

**MINUTES OF THE REGULAR MEETING OF THE
LAPORTE COUNTY DRAINAGE BOARD
APRIL 8, 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. Pat Vance motioned to approve minutes from last meeting. Mark Scarborough seconded. Motion passed.

COUNTYWIDE STORMWATER ORDINANCE OR STATUS QUO: Brad Adamsky stated that he has done some preliminary work on the legal aspect of things. One new wrinkle that may be coming into play is there is some legislation downstate, proposed legislation impacting taxes, specifically property taxes, but a component of that is if anything that's a referendum would need to be set when there is a general election, that is to increase voter turn-out on things like that, and I don't know how, or if, that will impact if we wanted to go forward with the stormwater ordinance. It's in flux, I'm still reading the law. Hopefully next meeting I can more of an update, especially on the new legislation. I also want to make communication with Porter County, with their attorney at least. I think the Surveyor should talk with their administrative people to get an idea of how they set it up and follow their path. There is no sense in re-inventing the wheel when our neighbor just did it not too long ago. Jeff Mitzner added that one thing he is kind of concerned about is, he is talking more about South of 6, there's not very many ditches that have assessments on those ditches South of 6. We pretty much take care of our own stuff down there. We get along enough that we can get things done on our own, and probably, get it done cheaper. My question is, and let's say, I'm going to use this one as an example, the Eckert Ditch, which it runs through my property quite a bit. I guarantee it gets dug when it needs to get dug, because we just take care of it, but if we would put an assessment county-wide, that means that everybody that is in that watershed of the Eckert Ditch, we're going to be paying for people up here. My question is, if we do this, can we keep it Ditch local. Say that the White Ditch, the White ditch can't use any funds from another place. Eckert Ditch money doesn't go to the White Ditch fund, thirty miles away, so are we going to have a general fund, is that how this is going to work? Brad Adamsky replies that my understanding is that this is more of a general fund. The way you are talking about is, theoretically, the way we are set up right now, where we have individualized ditch funds for the assessments and payments for maintenance of those specific regulated drains and

ditches. The County-wide is a County-wide assessment. You're running the possibility that, yes, it's spread out over more property owners that you're paying for work that is not localized to your area. Jeff Mitzner added that he has had a few people question him on this, that's because they've heard we are looking into this, and some of them have property in Porter County, and they're worried about taking the money that is down south and taking all the money and using it up north and then there is no money for down south. I don't want that to happen, where I end up paying for something up on White Ditch. I don't think this is what this is supposed to be for. Is there any way we can do this and just raise the caps? Can we just raise the caps on these ditches, so that the caps are higher, so that that way there is more money in those account to do that? Brad Adamsky responds that yes, there is a process for that in the Drainage Statute for reassessing the individual funds. It starts with the Surveyor's Office presenting reports on what the current assessments are, how they are being managed, how the funds are used, overused, underused, and then the Board responds accordingly through public meetings here, to notices to anybody affected by the re-assessment. They have a right to come in and remonstrate and then you can reset those assessments. That meant to be based on how they are used or not used. Jeff Mitzner states he is asking the Board now, is the way we want to try and go about this or do we want to do the County-wide thing. Brad Adamsky responds that those are the two options. Tony brought it up at the last meeting because we were talking about one fund that was significantly underfunded or underassessed. That fund specifically needs to be addressed. There are probably a couple others that are in the same boat, just off the top of our head without going through every other ditch fund. Those are the options, either we do those individually, we pick and choose which ones to do, or we do it collectively over the entire county. Jeff Mitzner adds that we already know that all those funds don't have enough money to do anything we want to do. There's no way with what stuff costs now, today, that was twenty years ago. John South reported that there are actually four ditches that are sort of healthy, because they have such a high four-year ceiling, that's the four that are doing the bank spraying: Bull, O'Hara, Little Kankakee, and Rodman, and there is one that has a high ceiling, but is not in good shape now is County Line. If it gets back to its four-year ceiling that would be five that would be fairly healthy. I thought when Tony was talking about this, one of the reasons that he wanted to do this was, the regulated drains that don't have money would have money to do work on them, because they are kind of ignored, unless like you said, you're taking care of one. As long as everybody is doing that, those ditches will be taken care of. 71% of the regulated drains in the County have no assessment. Jeff Mitzner adds, Brad help me out with this, if we are going to do this, is there any way we can put money, say that down there at the Eckert, it's a core drain ditch but it's not assessed, if we start assessing that can we keep the money in that ditch, if we're going to do this. That's my question. Adamsky responds that he would have to look into that, as we sit here right now I don't know that that's a firm no. My understanding is that that's not how it's set up. Mitzner responds that that would be something we would want to know, there's been enough people questioning me about this now, down south, that they are like, what are you guys doing Jeff? The more I thought about it, I don't want to pay for up here. If we can keep the money in with the ditches. Like I said, the Eckert Ditch, if we're going to assess that as the Eckert Ditch, then the money stays in the Eckert Ditch. It doesn't go any place else. Mark Scarborough adds that the problem with doing that is there are probably ditches that overlap, correct, their watersheds. So how do you decide who pays what and where the money goes, but

