

**MINUTES OF THE REGULAR MEETING OF THE
LAPORTE COUNTY DRAINAGE BOARD
MAY 12, 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 Matwyshyn

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. Connie Gramarossa motioned to approve the minutes from the last meeting. Mark Scarborough seconded. Motion passed. Connie Gramarossa motioned that she would like to add to the agenda under 9, the Boyd Blvd, Phase 2 Stormwater Project. Pat Vance seconded. Motion passed.

DRAIN CROSSING APPLICATION FEES: Brad Adamsky reported, I talked with Jim Meyer per Connie's recommendation. He helped with the Drainage Board when they established their fees. And I also did a little bit of research on different counties to see what fees they have established. Generally, when a board does this, I know we were talking specifically about drain crossing application fees, specifically in the context of utility companies that had done this without getting proper approval or proper permitting. We want to use this as an oversight function, but it's also a function to reimburse the Board for costs that they're paying the surveyor, basically, to go out and do this work. So, a lot of the other counties, have adopted kind of a broader scope of this, for different type of permitting, different types of applications. Is this something we want to include overall as we go forward with this? That would be my advice is you kind of do it in one swoop. You set up the permits that way, the permitting fee. I can pass down a couple of examples. This is probably the simplest one. This is LaGrange County, just what they have on their website. They got five or six different fees. It can get a lot more complicated than that, but it makes sense that you're, especially in this window right now, where you are having to pay extra surveying costs that you're using those as part of the permitting fee. The other part of that is let's discuss what range of fees we want to have. These ordinances are a little bit older, the ones that I pulled, but they're all in the range of \$250 to \$300. I know we've talked about a higher one at this Board, So, I want to know that range. And depending on that range, after talking with council for MS4, we probably want to pull in a financial advisor to get the approval for that amount, so we're not retroactively, basically challenged for charging a tax as opposed to an assessment permitting fee. Typically, the County uses Karl Cender and his organization out of Valparaiso. So, depending on how high the Board wants to go with their

permitting fees, quite frankly, I'd recommend that I talk with him regardless, but that will be part of the process too. So, I know Jeff, you want to get this done sooner rather than later. So, I think for purposes of discussion today, if you guys could talk about a range that you want to have, what you anticipate for the fees, and then I'll move it forward. It does need to be adopted at a public hearing, which you can do either before your public meeting or you can schedule it as a separate meeting with appropriate notice. So, whether we wait until the June meeting or try to do something before, we can do that. We just need to give appropriate notice if we're going to do that. Connie Gramarossa asks, So, when they come up with, say, hypothetically, this Board today comes up fee amounts or application amounts, and Mr. Cender is approached, and he comes back, and he comes up with, does he usually set it based on a certain, because I know with MS4, it was calculated. Adamsky responds, Sure, and that could be on different projects, right? So, yeah, the way it would be calculated is maybe by a per foot calculation, but really what he's doing is verifying that the fee that's being charged is representative of the actual fees that the Board's incurring. So, it's not an overassessment or an overcharge that could be deemed as a tax, which would not be appropriate. Gramarossa adds, So, and I mean we also need to make it clear to the public that the reason why we're doing this is because, typically when counties elect surveyors, you get certified surveyors and now we've just acquired so much cost because we don't have a certified surveyor in the elected position. Jeff Mitzner states, Well, and the other thing I want to add too is, we'll use this Zayo as an example, they're down there in our area putting those in and if I wouldn't have ever caught them, they put in 11 different drain crossings and they are all wrong. Adamsky responds, right, and they didn't submit the permit and that's something the Board can catch in the future. There's actually kind of a penalty, so to speak, that can go along with that. Somebody that does the work without a proper permit, when they then have to issue the permit, it can be at an increased cost, sometimes two to three times depending on the ordinance. That way there's that sort of the carrot and the stick, but that way you're penalizing people if they don't follow proper procedure. Pat Vance adds, I think that was one of the main incentives too. We've made it as easy as possible it seems to me being on this Board, even just a small amount of time, it's not a difficult process and if you know you're going to cross that right-of-way, just reach out to us in any way. There's got to be a, I don't want to say punishment, but there's got to be some sort of recompense for us, especially when people come in front of us and we're asking them how far below our ditch are you and they can't tell us where's the bottom of the ditch? They don't know. Seems like something's getting disconnected there. Adamsky adds, and those requirements are already there under code, right? But that way it can be a product of the permitting process, too. They're still expected to follow code and be the proper distance under the ditch. You're not creating that regulation. You're just enforcing it. John Matwyshyn states, we have a sample of that Ridge Run this Saturday. I was present for the first time. The permit was granted according to the process it should. I got notification. I was there. I gave them some guidance on where it needed to be placed. They accommodated our needs. They are at 29' at Ridge Run. our drain is at 23'. It was very quick, very easy, and it was not a burden to them when we told them where they needed to be. With regards to the other one with the 11 crossings, yeah, it's a big mess, huge expense, a lot of time. I think we need to have the fees reflect that, that someone that did not follow procedures generated a big expense. Someone that did follow procedures, it was pretty much a nothing task. Mark Scarborough states, we have to have a public hearing to enact these fees. Is there any way, if this cost is going to rise in the future,

