

**MINUTES OF THE REGULAR MEETING OF THE
LAPORTE COUNTY DRAINAGE BOARD
APRIL 14, 2026
LAPORTE COUNTY COMPLEX MEETING ROOM 3
LAPORTE, INDIANA
8:30 AM**

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

STAFF PRESENT: John South, Brad Adamsky

MEMBERS/STAFF ABSENT: None

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 the minutes from the last meeting. John Matwysyn stated that he had corrections: there is a paragraph about my comments at the last meeting. I had mentioned that there's been mention of litigation and state law requires that the county surveyor do certain things and I want to make sure that the county is covered by having the signature of the county surveyor on the proper documents. That's the correction I'd like to make. That's not included in the paragraph regarding my comments from the last meeting. Pat Vance motions that we add that statement that the surveyor mentioned to the minutes and then I move for approval of them. Mark Scarborough seconded. Motion passed.

DRAIN CROSSING APPLICATION FEES: Mitzner states that he brought this up, as we seem to be having a lot of drain crossing applications that we either have to look at or start talking about and we have to pay tony sometimes to look at these to make sure that they're going to be correct, so, I'm looking to do an application fee and we need to have a public hearing on this, but I'd like to get some parameters set, so next month we can move forward with this. I'm going to open it up for discussion right now. Connie Gramarossa states that she thinks we should make a motion to have the attorney look into the process in which we would proceed. And this way if you're going to put it on the agenda next meeting, we would have the attorney look at it, look through the paperwork, figure out how we are going to do it, and then we would be ready to go by the next meeting. That's my motion. Pat Vance seconded the motion. Motion passed. Mitzner asks Brad Adamsky if we want to set some parameters to this, so that you know where to go to here? Adamsky responds, that would be helpful. Yeah, if you guys had an idea of how much you wanted to charge for the fee, for instance. Mitzner adds, so when Tony has to do this sometimes, it could be up to a couple of hundred dollars, right? John South responds yeah, at most. Mitzner continues the reason why we're doing this is because our county surveyor is not licensed. So, we have to pay someone else out of this fund, out of our fund, to be able to handle this. So, I'm thinking for every application fee, you guys help me out here, at least \$250 for every application fee. Gramarossa adds, I think maybe you should look at, before you throw a number out there,

why don't we look at what MS4 just recently, three years ago, went through the same process and maybe if you look before we throw numbers out here, we look at what their pay schedule is, and they work it. I think for certain things there's certain rates and if we have a guideline of what we're going to look at, might be a little bit easier for us, and then in the meantime, I would instruct our attorney to sit down and figure out with John South, how much these different things are costing us and then, once you know how much this is costing us, then we can come up with a rate schedule. What would our attorney suggest? Adamsky responds, I'm working at the guidance of the board, but if the idea is that you're trying to recoup those costs, then certainly John would have that information on what it's historically been now that you've had to pay a licensed surveyor to review these. I don't know that you'd necessarily want to tie that into it if you're setting up a fee. I mean that could be your justification for starting it now, but you don't want three years from now, five years from now, if there is a licensed surveyor in the position, that people are challenging the fee, because your justification for it is gone. So, it's ok to start the conversation with that, but that can't be the sole basis for it. So, on that hand we're looking at what the Board is expending to cover those expenses, but at the same time, I agree with what Ms. Gramarossa is saying as far as line it up with other fees for other boards that are doing similar things. So, MS4 just adopted similar fees you said three years ago. I'll work with their attorney, see what they set at, why they set it at those amounts, and if it's in line with what Jeff is suggesting, at or less than \$250, then we can still go forward with it in May. Mitzner adds, I just want to make sure we can get this done next meeting, because here again, we got three drain crossings again here that we could be having some... Adamsky adds, well, and that's the other part of it too, Jeff and I talked about this yesterday, right? It's additional oversight, right? There have been some drain crossings, that haven't been approved, that just got done. This is one extra step to make sure that they're following procedure. Mitzner responds, well in that regard too, we want to have a statement in there that says that if they don't get approval from us that they're subject to another fine, so I want to make sure that gets put in there too. If we're not notified and they come in and do this, that they are subject to another fine. Double, if it's \$250, then they're doubled to \$500 and then somehow, I want to have it in there that we can shut their project down, if we need to. Adamsky adds, red tag it. Mitzner asks if everybody is in agreement with that? All respond yes.