I'm kind of the same way as Jeff, I'm down south and La Porte county is kind of divided into two halves. South of 6, I'm going to say that 90% of the ditches down there are self-maintained by all the landowners and things happen every two to three years as far as cleaning or bank spraying, so if that does happen are people still going to be able to maintain them, even if they are being assessed, on their own or is that something they don't have permission to do anymore? Connie Gramarossa asked, didn't we ask at the last meeting to go ahead and go through the ditches that needed funding, were we able to get that done? John south responds that he has it partway done and that besides the four mentioned earlier, Bull, Little Kankakee, Rodman and O'Hara, fifteen remaining, or there are the four out of the fifteen, so there are eleven remaining that are not healthy. That don't have a high enough ceiling, don't bring in enough money or we owe money to the GDIF, and some of those the money that comes in goes to St. Joseph County and Starke County, two for St. Joe and one for Starke, every penny from our assessments goes to them. Gramarossa asks why? South responds that he doesn't know, maybe it was a deal that was worked out in the past. Maybe Brad knows why. Gramarossa asks do they come in and clean our banks? South responds yes. Gramarossa adds are they cleaning them sufficiently? Mitzner adds that that is probably more the 4-County, I'm assuming that's where that money goes to, does it go to the 4-County. South responds no, that it goes directly to St. Joe County, their Drainage Board. Georgette Joyce approached the Board. The Taylor Ditch, we actually toured last week, all the money, as John said, goes to St. Joes, but whenever we say come out and clean it, they just come and do it. It seemed to be any flow back and forth, unfortunately we did all the work to figure out what needed to be done and I reached out to John Law at St. Joe County on March 25th to see if he had cleaned it, because we are now managing the drain and we need that ditch cleaned. He hadn't gotten to it yet. The bulk of Taylor Ditch is in St. Joe County, so that's why the money is shifted to them, because they do the bulk of it and then they come and do our part of it. Mitzner asked so that money that we ship to them stays with that ditch? Joyce responds yes, yes, it stays with that ditch, and anytime we want it we let 'em know, we have to reach out. Gramarossa states that for good record keeping we should look for the MOU's. We had to have signed an MOU with them when we agreed to send our share to them. Adamsky added there has to be some agreement. Gramarossa continued that for good bookkeeping we should try to find that documentation and have with our Board. Adamsky followed up with that brings up another question. That's St. Joe County, we know Porter County has the County-wide assessment, so Jeff's question about how it was applied to St. Joe may not be the same in Porter County. Adamsky states that he has three questions coming from the Board coming out of this, One, if we go that route, county-wide, can it still be localized for the ditches. Second, does it put any further restrictions on self-maintenance of ditches, and Third, these multi-county assessments where we are paying into another county, if we're paying that money to Porter County does it stay with the ditch or does it go into a general fund. Pat Vance had a question, right now we have individual accounts because the assessments are individual, but county-wide there would just be one general fund and we would have to dip out of that? Adamsky responded that we currently do have a general fund as well, that serves as a safety net, if a fund is underfunded they can borrow from the general fund with the idea that you pay back into it, which would be different than what we are looking at if we went county-wide. Vance asks would county-wide be just one general fund. Scarborough asked where does the money in the general fund come from right now? Adamsky responds it was set as an assessment originally when the account was established that

