

**MINUTES OF THE REGULAR MEETING OF THE
LAPORTE COUNTY DRAINAGE BOARD
FEBRUARY 11, 2025
8:30 AM, LAPORTE COUNTY COMPLEX MEETING ROOM 3
LAPORTE, INDIANA**

MEMBERS PRESENT: Jeff Mitzner; Pat Vance; Connie Gramarossa; Chad Hertges; Mark Scarborough; John Matwyshyn

STAFF PRESENT: John South, Brad Adamsky

MEMBERS/STAFF ABSENT:

PUBLIC PRESENT: See sign-in sheet.

Jeff Mitzner called the meeting to order. The Pledge of Allegiance was recited. Attendance was taken. Connie Gramarossa motioned to approve minutes from last meeting. Mark Scarborough seconded. Motion passed.

SCIPPIO SUNRISE URBAN DRAIN MAINTENANCE PROJECT: Robin Verda, 10516 W 129th, Cedar Lake, IN., approached the board and stated she was there for Scipio Sunrise. John South reported that he and John Matwyshyn met with Gene Schwartz and Brad Kaser out at Scipio Sunrise. South stated they walked the basins and discussed what the plan was for performing the maintenance and the consensus they came to was that they would rather do a controlled burn on the basins instead of the full-scale maintenance at this time. Robin stated that was how it was, the fire department came out. Jeff Mitzner questioned, so what are you asking from us? Robin stated they just wanted maintenance of the drainage area and the cattails. The reason the cattails weren't burnt the last couple of times is because of a no-burn ordinance. Jeff Mitzner stated that he didn't see a problem with that as long as you coordinate it with Scipio Township Fire Department. Gene Schwartz, 3794 S Big Bear Trail, approached the Board and stated that he lives on the east side of basin 3. After a brief history, Schwartz stated that his main concern is not basin two or four. Schwartz stated that Lou DeYoung put a well in and sold this property as having three wet ponds for fishing. Schwartz has a brochure given to him by Lou DeYoung and stated that somewhere down the line they changed, he wanted to make them fishing ponds. Schwartz doesn't know if he ever came back to you guys with a new set of drawings. But according to Haas and Associates, well, first off, Robert Palm did the original drawings and he changed them to dry basins. Schwartz admits that he opened pandora's box and he would like to close it. Basin two is overgrown and he would not recommend someone going in there to cut down the growth, because in basin 3 he found a lot of debris in the basin. Schwartz stated back in 2009 all this went away, back in 2006 was when the assessment was established. For the past 19 years if you guys would have accumulated the assets imposed on this, \$6,675, we would have had funds of \$126,000. Brad Adamsky interjected that that is not exactly how it works. When the fund reaches a cap, the assessment gets turned off. Schwartz

states that if you would have used this cap back then, maintenance would have been performed every year. Coming out and at least spraying the ponds to stop vegetation. Schwartz doesn't believe there is that much sediment, because he has walked the ponds when they were wet. Schwartz stated there has been water in basin three ever since he has moved in. Basin four was filled up at one point and it dried out in 2021. There had to be 100 fish carcasses laying in the mud. Jeff Mitzner asked if these are all individual ponds or are they all connected by pipes. Gene Schwartz responded that they are connected by pipes. The drawings show that there are two pipes: an overflow pipe and a leveling pipe. Jeff Mitzner asked what are you actually looking at from us? Gene Schwartz does not want the Board to do any "cleaning out" of the basins of sludge or sediment. The erosion has taken some of the footage on his side of the pond, but he is fine with that. Let's clean the cattails up. Gene Schwartz discussed the original plan for the ponds with reference to details from the original submitted site plans. Jeff Mitzner asks "if you don't have a problem, and you're saying you don't have a problem, what is it that you came here that you want us to do? Gene Schwartz states that all he wants the Board to do is burn the ponds and clean them up. That's it. Schwartz states that the Scipio Sunrise fire department agrees that if you give them a \$5,000 donation, they'll come in and monitor the burn. John South states that the Board has roughly \$26,000 in the fund. He stated he doesn't think the Board has ever does maintenance out there. There would be enough to cover the burn, if that is something we are allowed to do. Jeff Mitzner asked if all you want to do is burn it off? Gene Schwartz responded: correct. Bill Dillon approached the Board and stated what's going to happen to the cattails if you burn them off this year, they are just going to come back next year. Is this going to be a reoccurring charge? Is this an annual thing we are going to spend \$5,000 on? Or would we rather invest in some spray to kill the cattails off? Gene Schwartz contacted Aquatic Weed Control to get a budget from them to come out and spray basins two and three. They have not called him back yet. Jeff Mitzner asked how many acres are these ponds? Bill Dillon responds that he believes the footprint for all of the basins is 8 acres. Jeff Mitzner asks if it's a drainage pond why are we pumping water into it? We shouldn't be pumping water into it if it's suppose to be for drainage. It's not set up for a fish pond, it's set up for a detention pond, so the pump running should not be happening. Jeff mitzner asks if they want us to come in there and burn it off? Bill Dillon adds and spray the cattails. Eric, the Chief of the Scipio Twp fire department approached the Board. Jeff Mitzner asked if he has discussed with them about burning that off. Gene Schwartz explained that he has been in contact with the assistant Chief, Matt Decker. Gene Schwartz says that Matt Decker is ok with performing the burn. Eric says the only fires he's aware of out there, they did not do, and they caused a lot of issues. Eric asked for a few minutes, so he could talk to his assistant Chief. Jeff Mitzner asked Eric if he thought they could burn off the ponds without causing a major issue. Eric responded that it didn't go so well the last time. Eric stated that he is not in favor of burning off the ponds, but wanted to speak to his assistant Chief to see what he's got lined up. Jeff Mitzner tabled this topic until Eric comes back. Eric and matt returned, but before they spoke, Al Allsop approached the Board to state that his company does a lot of maintenance on retention basins, detention basins, they have equipment to mow the brush. They will mulch it down and they have the equipment to churn the basin over, basically get it back to original. He just wanted the Board there is another option and that he could go out and do an assessment. Matt stated that when they were originally contacted about burning the basins it was the developer and they said they would, but the developer never got back to them.