SCHURZ DITCH, TILE REPAIR, VARRO SERVICES: John South stated that he went out and looked at the completed project. Not a lot to see because he has covered everything back up. South introduced Varro Services invoice for \$10,000. South provided a photo, of the inlet culvert that was replaced, to the Board.

BEAVER DAMS, COOK DITCH, LACROSSE: John South reported that he received a phone call from a resident of LaCrosse last week and he went down and looked at the Cook Ditch. There was a report of five beaver dams along the ditch in LaCrosse. South stated that he went north and south in LaCrosse, checked everywhere on the Ditch. He didn't see any beaver dams, but he did see debris that is covering half of the ditch, which could easily turn into a beaver dam, if they're active down there, so, he thinks it 's something we need to keep an eye on. We do have money in that account if we need to go in there and remove those. Mark Scarborough asked,

what part is that on? Mitzner responds, he said it was right there on Abbotts and if there was a beaver dam in there, Abbotts would have took care of it.

DRAIN CROSSING APPLICATION, TRAVIS DITCH, DEWBERRY: Jeff Mitzner stated, everybody probably knows this is the Microsoft deal, that's going to dump some water into our ditch. They've got us some paperwork up here. The applications here, right? Board responds yes. Mitzner asks if anybody has any questions for Microsoft? Mark Scarborough asks if this is a drain crossing or is this where they are actually putting water into the ditch? John South responds that that is just the general term for it. Scarborough continues, so this is what we looked at last week. Brad Adamsky states, so, technically their application is to work on or over a regulated drain, which really means they are working within the 75' easement. They're not necessarily doing anything on the ditch directly, but their construction is within your easement. They need your permission. Mike Stockwell states, just to confirm, the construction will be upstream of the ditch. This will just be a tributary to the ditch itself. mark Scarborough motions to approve the application. Connie Gramarossa seconded. Motion passed.

Jeff Mitzner reports, I'm working with the City of LaPorte, with an MOU, to help do things on the Travis Ditch. So, I'm working on an MOU with the City of LaPorte on this. We've already been in several discussions with them on how to handle this and how to handle the money. To have an agreement between the two of us, between the Drainage Board, and actually it's going to be between the Stormwater/Sewer of LaPorte to be able to handle the money, to be able to make improvements on the Travis Ditch, possibly the Schurz Ditch, and possibly other Ditches throughout the County, if things come together the way that we hoping to. Jerry Jackson reports, I'd propose, this is pretty short, and this is just my points. If it's alright, I'll read through them real quick. One, the residents and businesses in the City of LaPorte utilize Schurz Ditch and Travis Ditch for drainage. Two, the Schurz ditch and the Travis Ditch are county regulated drains. Three, improvements and maintenance are needed on both Schurz and Travis Ditch. Four, Laporte County Drainage Board has legal authority to manage and maintain Schurz and Travis ditches. Five, Laporte County Drainage Board has authority to assess properties in the drainage basins of Schurz and Travis Ditches to fund ditch maintenance and improvements. Six, the City of Laporte charges residents and businesses a stormwater fee to fund drainage improvements that benefit residences and businesses. Jackson states that he is trying to lay out the facts. The second part of this is what we would do together. One, the City of LaPorte Stormwater Department and LaPorte County Drainage Board will jointly develop a plan to maintain and improve Schurz and Travis Ditches. Two, the City of LaPorte will manage development projects that assure the post-development stormwater flow rates are less, or equal than, the pre-development condition. I should explain, this would be projects tributary to Schurz and Travis Ditch, when their stormwater, if they're in the drainage basin, their stormwater goes in that direction, their stormwater, and Microsoft has done this, their stormwater basins would be large enough that the flow rates off the project would less than the undeveloped land. So, this is my point, to assure the Drainage Board, that we'll manage our stormwater properly. Three, the LaPorte Stormwater Department will contribute to funding for projects in the plan. Four, the Laporte County Drainage Board will not assess the city of LaPorte properties for Schurz and Travis Ditch improvements. And here I was trying to say, we're going to charge them already. We're already