somehow saying that the fees could go up or do we have to have another public hearing to do that? Adamsky responds, you would need to have a public hearing when you increase it. You could put it in the ordinance that they could be subject, and they should be subject to, alteration in the future, but if you're going to increase them, you need to have a public meeting. Mitzner asks, so what's the pleasure of the Board here on this? I'd like to get going on this because we seem to be getting more and more of these things all the time. Mark and I, and the surveyor, spent with Zayo, a total of maybe four hours, messing around with them, trying to figure out where they messed up at on a couple ditches. It's costing the county time trying to get this stuff fixed, or the Board's time. Does anybody have any ideas? I have an idea in my head, but if anybody else has got an idea, I'm willing to listen. Scarborough adds, are you wanting to break it down like LaGrange has done? Mitzner responds, I think we need to break it down and I would like to have something for Ag that's a little bit cheaper. I still think we need to have them get a permit, but if it's a utility, it needs to be more than what an Ag does, because I know the Ag person is going to put it in correctly and do what we want to do because they're not going to hinder they're own ditch. Adamsky responds, that's reflected on the different ordinances too. There's typically an Ag rate versus a commercial or utility rate. Mitzner adds, so, I'll just say what I'm thinking. I'm thinking at least a \$1,000 for a public utility per crossing and I think it could be more. So, this building that they have on here, this is for if they're putting on our easement? Is that what that means? Adamsky responds, yeah, but you don't generally approve building on your easement, right? Mitzner responds, yeah. Adamsky adds, that's there way of doing it to get a fee for it as well. Mitzner asks, do we need to have a fee just in case somebody... Adamsky resounds, no. Mitzner continues, and usually we don't approve it, but there's always a time. Scarborough asks, well, is that like these buildings that have to be moved? Adamsky responds, keep in mind, these are what these permitting fees are for is the inspection, right? You're not saying you can encroach for \$500. You're saying if you're going to build an encroachment that the Board has approved, we need to go out and inspect it. So, the cost of the inspection, just like you would have a building inspector go out if you're doing a construction, this is the cost that you're paying a surveyor to go out and inspect, whether it's a crossing of a ditch or building on an encroachment or using the encroachment for a project. Mitzner asks, any thoughts from the Board? Gramarossa asks, can we read for record this LaGrange County. They have an encroachment activity. It would include buildings, utilities, and culverts. Other permitting items, such as bridges, cattle, fence, shrubbery. And they have another one that says temporary structures and crops. The reason why I read this is so that the public knows that this is not something that this board is creating. This is actually something that other counties are dealing with and that we're just trying to get some consistency over here as well because, whether it's our Board members or whether we're hiring surveyors, it's costing us money. if you want to go down the checklist of the different items that first of all that you'd like to include. We said public utility. Adamsky adds, so, for instance, Hendricks County is another example we pulled. They've got a permitting fee for crossing permit request, one for encroachment for utilities, one for encroachment for individual tracts. So, it's basically the two functions you're looking at are crossings and encroachments, right? And it's going to be usually utilities that are doing the underground crossings. It could be somebody building a bridge or something above a ditch as well, between fields or something along those lines. It's really as, I don't want to say as broad as you want to make it, maybe I want to say as simple as you want to make it. But, if we're