came through and I believe the County Council had a say on that. Mitzner asked if there are eight that don't have enough funds right now. Connie & Brad responded eleven. Mitzner continued that there are eleven of them that don't have enough funds right now, so, and there's a cap on those, correct, so once it hits the cap, we're done. So, is there any way we can just change those caps on those by having a public meeting? I guess that would be another question for you, Brad, to find out if we can just reassess those and make the cap higher. Adamsky adds that in between those eleven, it doesn't mean they all need to be reassessed. Some may be underfunded but not actively maintained. There's a difference between something we are spending money on every year and something with a big project two years ago and that's why it is underfunded now but will eventually build back up. Mitzner asked how many of them are capped right now and are not being assessed? Do we have any? South responds that none of ditches are capped right now. Mitzner asked Adamsky what is the process if we want to make the assessment higher on just those? Adamsky responds that that is covered under the Drainage Code itself 36.9.27 which talks about reassessment and periodic maintenance, then again it is suppose to start with a report from the Surveyor's office, kind of what John South is telling you right now, this is what these assessments are, they're underfunded, but that involves putting notice to anybody assessed for that ditch, then we have a public meeting. You could do multiple ditches at the same time, but that could invite a larger crowd than what you want to deal with, plus people who are here for one ditch and not the other. You could segregate them and do it over time. The good thing about that is, I'm fairly confident that not be impacted by the new legislation that's passing downstate, because those aren't referendums, just public meetings, so that wouldn't be tied to general election cycles. Mitzner asked if that would take three readings? Adamsky replied that I know the notice has to go out and it's adopted at at least one meeting. If you do unanimous, I don't think it requires all three. Brad Adamsky stated that any other questions, especially those legal in nature, go ahead and e-mail him during the month. That makes it easier for me to do a little background research and we can keep the process moving along.

DRAIN CROSSING APPLICATION, BRIDGE REHABILITATION, KANKAKEE RIVER @ 1000 S: John South reported that they will be replacing the entire bridge on 1000 S. at the Kankakee River. South stated that he thinks the only reason Tony may need to take a look at this is because, it's not just the deck that is being replaced, they are also going to be doing some repairs to the piers and since those are going to be in the Kankakee, I think that maybe Tony needs to take a look at it, just to make sure it's not going to impact anything. South also stated that he also sent this to Scott Pelath to have them take a look at it. Connie Gramarossa asked South if you knew off-hand how much money we have right now for surveying, how much we have left? Do you have the balance? South responds that there is around \$2,500. Gramarossa adds is what we have overall, how much have we used of it? South responded \$200. Jeff Mitzner asked for a motion to have Tony take a look at this. Chad Hertges motioned to have Tony take a look at it. Pat Vance seconded. Motion passed.

DRAIN CROSSING APPLICATION, NORRIS DITCH, TONY HENDRICKS: John South stated that he put this on the agenda because Tony Hendricks had asked for a revision to the original plan, he wanted a scrubber added to keep the contaminants from getting into the Norris

Ditch. They sent it back and Tony approved it. I just wanted to make sure everyone was aware that that revision came in and Tony approved it. I don't think he's going to charge us for it. I hope it's part of the \$150 original.

SHARP DITCH, BEAVER DAMS, MILL CREEK, ADAM PAGELS: John South reported that he received a call from Adam, who wanted to receive permission to remove four beaver dams that are along the Sharp Ditch on his property. Sharp is one that we don't have any money. He said he would do it out of his own pocket. I guess he's done it in the past. He just wants permission to go in there and remove these four beaver dams. Jeff Mitzner asked if he is going to remove the beavers at the same time or is he just going to remove the dams. South responded that he didn't say. South assumed he was going to remove the beavers too. Chad Hertges motioned for approval to remove the beaver dams. Mark Scarborough seconded. Motion passed.

BEAVER DAM, WEST ARM BULL DITCH, MICHAEL SMITH: John South reported that this request came in last week, but he has not had a chance to get out there to look at this, because it's been too wet to get out there and it's a pretty good hike off the road to get back there. South said his is getting conflicting reports; Michael Smith believes there is a beaver dam back there, but he is not positive. South talked to another person who lives out there, who doesn't believe there is a beaver dam, he thinks it's because of all the rain who have received to make it look like something is backing up. South adds that until he can verify that there is a beaver dam out there, he would like to ask permission to put it out for bids, if there is a beaver dam. Connie Gramarossa asks why we don't just table it until the next meeting to give you the opportunity to get out there and look at it. Mark Scarborough asks if it's in an area of farm ground that needs to be taken care of right away. South responds, no, it's in a pretty swampy area. South passed around a photo of the area. Jeff Mitzner adds that if you figure out there's a beaver dam there, we need to put it out for bids, because there is some farm ground there that could be impacted. Mark Scarborough motioned to put it out for bids. Brad Adamsky added contingent on John identifying a beaver dam. Pat Vance seconded. Motion passed.

HUDSON LAKE: Georgette Joyce approached the Board and reported that the lake is currently at 10.5". There are no incidents on the lake. I have already talked about the Taylor Ditch. I'll get back to John once I know whether it's been cleaned or not. The agreement is in effect for the Hudson Lake Conservation Association to be managing the drain gate now and it's effective as of April 1st. John gave us instructions on how to open and close the gate and that's been shared with the team. Jeff Mitzner asked if the gate is open now? Joyce responded no, the gate will stay closed until the water is 18" above the weir. We did calibrate the Tolthawk and we had three measurements, one at the device itself, one on the device, and John met us by the weir, and they were all within an inch apart. I sent out a community update on March 31st, so everyone understands we are managing the drain gate. On the website there is a page for status and update, so if anybody has an incident in the meantime, they can go there and create an email that goes to me, so I am aware. I'll let John know. If they call you John, you should send them to that page.

