 21, 2025:




SETH SCHRADER, Chairman




DAVID JOHNSON, Vice Chairman



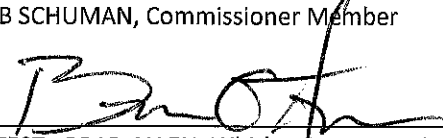
MICHAEL SCHRADER



BRAD CORMANY



ROB SCHUMAN, Commissioner Member



ATTEST: BRAD ALLEN, Whitley County Engineer