talking about creating a fee for utility crossings, maybe we want to consider all crossings and encroachments and just keep it that simple. Mitzner responds, so, when you're talking about encroachments, if a farmer comes to us and they want to dig the ditch and they're in our 75' easement, then they're going to have to pay this fee, too. I'm just throwing it out there, because technically they should, but we could exempt them because more than likely, if they're out there doing the work, they're paying for it themselves. Adamsky adds, and that probably doesn't require an inspection anyhow, right? again these permitting fees are meant to cover you're costs. So. it's more if somebody's actually constructed something in the encroachment and you need to go out and have the surveyor identify and locate where it is, you're incurring a cost to do that. And that cost should be borne by the person encroaching on your easement, which again, this Board doesn't have a history of allowing those sorts of encroachments anyhow. Scarborough asks, are these just on court drain ditches or is these on all crossings? All waterway crossings? Adamsky responds, should be on all, but right now you're requiring crossing permits on any regulated drain, right? Gramarossa adds, well, this would not empower us on unregulated drains, correct? Adamsky responds, correct. Gramarossa continues, so, we're basically only doing it for what we cover already. Adamsky responds, you're not creating additional work for the surveyor. Scarborough asks, are you looking for fees for everything right now? Adamsky responds, wee. yeah, I think if you're giving me that range, if you're saying you'd like to do \$1,000, then that opens the door for me to go the financial advisor and say this is the fee range that we are looking at. Is that appropriate? I think more what I'm looking for is give me the basic categories you want to have fees for. Gramarossa states, encroachments and crossings. Adamsky continues, and then crossings you want to break those down within utility, ag, residential. Mitzner responds, yeah. Scarborough asks, so, if you put an irrigation bridge across a ditch, are you going to have to pay a fee for everyone of them? Mitzner responds, no, because there's going to be Ag, and we're going to exempt that. Mitzner states, I think Brad, we need to have that in there, that Ag is exempted from any fee. We'd like to have them have a permit so that we know what they're doing, but it'd be exempt from any fee. Gramarossa states, so, you'll have residential, agricultural, and public utility. So, you'll have two categories, one that is going to be encroachments and one that is going to be crossings. Then, under those two you're going to have residential, agricultural, and public utility. Does that sound sufficient? Do you think we're missing anything? Adamsky adds, commercial, industrial. Mitzner asks, does commercial, industrial need to be more than what public utilities needs to be? Adamsky adds, it should be commensurate at least. I'm looking at the other ordinances. They tend to line up. utilities might be a little higher for the crossings. This one doesn't make a difference, so, I guess they've got subdivision, multi-family or commercial at \$150, industrial at \$250. This one says individual residence or farms, \$250, but also utilities at \$250. Gramarossa states, so right now we can say that we've got it where we're going to do the encroachments and the crossings and under them, your going to have it broken down into four, which is going to be commercial/industrial, residential, agricultural, and public utilities. And do we have to come up with the amounts now? Mitzner adds, yes, well, you have to have something to go by, right? Adamsky responds, or we leave that to the financial advisor to come back to us with. I think he's going to want to know what costs we're incurring. So, I might need to reach out to Tony or talk to John about that. Mitzner states, I think for those commercials and the public utilities, we need to be at least \$1,000. So, do we want to start out with a \$1,000 at that? Gramarossa asks, and that would be for