charging city residents. So, those funds in that drainage basin, in the city proper, the City of LaPorte, through the stormwater fee, would cover that. This is a tricky area. I'm certainly open to input, but if I thought the city of LaPorte is charging you for drainage, I don't know if it's appropriate for them to get another fee on their taxes for drainage. The LaPorte County Drainage Board will bed and administer improvements and maintenance projects in the plan. The Board will provide the LaPorte Stormwater Department with project inspection progress reports and certify completion prior to receiving city funds for the project. So, the Board would tell us what you're doing, and we'd say "yep, looks done". Here's our piece of that project. You'll notice I didn't put any numbers in there, because I don't have numbers at the moment, but this is a skeleton that I intended us to work together on to get finished. Mitzner adds, we can add, subtract, whatever we want to to this. That is not the final draft. We're still in negotiations with them. Brad Adamsky adds, what I would suggest at this point is the Board just simply give a motion that, Jeff, as the Board president, has the authority to negotiate these terms to bring it back to the Board for final approval. But, that way we can move this along. He can, without monthly meetings, he can do the daily work to get this put together. My concern, I'll just say right off the bat, if we're not charging assessments, to whether it's city properties or whomever, there's got to then be, and this will end in an interagency agreement between the city and the Drainage Board, but we've got to be very clear about who's responsible for maintenance of the ditch. If we're not bringing in an assessment, we can't pay for maintenance. Jackson responds, for sure and there's a delineation too, because part of this is in the City and a much greater part is downstream, that's in the County. So, there's shared responsibility amongst county residents and City residents. So, that's got to be delineated, who is getting assessed and who's not getting assessed and where that money goes. Adamsky adds, between Jeff, Jerry, myself, and the city attorney, I'm sure we can hash out all those and then bring it back to the Board for approval. Jackson continues, the other option, which I don't know, is what Michigan City did, they said, ok, LaPorte County Drainage Board said, Michigan City, those are yours to take responsibility of. So, there's another option there that the Board could consider. Connie Gramarossa adds, can I just say, in the last couple weeks, it's been very difficult to set up meetings, and I'm listening to what the attorney is saying. It's been very difficult, because many of the members want to go out there. We're meeting with some of the residents that are on that drainage and it's been difficult, because we are trying to set up these meetings, what happens is not all of us can go on the same date and everything else. So, I think, that in listening to what are attorney is saying to us, it really is a good idea to have our president, to give him the ability to go out there, do all the meetings that he has to do. I think everyone on this Board has actually gone and walked it, and looked at what some of the issues are, but at this point, just have our president handle the day-to-day, so that we can swiftly get this taken of and then we know what we're going to be doing by the next meeting. and then any information that he acquires, he'll let us know and then it will be subject to Board approval. That would be my motion. Pat Vance seconded. Motion passed. Louis Spear approached the Board and asks, on your previous, not the last motion that was voted upon, the one before, could it be read at this meeting or could I have a copy of it, so I know what the hell is going on here? You're approving stuff at a meeting, public meeting, that isn't even read, but it's motioned, seconded, and voted upon and I don't have a clue what it is. Mitzner asks, what is it you want? Not the last motion, but whatever you gave these guys from Microsoft, I want it read. Mitzner responds, the approval of work on the bank? Spear adds, yes, just read it. Mark

