

**MINUTES OF THE REGULAR MEETING OF THE
LAPORTE COUNTY DRAINAGE BOARD
AUGUST 10, 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, Brad Adamsky

MEMBERS/STAFF ABSENT: Connie Gramarossa

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 minutes from June meeting. Hugh Glasgow seconded. Motion carried.

RODMAN DITCH, PARKER, BANK SPRAYING: Harold Parker, representing Parker Farms, stated that the destruction of the crops on the right-of-way are a taking. If the drainage board is going to claim right-of-way, and kill a crop, that's considered a taking and is against the law. Parker claimed that the bank spraying company did the same thing this year; running over the crops without any jurisdiction of what's growing. Parker mentioned taking cases that have recently come through the Supreme Court. Parker suggested bank spraying could be done very effectively with a drone. Parker stated the State Chemist says we have a right-of-way, but don't have the right to kill crops. Parker stated that we could do something about the people we hire to do such things. Hugh Glasgow stated he would hate to see the bank spraying to go away, because it is a cost effective way to take care of drainage. Brad Adamsky stated that the code Section 36-9-27-33 under Section D, this is Indiana law, this is the Statutory law that gives the Drainage Board the 75' easement, "Crops grown on a right-of-way are at the risk of the owner, and, if necessary in the reconstruction or maintenance of the drain, may be damaged without liability on the part of the surveyor, the board, or their representatives". Adamsky stated that he knows Mr. Parker doesn't agree with that law and he's certainly welcome to challenge it. Pat Vance made a motion to dismiss the claim without further action. Hugh Glasgow seconded. Motion passed.

HEDRICK DRAIN, ARM A, SKOCZEK, DRAIN PIPE: Harry Skoczek -531 W 100 N. Skoczek gave a brief history of the issues that led to the wetland area forming on his property. Skoczek stated that there is a 20' easement on the east side of his property running up to the wetlands area, that he has rights to use. Skoczek would like to run a 6" drain tile along the easement up to the wetland area. South stated that the Hedrick Drain Arm A is actually 900' short of what is shown on Beacon. The Drain ends in the wetlands area. Hendricks stated that the

board could make a motion to approve Skoczek to enter any easement with his drainage tile, pending a hold harmless, and pending whatever we have jurisdiction over or the concern that you don't drain that wetland. You just take the overflow. That's going to be up to you how deep you put the drain tile. The army Corps may want to look, but not sure if they have jurisdiction. Hendricks stated that he thinks the board can approve the 6" drain tile within the easement, the hold harmless, you don't drain the wetland, and seek the proper permits and approvals. Glasgow asked if the tile that was destroyed was on the easement. Skoczek stated it was not. Glasgow made a motion to allow the drain tile, he signs a hold harmless agreement, and take care with the wetlands. Cuson seconded. Motion passed.

TREE REMOVAL, RODMAN, BULL, & LITTLE KANKAKEE RIVER: South reported that there are fallen trees across the Rodman Ditch, Bull Ditch, and Little Kankakee River that need to be removed. South asked for a motion to put the tree removal out for bid. Hendricks stated they would have considered these an emergency but thought we would wait until today's meeting to make it public. They are very bad. Cuson made a motion to put the tree removal out for bid. Vance seconded. Motion passed.

HUDSON LAKE: Georgette Joyce approached the Board to give a monthly report. She reported that the lake level is just over 6". The Tolthawk is back from repairs and was reinstalled on July 15th. They did 3 calibration readings on July 26th with John South. The device read 9.6", the spot where the Tolthawk is located measured manually at 10", and the reading at the weir was 10.32". The lake has lost 6" since the last Board meeting and 3-4" since July 26th. No incidents on the lake that she is aware of and she thanked South for continuing to send out the updated spreadsheets. During the visual inspection of the lake before they treat anything, they found that there are only small clumps of the eurasian milfoil which is excellent, so they didn't need to treat it this year. The starry stonewort has increased. They treated it mostly on the west side of lake and will probably need to do a 2nd treatment. The dredging is moving forward, they have permits, they have bids in, so now it is just a matter of figuring out the financing and still hoping for a fall target date. They will be meeting to discuss the drainage agreement on Friday.

BRAD ADAMSKY, ATTORNEY: No reports

TONY HENDRICKS, SURVEYOR REPORTS: Hendricks acknowledged that Gary Kessler was in the audience regarding the Skorski/Vater issue. Skorski put in a 6" corrugated drain tile. It is at an elevation lower than what Mr. Kessler and Mr. Vater need, but it will take a while to drain any storm that hits, and we don't want to wait until it's too late. Kessler thanked the Board for their help in dealing with the issue and he was able to plant his crops. Kessler stated that Skorski has put in a rock crossing with 6" corrugated pipe. Kessler says he offered to buy (a larger) drainage pipe. Hendricks has contacted Skorski and would like the Board to put this issue on next month's agenda, if Skorski doesn't do anything. There's an offer to give us a 12" drain tile that could be installed by the county or have Mr. Skorski's people install it. It needs to be done before the rainy season. Adamsky asked if this crossing was part of the original settlement? Hendricks stated Mr. Skorski did it after. Hendricks stated the 6" tile would take 9 hours to drain, the 12" tile would take 3 hours,

to drain, and if it is 2- 6" tiles it would take 6 hours to drain. Glasgow stated, in his opinion anything less than 24" will plug up. Hendricks doesn't think Skorski can go bigger than a 12" tile because of the crossing. Kessler wants to put in a plastic double walled tile that is smooth on the inside. Glasgow made a motion to have Hendricks send a letter to Skorski stating that the issue must be remediated by the next Board meeting, Hendricks determines the tile size and elevation. Adamsky states to add this to the next meeting agenda to see if it's been completed, otherwise the Board will take action. Vance seconded. Motion passed.

JOINT BOARDS: Mitzner reported he has a meeting on Thursday with the 4-County Board. There are some situations with the new solar fields coming in; being on our easements, working on our easements, he just asked Tony & John to check in with the solar fields to make sure we are on the same page. If they want to be on our easements or work on our easements, they must contact us and go through the proper channels. Adamsky stated that if they are going to put structures on the easement, this Board has got to be involved. Mitzner stated even if they run wires through our easement we have to be involved.

Hendricks stated that there is an SCA meeting for the Kankakee/Yellow river basin committee tomorrow on Range Rd & the Yellow River involving the potential removal of an island.

CLAIMS: M & K Excavating, Beaver Dam removal, Cook Ditch, \$1,000.
Right of Way Management, Bank Spraying:
O'Hara Ditch, \$8,318.24
Bull Ditch, \$3,071.90
County Line Ditch, \$7,260.00
Berringer Ditch, \$2,958.28
Little Kankakee River, \$5,758.02
Rodman Ditch, \$12,145.90

The board discussed having Adamsky put together a legal document for homeowners to assume responsibility for Ditch maintenance on their property if they choose to be skipped during Bank Spraying. A Cuson made a motion to have Adamsky work on this document. Glasgow seconded. Motion passed.

Cuson made a motion to pay all claims. Glasgow seconded. Motion passed.

PUBLIC COMMENT: Georgette Joyce commented that she has been coming to meetings for awhile and that she has seen people come to the meetings and ask that their properties not be sprayed. A brief discussion on Bank Spraying ensued.

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Jeff Mitzner adjourned the meeting. The next regular meeting is Tuesday, September 10, at the LaPorte County Complex Meeting Room 3 at 8:30 AM.

John South, Secretary
Dated: August 13, 2024