commercial? Mitzner responds, commercial and utilities. Ag will be exempt. Gramarossa asks, what was in there for residential? Mitzner adds, the problem is those were adapted in the early 2000s. Adamsky responds, right, these are 15-20 years old, but, range from \$75 to \$250. Mitzner asks, \$150 for residential? Everybody agree with that? Scarborough responds, \$150 sounds good. Adamsky states, ok, I'll go forward with that. Mitzner adds, and then if he thinks that public utilities can be more, I wouldn't be opposed, I don't want to go any less, but I wouldn't be opposed to charging more. Adamsky adds, we've got the two categories, encroachment or crossing, but the same fee structure for each. That way we're covering encroachments. lie I said, there aren't many encroachments. I can't think of any in the past 10 years where somebody's come and asked for. more likely it's something that's already existed, and the Board's put them on notice that they've got an encroaching building. I can't recall an instance where somebody came in and asked your permission to put an encroachment in. Mitzner adds, and usually we're not going to do that anyway. Adamsky adds, it'd have to be a special circumstance. Gramarossa adds, just for the record, would you read exactly what it is that we're voting on before we vote it so this way there is no confusion? Adamsky states, so what we're proposing is that there's going to be a permit fee created for crossing applications and for encroachment applications. The range of those fees, we've got categories of utility, commercial/industrial, and the requested amount there is at least \$1,000. Residential, which would be \$150 and then Ag, which would be exempt. And what I'm asking the Board is to direct me to take those to a financial advisor to formalize that, so we can bring it back. The Board can have a public meeting or public hearing, vote on that, and get those fees approved and incorporated via ordinance. Mitzner states, before I ask for that motion, can we add to that then that if someone does this without getting a permit, do we want to double or triple that amount? That's my question. I'm just looking at this Zayo thing. Adamsky adds, there's precedent for either way. Mitzner asks, So, I want to ask this too, when these guys come in here to put these, like Zayo, that came all the way through our county, do they have to come to the building commissioner or come someplace to get permission to go on our, they're going to be on our right-of-way easements. Do they have to get permission for that? Adamsky responds, yeah, that's part of the permit request, right? Mitzner adds, but my next question is, did they do that? because, here's a problem again. We need to get with whoever that is, that knows that we have these fees, that if they're going to come in and get this permit, that they know they got to come see us. Adamsky adds, yeah, and that's part of the ordinance that gets adopted and that's why it's got to be adopted at a public hearing. You're putting the public on notice that this is now part of the requirement to get a permit. They should be doing that anyhow, if they are coming in and working on your easements. That's where the problem that we're dealing with right now kind of bypasses the existing requirements, but you don't have the enforcement mechanism behind it, as far as the fee. You could go in, if they cause damage or destruction, you can cause them to repair it or you can repair it at their cost, but this is kind of getting ahead of it and saying " Ok, you didn't even apply for the permit correctly. now you got to come back and get the permit, and instead of it being \$1,000, it's going to be \$2,000 or \$3,000, because there is additional cost incurred now." Mitzner asks, so what do you want to do if they don't get a permit? Triple? Scarborough responds, so, you're saying if a homeowner doesn't realize he needs something and then it's going to cost him \$450 bucks if he comes back later? Adamsky adds, or \$300 if you go two times. Mitzner adds, but, again, that should be our building commissioner, because, more than likely, they're going to have to do something for building, to

where our building commissioner should say, "hey you need to go to the Drainage Board and get this permit." Scarborough asks, so, they should realize that they need to do something? Adamsky responds, well, and it would definitely be something, when we adopt this, or when this Board adopts this, to let the building commissioner know, let the other county offices know, so that if they are approving a permit, they're sending people to you as well, or to the surveyor.