Matt stated they would also need all the property owners to sign a letter and then they could see if they could file for a permit, but the last he heard they weren't able to get any of that done. He said they have never burned out there before. Gene Schwartz approached the Board and stated that he is the one that has been contacting Matt. Jeff Mitzner asked for a motion to put it out for bid to cut it and churn the bottom of the ponds to see what that would cost. Connie Gramarossa motioned. Pat Vance seconded. Mitzner stated that after that is done, we'll see where we're at, and then put it out for bids for spraying. Motion passed.

DAVEY ARM OF THE RODMAN DITCH MAINTENANCE PROJECT BIDS: The sealed bids were opened by the Board. Two bids were received for the Davey Arm of the Rodman Ditch Maintenance Project:

Al Allsop Construction, Inc. - \$50,000
Varro Services, LLC - \$38,750

Al Allsop approached the Board to show some pictures of the project area. Elmer Varro approached the Board and stated that he spent a lot of time looking at this, because he had just cleaned under the railroad tracks going north and also putting in a retention pond to dry out the fields. Varro stated that he has spoke to some of the landowners and has actually gotten permission from Doc Smith and his wife to enter their property. They have never allowed anyone to enter their property on the last several cleanings of the main ditch. Since he does have the special machines to cut the stumps out of the ground, we can remove them without harming the ditch banks. We can remove large trees extraordinarily fast and cut them up. Nobody has to get out of the machine with a chainsaw, nobody has to be on the ground, everything is done from the cab of a loader or an excavator. Very seldom do we have a guy on the ground with a saw, so I feel comfortable with what I bid. Jeff Mitzner asked if Elmer could get it done this Spring? Elmer said they could get it done by the end of April. Right now, would be a good time to get it done. He says he can cut a tree 100' tall and 6' diameter in 15 minutes. Mitzner asks if he is going to burn. Elmer recommends not because of the fertilizer plant nearby. Connie Gramarossa asked Al Allsop what his intentions were with the brush? Al Allsop identified a couple of areas to burn and stated that he intended to burn. Jeff Mitzner states that he thinks it would be better to burn. There is plenty of room to the south to burn. Chad Hertges agreed. Jeff Mitzner asked about contacting the homeowners along the project and if it would hold up the project. Brad recommended getting the notices out to the property owners immediately. South stated that he could get the letters out. Connie Gramarossa motioned to accept the bid of Varro Services that would include burning the debris on the south end of the project area. Pat Vance seconded. Motion passed.