They can go to that page and then I'll be alerted. As soon as we secure mobile phones we'll pass out those numbers and everybody will be on the same page. Pat Vance asked if they were going to pick up the dredging again. Joyce responded that the dredging will start right after July 4th. There was a little window in February that we missed. There was too much ice. It was a perfect storm of bad things happening, so he barely got started. It will take 4-6 weeks. I did send out an update to the communities, so they are aware that the DNR may choose to close the public ramp, there are a list of things. When they are doing the south channel, it means their pipes are going to be going all the way across the back part of the lake, but they will remove a couple of barrels, so the boats can still traverse across the pipeline. The pipe will be down about six feet and there are 600-pound weights holding it down. If you go to our site, you can find all sorts of information. We post it all. It's hlcaindiana.com, Hudson Lake Conservation Association Indiana.com. If any of you want to be on our distribution list, I'm more than happy to do it, why don't you let John know and he can let me know and I can put you on the distribution list, so when the updates go out, you are getting it.

BRAD ADAMSKY, ATTORNEY: Nothing we haven't already talked about.

JOHN MATWYSHYN, SURVEYOR: Uh, yeah, I've kind of been excluded from all the conversation I've heard go on this morning. About John going out and doing the assessments, recalculating the assessments, that's the first time I've heard about doing something like this. John South responds that Connie asked me to do that. Matwyshyn responded well, ok. Connie Gramarossa added I requested that at the last meeting, where you at the last meeting? Matwyshyn responds yeah. Gramarossa continues You didn't hear me request it at the last meeting. Matwyshyn replies well, yes, I did hear it, however, I did still expect to be included in the conversation. Gramarossa responds here, again, he is hired by the Board. We as a Board gave him instructions to do work and then he reports it here. He doesn't report to the Surveyor, so at any given point if you want to know what process we're in, like, I didn't know prior what the outcome was going to be until I came to the meeting. I don't think anyone knew what the outcome was going to be until we came to the meeting, so at the last meeting I put in a request, the Board approved the request, he did the work. He is your colleague, not your employee, so at any given point, if you want to know what your colleague is doing, you contact your colleague and you talk to him, prior to the meeting. Matwyshyn replies that I am also a Board member, even though I don't have a vote, I can still voice an opinion. I have a background where I can contribute some knowledge to the discussion and right now that is not happening. Brad Adamsky adds that I have had that discussion with John as far as including you on Board activities, Board actions especially if there is an email chain. I suspect you think there is a lot more than there is between meetings, but that has been addressed. Matwyshyn states basically, it's happening behind the scenes, as far as my perspective, if there's nothing there, there's nothing there. Jeff Mitzner states there is nothing happening behind the scenes. I get an email from John once in a while, asking me about things, and if it's something I need to let everyone know, I tell I'm going to let everyone know, and if it's nothing we need to know about, we just go from there. Are you receiving the emails? Matwyshyn responded I received an email with the agenda and the minutes