Gramarossa adds, and I can tell you honestly, the building commissioner and MS4 work really well together. Prior to, just to give you a little history, before MS4 was really put together and a good functional department, we didn't have that cooperation, but now it's well established that Mr. Polan will contact, and separates to what department, permitting has to go. So, I do believe that once we establish it here, then Mr. Adamsky would give notice to Mr. Polan and make him aware that these are the new fee schedules and get that out there and I believe he will do a good job. Mitzner states, Well, I think he's already proved that to us on a couple of these things we've had where somebody wanted to build next to a drain. So, at least we're working towards that. Can I have a motion to that effect? I guess we haven't decided if we're going two or three times. Scarborough states, double the fee. Gramarossa seconds. Motion passed.

SWANSON'S HERITAGE HILLS, UNIT 2 URBAN DRAIN, CULVERT ISSUE: John South reports, I received a call about an issue with a culvert. This is one of our urban drains. I met with Charity and Dusty, from the highway department, out there. They were so helpful. They said they'd just come back out and jet the culvert. So, they did that and found out there was a beach ball stuck in the culvert. They got it cleaned out and took care of that. So, thanks to them, it didn't cost us anything out of our urban drain. Mitzner adds, thanks again to Charity and the county highway for helping us out.

CONCORD VINEYARD UNIT 1, DRAINAGE ISSUE, COUNTY HIGHWAY: John South reported, this is actually on the same day I met with them out at this one, too. This is another urban drain where there's an issue. They had some bubbling up of water on this V ditch that was part of the original urban drain there. And there's some trees that have grown up in the middle of the ditch here, which is causing problems. And this may be one that's better for another meeting, because Charity is going to talk to their engineer they have on staff or that they contract with. And once she gets back to me, I think I'll have them come to the meeting and discuss this in better detail. Pat Vance motions to table it. mark Scarborough seconds. Motion passed.

WRIGHT ARM FORBES DITCH, CULVERT ISSUE: Drew Swanson, 8079 W. Cherry Hill Dr., approached the Board, got a culvert that's collapsed going across this ditch getting into another field and really just wanting some sort of permission to maybe take it out. It's doing more damage than anything right now. And where the culvert is, it's not that deep, I could probably just drive through it. Mitzner asks, is this a court drain ditch? South responds, yes, this is the Wright Arm of the Forbes. Mitzner states, so, you want to take the culvert out and replace the culvert then? Swanson responds, or if I could just take it out and just drive through. It's really not that deep through there. It's doing more damage me driving a tractor over it now than if it wasn't there. It's holding water back. Every time you drive through it, makes it worse. I've got a picture I can show you from where I drove through. When the water backs up, it goes around. John South asks, you just want to take all the dirt out. Swanson adds, take the dirt out, take the

culvert out, maybe throw some gravel. Gramarossa asks, is it a matter of the culvert was installed vertically instead of horizontally? Swanson responds, no, it's in there horizontally, but there's nothing there left of it at this point. Mark Scarborough asks, are you the only one crossing the culvert? Swanson replies, yeah. Chad Hertges adds, I'd say if he wants to take it out and handle it himself, let him do it. Swanson adds, yeah, it's impeding now. It's flowing everywhere but where it should be flowing through now. Hertges adds, let him fix it. Mitzner asks, do I have a motion to that? Mark Scarborough makes a motion he can remove the culvert. Chad Hertges seconds. Motion passed.

WRIGHT ARM FORBES DITCH, BEAVER DAMS, AUSTIN PROPERTY: John South reports, this was originally why we came out there, because there was a complaint of some beaver dams on this portion north of Hwy 6. There's a couple of them out there and the homeowner happened to come out when we were, I was out there with Paul Vicari, he came over and was hoping the county could help him out, but I said that's not one that we have any money, so, he wants to remove the beaver dams himself. I didn't think there would be a problem with that. Pat Vance motions to allow them to remove the beaver dams themselves on that property. Mark Scarborough seconds. Motion passed.