LITTLE KANKAKEE RIVER TREE REMOVAL PROJECT: John South reported that he received a complaint from Dale Tuholski about a lot of trees in the Little Kankakee river south of the railroad near Stillwell. South reported that he went out and looked at it and found a couple dozen trees in the Ditch along a quarter mile stretch. South asked the Board for a motion to put this tree removal out for bids. Jeff Mitzner asked if there is money in the fund. South replied yes. Mark Scarborough asked if there are more trees there to remove that might be falling in next

year. South replied that there a few leaners too. Scarborough replied that if he is there, see what it is to get rid of anything else that might be a problem. Scarborough wasn't sure if you wanted to put it into a separate bid. Jeff Mitzner stated that we would have to go out and mark the trees. South stated he would have to go and see how many are leaning, because he wasn't sure of how many are leaning. Jeff Mitzner asked if Mark Scarborough's motion is for two separate bids. Mark Scarborough responded if there are enough leaners to have a separate bid, two or three, no, a hundred, yes. Pat Vance seconded. Motion passed.

MCKELLIPS DITCH PROJECT: John South reported that he brought this up because last month we tabled it because we didn't have enough money in the account to accept any of the bids. South indicated he did some research going back to 1993 and we have been borrowing from the GDIF on almost every single project we've done on McKellips. South wanted to ask the Board's opinion on reassessing this area to see if we can up the funds we are getting for this. It would require a Surveyor's report. Connie Gramarossa asked how many years we have been borrowing on it. South responded 30 years. Connie Gramarossa made a motion to have it reassessed. Mark Scarborough seconded. Motion passed. Jeff Mitzner stated that that means we need to hire a Surveyor. Mitzner asked how we are going to handle this, he stated that he received a bid last month from Tony Hendricks on what it was going to cost us per hour for him to do it. We only have enough money in the account for about 8 hours. So how would we like to proceed with this? Connie Gramarossa stated that we don't really have a choice, we are going to have to go before the council, she said she would be willing to go with someone and request more money. Council is obviously aware that we are in this type of a situation. Pat Vance motioned to have Tony Hendricks proceed with this. Chad Hertges seconded. Motion passed. Daina Dumbrys approached the Board and stated that Christine Keil is also a Surveyor now.

WHITE DITCH MAINTENANCE PROJECT: John South stated that he put this on the agenda, and that he would probably put this on the agenda for the rest of the year, just in case anybody has anything to add on this, or any updates on anything they may happen to be working on. I don't have anything for myself, but I don't know if anyone else does. Jeff Mitzner asked South if he has been working on getting the letters out, to get the ball rolling. South responded that he has the old letter we used, but he hasn't updated it. Jeff Mitzner stated he would like to read the letter before it gets sent out. Brad Adamsky added if he could make a suggestion, as you know I am also the Michiana Shores Town Council Attorney, so there is obviously communication, conversations happening up there already, so before this turns into a lot of disinformation or misinformation, looking proactively, I would suggest that the Board, maybe in conjunction with the town of Michiana Shores, schedule a workshop, sometime in the spring. I know that's going to be difficult for a lot of you guys to get that with your planning schedules. The more we plan ahead the more likely we can find an agreeable date. With the Town Council it'll be a little trickier since they are elected officials, there will be public notice requirements, so if we can pick a date in March. They meet the same day that you meet, they just meet in the evening, so your next meeting is March 11th, there next meeting is also March 11th, so maybe sometime just before than or after then. Jeff Mitzner asked if we want to have a workshop on March 11th at 6:00 pm, so you guys can discuss it at your Board meeting? Daina Dumbrys stated that it would