Scarborough asks, do we need to read every drain crossing application then? Spear responds, well, this one here is a 70-year problem with a farm that's underwater. It affects me, and I want it read. Mitzner responds, well, wait a minute. What we gave them permission for doesn't affect you. We're on the Travis Ditch, not the Schurz Ditch. Spear adds, well, when it comes to what Jerry Jackson is coming up with, the Drainage Board is not going to assess the people that are drowning us. Brad Adamsky states, Louis, if you would have heard, I already addressed that while you were talking to John. I said that was something the Board couldn't agree to without looking at it as far as who's responsible for maintenance. So, we're aware of that, right? Just because they put it, the city put it in the MOU doesn't mean the board adopted that. In fact, the Board didn't adopt that MOU, all they did was give Jeff the authority to negotiate on it, which is what you want, all right? If you want, you can get a copy of the application that was submitted by Microsoft for the Travis Ditch. That's public record. You can make a public record request. I can tell you right here, it's the standard form for approval to work on the easement. That's what the Board approved here today. Spear adds, we've had fifty years of surveyors that didn't do their job and you're hiring them to continue on. You were here Brad, in 2019. When they were putting in the pipe and the Board voted to stop the project until this got shook out. We wouldn't be here today with the Schurz if it had gone through and the Board had done their job. You were the attorney. Mitzner states, Ok Louis, I'm going to stop you right there, because, here's the thing, we know, and we've told you this before at at least three or four meetings, we know there's a problem at the Schurz Ditch. We're trying to work on it. We just spent \$10,000 on your property to try to fix some of the problem. Now, where the problem's at is a problem going to the south. That's where the problem's at. The water has got to be able to flow to the south. That's where the problem's at. And you can argue with me all day long, but you got to have an outlet. The outlet is where the problem's at. We are working on the right now and if you're going to keep coming and complaining all the time, I'm not going to keep listening to it, because we are actually trying to do something for you, if you would stop and listen to what we're doing.

O'HARA-RICE DITCH, MOWING PROJECT #2, TABLED FROM LAST MONTH: John South reported, we tabled this one because we didn't want to accept the only bid we got. I was out there, and the fence is still in place, so he hasn't removed the fence. So, I don't know if you want to just table it again? Jeff Mitzner asks, did he get a letter? Brad Adamsky responds, I believe we sent him one, but I don't have that file with me. Mitzner asks, did we get a return request? Adamsky responds, I'm assuming we did, because that would have been two months ago. Mitzner asks, Brad, can you look into that for us. because, before we do anything, we got to have that fenced moved. So, we'll table that again until next month.

DRAIN CROSSING APPLICATION, RICHMAN DITCH, KBS ENERGY: John South reported, I got their application for this and they say they are going to go 10' to 12' under the right-of-way of County Road 600 W and the ditch, but it doesn't say bottom of the ditch. And I've requested the site plans from this company and I haven't received them yet. So, I'm thinking we table this one until I can get the plans from them. Mitzner asks, where's that on the Richman Ditch? South responds, it's just south of 30. Mitzner responds, that's the one I told you about? South responds, yep. Mitzner adds, they've already gone underneath the road? South responds, yeah, they've already done it. Mitzner instructs South to get with them. We need to know if it's

under the bottom of the Ditch. They're saying ten feet, that ditch is pretty deep there. So, they're ten to twelve feet, if it's off the surface, that's going to be an issue. Pat Vance asks, can I say something here? Just with this one again, when we have a good system and it works for the drain applications. It's a good thing, but at some point, it almost seems like it's just a courtesy and it's an afterthought to some of these people and that's why I think it's good that we should look into some sort of fee structure, just so people take it seriously. We're not trying to drown these people in fees, but they need to know that this is an important thing. Mitzner adds, well, I just want to tell you about this one here, I drove past this one, and I'm like this is not right, so I called John and he actually came down and put a pamphlet on there to call him to get the drain crossing and it's already done. So, that's what we got to try to get handled with this whole drain crossing application fees. We got to get this put together better. So, we're going to table that one too.

