

**MINUTES OF THE REGULAR MEETING OF THE
LAPORTE COUNTY DRAINAGE BOARD
JUNE 11, 2024
8:30 AM, LAPORTE COUNTY COMPLEX MEETING ROOM 3
LAPORTE, INDIANA**

MEMBERS PRESENT: Tony Hendricks; Jeff Mitzner; Pat Vance; Hugh Glasgow; Joe Cuson

STAFF PRESENT: John South

MEMBERS/STAFF ABSENT: Connie Gramarossa; Brad Adamsky

PUBLIC PRESENT: See sign-in sheet.

Jeff Mitzner called the meeting to order. The Pledge of Allegiance was recited. Attendance was taken. Joe Cuson motioned to approve both meeting minutes from May. Hugh Glasgow seconded. Motion carried.

IC 36-9-27.4 REMOVAL OF OBSTRUCTION PETITION: This is a continuation from last month. Hendricks stated for the record that Mr. Skorski removed the obstruction. The Board told him 6", he was anywhere from 10"-14" and after my review and documentation, He has more than complied with the Board at this point and the field is flowing. Mr. Vater had somebody dig a ditch through his property, so everything is beyond par for the course, it looks good.

HANNA ARM OF THE TUESBURG: South reported that he spoke with the original complainant, Greg Werner, who stated that he doesn't wish to pursue the complaint any longer.

RODMAN DITCH, PARKER, BANK SPRAYING: Harold Parker, 2602 E. State Road 4, representing his son, Tom Parker, 2252 E. Division Rd., La Porte. He stated spring last year the State Chemist came up and sent everything to the office. Parker submitted a yield map, photos, and a request for damages equaling \$3,120. Parker thinks ditch spraying should go away from a wheeled vehicle to a drone. Cuson questioned whether it was the responsibility of the person doing the spraying. Parker replied it doesn't matter, you hired him. Hugh had a question about the easement itself. What kind of easement do we have, is it like when the pipelines come and pay to repair the pipeline or like the county highway department where they can come in anytime they want? Parker asked the State Chemist, who said you have a right to use the easement, but you don't have the right to kill a crop on the easement. Glasgow looked at the damage before Parker replanted and then walked it after the replanting and found the damage to be 10' or less of the 40' replanted area. Parker disagreed. State claims 4 parts per billion on damaged area and undamaged areas. Glasgow stated you are not going to get 80-bushel beans on a sandy ditch bank, which was the only area he saw damage. Mitzner asked if anyone had talked to the person who did the spraying and Tony confirmed we had. Glasgow stated he would hate to see the bank spraying go away because it's a good investment for our money. We don't have a lot of money

to clean ditches and if we start claims on the contractor's the bids for bank spraying will be higher. Glasgow doesn't know if we are legally obligated to pay the claim without the Attorney present. Mitzner asked Board's opinion on the matter. Cuson stated the claim should be against the company that did the spraying. Vance agreed. General discussion ensued. Mitzner motioned to table the topic until the attorney is present. Vance seconded. Hendricks stated that these kinds of drainage easements are not grants, they are easements over somebody's property. What we can do with an easement is definitely something between attorneys and judges. The Drainage Board Attorney should research with county attorney, commissioner's attorney, State attorney general, whoever the attorney for Mr. Parker is and find out what the remedy is for this situation. Mitzner motioned to amend motion based on Hendrick's comments. Vance seconded. Motion passed.

TOBIN ARM OF THE RODMAN DITCH PROJECT: South reported that Ken Freeland and his son came into the Drainage Board office on May 16th, 2024 to request that the ditch cleaning be postponed until after the harvest in the fall.

HUDSON LAKE: Georgette Joyce approached the Board to give a monthly report. She reported that the Tolthawk gage has been misbehaving. They were able to get all the data from May, but it has been offline since June 5th. She thinks they may need to take it down and sent it back for repairs. The water was 12.5 inches above the weir. She reported that NOAA data shows we received between 12"-15" of rain in the last 3 months. The drain was opened twice in that time frame. The water was at 11.5" above the weir prior to the last 3 months resulting in a net gain of 1" in that time frame. The spring is when they are supposed to get their water to make it through the summer months. She stated they didn't do a good job of making that happen. She reported no issues on the lake. Joyce said they have the money and the bids are in and will start spraying for the 2 invasive species in the lake. They are still working to get the sediment removal projects completed. Mitzner asked if the drain was still closed. Joyce responded yes, it has been closed since May 13th. Mitzner asked what was the lake level that day? Joyce responded the lake was at 15.6". Joyce said because of the sediment, when the lake gets too low, the homeowners can't put their boats in the water. Hendricks stated that he is working on establishing a way to physically take readings of the lake level. Joyce stated the DNR is looking to install a real gage on the lake, but it is \$26,000 and Hudson Lake would be required to pay a yearly fee of around \$6,000.

TONY HENDRICKS, SURVEYOR REPORTS: No reports.

JOINT BOARDS: No reports.

OLD BUSINESS: Glasgow reported on the Schurz Ditch. He received call from Jim White that his pond is flooding, his yard is flooding. Culvert under Hwy 4 is full. Water is not moving. The 16" tile is filled with sediment. Hendricks stated we are working with the City of La Porte to get that pipe to work better moving south.

CLAIMS: No claims.

PUBLIC COMMENT: Joyce mentioned possibly getting the Taylor ditch cleaned in the fall. Hendricks stated he has talked to John Law from St. Joseph County, who has walked the ditch and didn't find anything in there that would require a cleaning. It's working as best it can. Law will hold off and look again at the end of the summer.

Jeff Mitzner adjourned the meeting. The next regular meeting is Tuesday, August 13, at the LaPorte County Complex Meeting Room 3 at 8:30 AM. **July meeting is cancelled.**

John South, Secretary
Dated: June 11, 2024