have to be near them and not here. Jeff Mitzner responded: yes. Daina Dumbrys stated that they will work together with the Drainage Board, whatever is the best solution for you guys. Dumbrys stated that 6:00 on March 11th in Michiana Shores sounded great. Pat Vance asked if this is just an information session for those people to ask questions? Mitzner stated information on what we are going to do, how we are going to handle it with the trees, the walking path and all that stuff. Everything that is on our easement is probably going to have to go. Mark Scarborough asked if we could walk it before we meet with them? Mitzner replied that we could pretty much drive it instead of walking it. Pat Vance asked if anyone reached out to Berrien County? Jeff Mitzner asked John Matwyshyn if he made contact with them? Matwyshyn responded that no he did not. He stated that he is still working with the administrative side of setting up the department. I was told there is no money for any travel up there. I did not have a phone number or person to contact. Connie Gramarossa stated he could Google it. Matwyshyn stated do you think we should rely on Google? Gramarossa asked for calling a County Office? Matwyshyn replied oh I see what you mean. Gramarossa asked how else do you get ahold of other Surveyor's? Matwyshyn replied for Indiana Surveyor's I meet with them quite often, but I have not pursued the matter because there are no funds available for traveling. Jeff Mitzner stated that last meeting you were told to make a phone call or to get a hold of somebody up there. Matwyshyn replied that you told both of us. Mitzner replied just you, you're the Surveyor, so you need to do this. So, here's the thing, before this meeting on March 11th, you need to get a hold of somebody up there and you need to get in contact with me, so I know what's going on. Matwyshyn replied alright. I want that do before that meeting on March 11th, so you can invite them to that meeting. Matwyshyn replied that he planned to be up there, and he located a source of funds for taking care of that. Connie Gramarossa asked Matwyshyn if he is looking for travel for when we go to Michiana Shores? Matwyshyn responded because of the volume of travel, yes, because there are meetings for NERPC, to meet with the Scipio Sunrise people, it adds up to about 600 miles a month. Gramarossa replied that unfortunately that's the job of a Surveyor. Matwyshyn replied that at the last meeting it was suggested that that would come out of the after-tax income of the Surveyor, that does not seem to be reasonable to anyone, outside of the Board here. Mitzner stated getting back to the White Ditch Maintenance, were going to set this up for March 11th at 6:00 and can you make sure John gets the address, so he can mail it out. Mitzner stated Al Allsop was awarded the bid and would like him to be there if he can, so that way everyone is on the same page. Mitzner asks Dumbrys if there is a way to get this out to your Town? Dumbrys replied absolutely we have a website, we send e-mails to our residents, we notify by mail those who have not signed up for e-mails. Dumbrys stated that the path was done with the approval of the Ditch, so the nature path that is our big thing. Mitzner replied we understand that, but it is still on our easement. As a Board we are going to have to discuss what we're doing there, because that is really not our problem that you guys put a walking path on our easement. Everything is subject to be moved when it is on our easement. Brad Adamsky stated that because this Board will meet before the workshop, if possible maybe go visit before your meeting on March 11th.

LITTLE KANKAKEE RIVER TREE REMOVAL PROJECT CONT. John South asked Jeff Mitzner before he moves on to the next item, if he could go back to the Little Kankakee River Project. South stated that when he was out there and walked it, Elmer was with him and Elmer might have an idea of how many leaning trees were out there. South asked Elmer if he recalled

how many were leaning? Elmer replied that there was a 40" Cottonwood leaning at a 40-degree angle near the bridge, further downstream there was one on the opposite side of the river, we had one dead one that was hanging into some trees, and we had one other tree for sure. Three major trees for sure and the one up under the bridge. South asked the Board if that would justify a separate bid or roll it into the bid. Jeff Mitzner replied roll it into the bid. Mitzner instructed South to mark the trees that need to be removed. Pat Vance motioned that we bid as one including the leaning trees. Mark Scarborough seconded. Motion passed.

BANK SPRAYING 2025: The sealed bids were opened by the Board. Two bids were received for Bank Spraying 2025:

Heritage Drone Service-

Little Kankakee River -	\$3,058
O'Hara-Rice Ditch -	\$5,000
Rodman Ditch -	\$5,125
Bull Ditch -	\$3,750

The Daltons, Inc.-

Little Kankakee River -	\$5,382
O'Hara-Rice Ditch -	\$9,515.14
Rodman Ditch -	\$9,828
Bull Ditch -	\$7,101.90

Heritage Drone Service is going to use Crossbow, glyphosate, and 2,4-d and surfactant. It does not say what the Daltons are going to use.

Jeff Mitzner asked Jake Wetzel if he is going to use a drone. Jake Wetzel approached the Board and stated that he drove all 25.75 miles of the Ditch. He identified some sensitive areas, blueberries, which will be hand-sprayed around the blueberries, some of which are very close to the Ditch. Wetzel states that 50% of the ditch is going to be drone, 35-40% will be ATV/UTV, 10% by foot with a backpack sprayer. There were parts of the ditch that are impassable. The 2,4-d he is going to use is called freelexx, it is an aquatic 2,4-d. Jeff Mitzner states that the only thing he doesn't like with this is that we are going to use glyphosate and then we are going to kill the grass. Wetzel responds that the glyphosate will only be used for the Phragmites, because 2,4-d will not kill the Phragmites. Nothing will kill the Phragmites other than glyphosate. Wetzel estimates out of the 25.75 miles of ditch only about 10% is Phragmites. Pat Vance asks that you are going to be changing the mix as you go along the ditches. Wetzel responds yes, because some is going to be drones, some is going to be UTV/ATV, and some is going to be backpack sprayer. Mitzner states that he doesn't know what they, (Daltons), are going to use because they don't have it on here but, I'm not a big fan of Crossbow. I always mix Crossbow with something else. I just think it does a better job when you mix it. Mitzner stated that we want to be sensitive to crops; tomatoes, blueberries, whatever. I'd rather not spray along there if there is going to be an issue. Pat Vance mentioned that we have talked about this before, having the owners let us