DRAIN CROSSING APPLICATION, MULTIPLE DITCHES, JOEY MCGINNIS: Joey McGinnis approached the Board. McGinnis handed out paperwork to the Board members. McGinnis states, So, what you're looking at there, we do post-construction fielding, once the conduit is installed, we send people out with a locator to verify the depth and location of the conduit. So, the 11.01 you're looking at there is 11' 1", 11.10 would be 11' 10", So, this is the depth of our duct at each of these drain crossings. Mitzner asks, so, where do you bring that from? Is that from the top of bank or is that from water level or where you coming from? McGinnis responds, so, we're just locating, we take the locator and it'll tell us exactly where the duct is in the ground. We put it right on top of that, push down on the ground and that depth is from the top of the ground to the top of the duct. Mitzner responds, so, we have no idea how far you are below the original bottom of the ditch? McGinnis respond, correct. We would need to know what the depths of the ditches are to verify. Mark Scarborough asks, So, you're doing this on the banks of the ditches, where you're checking these? McGinnis responds, correct. Mitzner adds, So, if there's a high bank, then you're not actually 11 feet? McGinnis responds, correct. Scarborough adds, you might be a foot or 6 inches. Mitzner responds, so, just so you know, we really don't care about the 11' that you're talking about, we care about how far you are underneath the water, so that it doesn't get hit. and I think that's what you guys are going to have to figure out for us. So, we need to know what you are from the bottom of the ditch, original bottom of the ditch. Now that's going to be hard to tell because you just don't know what the bottom of the ditch is. I mean, we probably know where the bottom of the ditch is when we dig the ditches, but more than likely you need to be underneath the culvert. If there's a culvert, you need to be so far underneath that culvert, what is that 48", right? You need to be 48" below the culvert. So, that is what we're going to need on all these. Since you guys did this without a permit and we didn't know nothing about it. Can you come back next meeting and have those numbers for us? McGinnis responds, I'll do my best. I'm located in Texas, so I had to make a special trip up here for this. We do have the construction company which is local to the area, so I can see if a representative from there can be present at the meeting and we'll do our best to get the proper data this time.

DRAIN CROSSING APPLICATION, O'HARA-RICE DITCH, DILLS: John South reported that Mark Scarborough actually gave this to him. This homeowner had placed a shed right on the bank of the O'Hara-Rice ditch. South sent them a letter with a blank copy of the application to

submit. They haven't gotten back to him yet. South stated that he just sent it through regular mail. Mitzner asks if they need to have a building permit for that? Since it's that small of a shed, they probably just put it up there. Mitzner states let's send the building commissioner out there on that one. Let's get the address and send the building commissioner out there and let him take care of that. So, if you could get ahold of the building commissioner and tell him to take care of that, please.

HUDSON LAKE: Georgette Joyce approached the Board and reported, the lake level is now 10 inches above the weir. Finally, we are above the weir. The gate is still closed, and it will be serviced next week. Grant for invasive weed treatment was awarded and we are still soliciting bids. The dredger has removed most of his equipment. Restoration of the sediment sites will complete after the mud has dried. And we continue to work on securing more grants. We met with Amazon Web Services and are hoping to do a large grant for lake conservation, as well as community projects that the trustee will put together, like leveling the playing field and things like that. And we continue to look for businesses to help out as well.

BRAD ADAMSKY, ATTORNEY: Brad Adamsky reports, just a quick update on the small claims complaint that was filed in relation to the White Ditch, the Board gave approval for me not to represent just the Board, but also the contractor, Alan Allsop. I entered an appearance and said a statement of denial on the claim, since it was in small claims, the procedures, the court will schedule that for hearing. The hearing isn't scheduled until December. So, prior to that time I will be working with Jeff and with John and talking about the appropriate method of how to handle that claim, which honestly shouldn't have been filed against this Board in that jurisdiction or in that court.