of the last meeting. Mitzner responds that that is about all he got. Matwyshyn stated that is the only communication I had. Mitzner responds and that's probably about all I had. If I look back through my email I don't think I got anything else. Gramarossa asked did anyone else get anything. That's usually how it works, maybe because you haven't been on the board before or you haven't come to view the meeting, so when we give instruction, we give instruction and then we wait until the next meeting, but at any given point if you feel you want to know more information, you're more than welcome to contact anyone of us up here on the Board, any of your employees, any of your colleagues, you can call Brad. You're free to call whomever you want, throughout the month, to find out where we are in whatever process we're in. Matwyshyn added Tony Hendricks was hired to do some work, according to my reading I should have gotten the original report. I can show it to you. Adamsky adds I don't think anyone on the Board saw the report, other than John South. South added I did forward it to Jeff and Connie. Mitzner added I did have it. Matwyshyn adds I haven't seen any paperwork from Tony and I should have had the original. South added I'm pretty sure I sent those to you. I'm sure you were copied on those. Matwyshyn replied Ok, then I must have missed it. South replied you might want to go back and check. I'm pretty sure I sent those to you. Adamsky added and easy enough, certainly in the future, you will be copied. Matwyshyn replied that's something we can work out as we go along. Adamsky added right, but I think you are making the assumption that there's a lot more email activity with this Board than there actually is. Matwyshyn adds he reports that there is a lot of things going on, so I assume there is more than is being mentioned at this meeting. Adamsky adds at the high-level board level, not as nearly as much, on the day-to-day operations at the actual office, absolutely, but that doesn't mean that that's being reported back to the board constantly. Matwyshyn comments, has John South been instructed to close the door to the office we share. Gramarossa replies you share an office, he has his office, you have your office. Matwyshyn replies oh, well we have files in there, we had supplies in there. South adds I don't think there is anything in there you guys would need. Matwyshyn adds there is a file cabinet containing plats. South adds you have those as well. Gramarossa interjects the office stuff, that's something between you guys, that has nothing to do with the Drainage Board. Is that something you guys can have a discussion about later? Matwyshyn replies possibly, but it's something that happened recently. I don't know why all of a sudden, the door is being closed. Gramarossa adds but that does not..., we on the Drainage Board have no jurisdiction over the operations of County offices, so if you guys want to talk about that offline, you are more than welcome to do that, but this is a Drainage Board. Anything else. I guess we'll discuss it afterwards, so I can find out what should be going on and find out that nothing is really going on. Mitzner replies there is nothing that goes on behind the scenes here. Once in a while John calls me about something and if it has to be the whole Board, we do the whole Board in an email. If it doesn't have to be, sometimes it's just little things he has to ask me questions about. It's not that we are trying to keep it from you, it's just something that's not of any importance to you at that time. Gramarossa adds just today, so I can reiterate, today I asked what was the fund like for actually hiring a real Surveyor, so that we know, the Board, not as a Commissioner, but as a Board member, I want to make sure that our Board knows how much money we have and at what point we need to go and ask for more money, so I didn't do it in private, I didn't make personal phone calls with him, I brought it to the Board and I'm asking the question for the very first time at the Board, because it's important that not just I, but every single Board member that sits up here, knows where are funds are and at

what point do we need to go and ask for more, so we're being open and transparent. Matwyshyn replies I'm going by the Indiana Code for the Drainage Board and that's where my questions are coming from. I'm reading something, I may be misinterpreting it. Gramarossa replies you can go ahead and meet with Brad, you can ask him questions, before or after the meeting, if you're not understanding certain parts of it, but I think we are all being pretty transparent here when we are asking questions at the Board meetings.

JOINT BOARDS: Jeff Mitzner states that he has a four-county board meeting on Thursday

CLAIMS:

Berringer Ditch, Allsop - \$9,900

We need to borrow \$1,035.18 from the GDIF

Pat Vance motioned to approve. Mark Scarborough seconded. Motion passed.

Tobin Arm of the Rodman, M & K - \$15,500

Mark Scarborough motioned to approve. Pat Vance seconded. Motion passed.

Drain Crossing Application - Norris Ditch - \$150

Drain Crossing Application - White Ditch - \$50

Pat Vance motioned to approve both. Mark Scarborough seconded. Motion passed.

Jeff Mitzner asked John South if we could get a running total on the agenda of what's in our account. It doesn't need to be itemized. I just want to know how much is in our account after we make payments.

PUBLIC COMMENT: Daina Dumbrys approached the Board and stated I just wanted to mention, there's a tree lying across the Ditch between El Portal and Oakdale, the western most portion of the area the Drainage board is handling and the branch that had fallen off of Mr. Purze's property has moved through the heavy rains that took place, so now it's getting closer to the Pokagon end of the section between El Portal and Pokagon. Mitzner asks if the first tree is in the section we are going to dredge. Dumbrys replied yes, it's in the section you are going to dredge. Mitzner asked if that is something we need to take a look at, is it holding back water. Dumbrys replied that nothing is holding back water. Mitzner asked South to go up and take a look at it. Dumbrys replied that when Christine was handling it, she would just make a call to Mick Wolf in their town, but Mitch doesn't always respond, or do things, quickly. Gramarossa states that she is going to do you a favor. I'm going to meet with you after the meeting and I'm going to go see where they're at and if they're a problem, I'm going to have Highway go and remove them. Dumbrys added that right now it doesn't seem to have blocked anything from flowing, the water was definitely moving well.

Jeff Mitzner asked for a motion to adjourn. Connie Gramarossa motioned to adjourn, Mark Scarborough seconded. Jeff Mitzner adjourned the meeting at 9:10 AM. The next regular meeting is Tuesday, May 13, 2025 at the LaPorte County Complex Meeting Room #3 at 8:30 AM.

John South, Secretary
Dated: April 8, 2025