know if they have a problem with spraying. We ended up getting some change back because they refused to allow them to spray the areas. Jeff Mitzner asked Brad Adamsky what we ever decided on that and how we were going to handle it. Adamsky responded that in the future, we basically told them that we put them on notice that the spraying is going to happen and if some property owner refuses access to our contractor, we put them on notice that they are liable for any maintenance or anything going forward on that, not that we are encouraging them to not allow. Mitzner stated that if you are out there spraying and someone doesn't allow you to go through, you need to contact us. Pat Vance motioned to accept the bids from Heritage Drone Service for Bank Spraying 2025. Chad Hertges seconded. Motion passed.

RODMAN DITCH, DAVEY ARM, 450 S. – CHAD HERTGES: Chad Hertges stated that he and John South had discussed this issue of extreme silt build-up to the south of the ditch we are cleaning (Davey Arm near Stillwell) near the ordinance plant. Every year the DNR will back the water up out there to let it flow across. They've got a dam out there. I know previously, I've spoke to Elmer, the last time they cleaned it out, they were talking about 500 truckloads of silt that had to be hauled out of there. They have pretty got it all dammed up out there again. Hertges stated that he doesn't think there is time to take on a project like this this year, but I think it's something that my neighbors have expressed concern about. A Couple of the farms north of here have lost considerable crops. Directly north of the ordinance plant a property had nearly 40 acres flooded out. They are going to have to come up with a solution out there, you can't dam water up to flood a pond on the other side, it needs to run straight through. They are going to have to pump that. There is a mile and a half of sand in there. Hertges stated that the County Drainage Board got involved in this about 30 years ago and they had determined that that is a County Ditch and we can maintain that ditch. They (DNR) are going to need to come up with a better solution than gravity because it backs too much sand up. The Army Corp wants all that silt removed, so it has to be hauled out of there, so there is extra cost involved every couple of years. Jeff Mitzner asked how do you want us to proceed on this. Hertges responded how do we prevent this from happening every 10 years or so. There's a lot of extra cost involved in hauling out all that sand. Hertges stated do we need to address this situation where we can't dam up a County Ditch to back that up. Jeff Mitzner asked who dams it up? Hertges responded the DNR. Jeff Mitzner asked John South to contact the DNR and ask them to come to the next meeting, to see what we can do, before the next meeting.

HUDSON LAKE: Georgette Joyce approached the Board and reported that the Tolthawk had battery issues, but we have resolved those, and we are able to measure the levels of the Lake again. The lake is around 4"-5". There are no incidences. They did apply for LARE grants to treat the invasive species, as well as another dredging plan grant. They had to postpone the dredging effort, they ran into equipment issues, so they will start in July. The drainage agreement is finally moving through the signatures that it needs because of the new administration.

BRAD ADAMSKY, ATTORNEY: No report

JOHN MATWYSHYN, SURVEYOR: Matwyshyn stated that he is making very slow progress on

getting settled, much slower than he would like. One big hang-up is he does not have the bond yet as surveyor. It should have been back in December, it's not done yet. He can't really get out and do much without getting that insurance in place. Mitzner responded what does that have to do with Drainage Board. That has to do with me getting involved in pretty much anything of significance. Still communicating with the staff. I did bring up the White Ditch during the month more than once, it didn't go anywhere, so maybe I need to do a little bit of discipline to get a little bit more activity when I bring up a subject. My feeling.

JOINT BOARDS: No report

CLAIMS: Travis Arm of the Rodman Ditch, Varro Services, \$11,325.60. Jeff Mitzner stated that he was in contact with Elmer too and wanted to thank him for getting that done in a timely manner. Connie Gramarossa motioned to pay the claim. Mark Scarborough seconded. Motion passed.

PUBLIC COMMENT: None

Jeff Mitzner asked for a motion to adjourn. Pat Vance motioned, Mark Scarborough seconded. Jeff Mitzner adjourned the meeting at 9:48 AM. The next regular meeting is Tuesday, March 11, 2025 at the LaPorte County Complex Meeting Room #3 at 8:30 AM.

John South, Secretary
Dated: February 11, 2025