JOHN MATWYSHYN, SURVEYOR: John Matwyshyn reported, yes, I just would like to reiterate a comment I made last week about following State law and there are certain things that the County Surveyor, the elected county Surveyor, is supposed to be doing. It's spelled out and I would just like the Board to pay attention to that and to follow it a little more closely. Thank you. Mitzner responds, is there something you're referring to? You might as well get the elephant out of the room here. Matwyshyn responds well, for example, the contact with other surveyors without going through me. State law specifically spells out that in the case that there is an unregistered surveyor in elected office, that person is to contact registered surveyors to do the functions that require a registration. And that report is supposed to go to the elected County Surveyor who then reports to the Board, for example. That's spelled out in a paragraph in the law. Brad Adamsky responds, so, do you want to engage the surveyor that the Board has selected or that has been using? Do you just want to be part of that discussion? Matwyshyn responds, I should be part of more discussions. I'm supposed to be providing technical advice. Many of the discussions that take place, take place without any communication to me. Adamsky responds, I'm assuming you're talking about conversations that would be with John South with Tony Hendricks. Matwyshyn replies, since I don't know what conversations took place. I can't specifically... Adamsky adds, I'm just trying to find out what you're asking for. Matwyshyn replies, I'm assuming there are conversations going on. State law says it's supposed to be following a certain procedure and from my view, we're not following that procedure. And if it should become a case, where I have to come in and testify, most of the things that are decided by

the Board, I have to say I don't know anything about that. And that's a bad position to be in. Adamsky replies, I would suggest, I mean you obviously are working out of the same office, physical office, as John South, that you are engaged in those conversations when a licensed surveyor is hired to assist. That seems like it should be a function of the job. Matwyshyn responds, but, if I don't know that that communication is taking place, there's no way for me to know that I should be in contact with John South. Adamsky asks John South if he's been copying him on those requests? South replies, yeah. Mitzner adds, I think you get copied on everything that I get. your name is on there that everything I get. Matwyshyn replies, if that's the case, then... Mitzner states, check your email. I'm going to go back to the drain crossing application for O'Hara-Rice Ditch, you can contact the Board, on that, the Building Commissioner. And then you report back to us.

JOINT BOARDS: Mitzner states that he doesn't have anything on joint boards.

CLAIMS:

CARL NETZER, LITTLE KANKAKEE RIVER, TREE REMOVAL PROJECT - \$2,900

John South reported that Netzer did a good job out there.
Chad Hertges makes a motion to pay Netzer Excavating. Pat Vance seconded. Motion passed.

CARL NETZER, O'HARA-RICE DITCH, MOWING PROJECT - \$5,900

South reported that he got this completed and that he was able to drive the whole thing. He did a good job. Chad Hertges motions to pay Netzer Excavating. Mark Scarborough seconded. Motion passed.

VARRO SERVICES, SCHURZ DITCH, TILE REPAIR - \$10,000

Pat Vance motions to pay Varro Services for the Schurz Ditch tile repair. Mark Scarborough seconded. Motion passed.

\$2,735 available in engineer fund.

PUBLIC COMMENT: Louis Spear approached the Board, Jeff Mitzner stated, you get two minutes, and this is not a question and answer, it's a statement. Spear states, All I have today is, this is an aerial view of LaPorte from Google earth. I'm going to give elevations of some of the projects that the city has approved and how it affects the Schurz ditch. First of all, Pine Lake is at 793', that's 17' above the start of the Schurz Ditch. Renolit is at 787', The Schurz 776', 11' above the start of the Schurz Ditch. Howmet, 791', the Schurz 776', 15' of fall. All of these are within 1,000' of the Schurz ditch and nobody has the brains to figure out that this is affecting the Schurz Ditch. Wal-Mart, 781', the Schurz Ditch, 776', you've got 5' of fall in 900'. They're discharging on top of the ground. Why in the hell don't you tell the city to fix this problem before you allow Microsoft to do anything, because, number one, State law does not allow private entities to

improve a ditch. It's assessed as benefited. Are you ever going to follow the law, Jeff? Answer that question. Mitzner states, it's not a question and answer service. You can speak your peace. It's not question and answer. Spear responds, Well, it's obviously what direction you're going.

ADJOURNMENT: Jeff Mitzner adjourned the meeting at 9:10 AM. The next regular meeting is Tuesday, May 12, 2026 at the LaPorte County Complex Meeting Room #3 at 8:30 AM.

John South, Secretary
Dated: April 14, 2026

Video replay of this meeting can be found at this location:

https://www.youtube.com/watch?v=y5VAf7zdRCU&list=PL8L8Y5g9S6bq8rUrYSH2oxusFpU9II_Z&index=2