O'HARA-RICE DITCH, MOWING PROJECT #2, TABLED FROM LAST MONTH: John South reported, I went by there yesterday and that fence is still there. Mitzner asks, they received a certified letter? Adamsky responds, the previous month, yeah. Mitzner asks, how do we move forward on this? Adamsky replies, is it the Board's intention to remove the encroachment? Mitzner responds, if we're going to clean that side of the ditch up, it needs to be removed. Mitzner asks, who is it that owns that? Mark Scarborough states, Bailey. Adamsky adds, if the Board wants to move forward with the encroachment, we put them on notice that if it's not removed within 10 days, the Board will take action. Pat Vance states, so moved. Connie Gramarossa seconds. Motion passed.

DRAIN CROSSING APPLICATION, MULTIPLE DITCHES, ZAYO, TABLED FROM LAST MONTH: Jeff Mitzner reports, they sent somebody out from Texas, came up, called me. We met out close to my area, my house. They were telling me that it was 10' down, 10' under, and then they told me it was 6' under. Well, by the time I figured out what they were doing, if you were 10' here and, now we're talking about from the top of bank. we're not talking about underneath the culvert. We measured down to where the water was. The water was 8'. We figured there was 2' in the water. They had to be going through the culvert. and then where they ended up at 6', they had to go through the culvert on the other side. So, how it works out was their measurements were not correct. The guy pulled the thing out, started checking. He rechecked it and, where was he at that one place he was at? it was just right below the culvert from what we could tell. Mark Scarborough adds, a foot below the culvert. Mitzner continues, a foot at most. So, he was going to go check all 11 drain crossings. Mitzner asks, you never heard anything from them? John Matwysyn responds, I have not heard yet from Zayo. Mitzner adds, well, we know that they were all wrong because I did call him later in the day and asked him? He says, "well, they're all wrong. We got to figure out what we're going to do." So, I guess we'll table that again

until next month. If I can have a motion on that. Connie Gramarossa motions to table. Pat Vance seconded. Motion passed.

DRAIN CROSSING APPLICATION, RIDGE RUN, SURF INTERNET: Jeff Mitzner states, now I'm going to ask, can we table this until after. Brad Adamsky responds, if they've already applied, we cannot retroactively charge them the fee. John Matwyshyn adds, isn't that the one I was at on Saturday? I was there while they did the horizontal drilling. I showed them a map of where our drain was and it's right next to railroad tracks. They put the conduit for the fiber optic at 29'. The limits of their measuring equipment was 30'. It's not more difficult to put it down at that depth than at 5'. Basically, they just adjust the drilling equipment. It was pretty much a non-event. They did it just like a normal job and it was over in probably an hour. And the conduit is installed. John South added, we've already approved this one.

BOYD BLVD STORMWATER PROJECT, PHASE 2: John Smith with Lochmueller Group approached the Board, the City of LaPorte hired our company to oversee the construction inspection of the Boyd Blvd Phase 2 Project. This project is 50% paid for by the EDA. So, EDA has approved the plans and so has the Army Corps. HRP is the prime contractor for this project and they're planning on starting in mid-June, but we have to dewater, and the project is going to be done by Labor Day. It's 4.3 million gallons a day that will go through the pipe and the pond. I don't know if any of you have seen the pond back there off of Boyd that is across from Lewis Bakery. It's like two or three acres now and we're adding another ten acres, 105,000 yards. When there's heavy rain events, when the water gets in there and goes to the overflow and goes in the Schurz Ditch now. So, we need to have a place to send the water. They're looking to send it through the pipe. It'll go in the pond to the overflow and then the Schurz Ditch for two and a half months. Jeff Mitzner asks, so, are you making the pond bigger? Smith replies, yes. They've actually started today on the pond. Mitzner asks, we're going from 3 acres to 10 acres on the pond? Smith replies, about 12, 12 plus. Smith adds, we did stop the first phase between the two drives at Wal-Mart, so that's where we will be starting. It's got to cross State Road 2, which is going to be a challenge. Pat Vance asks, so, this currently outlets into the Schurz Ditch or you're just saying to dewater it, you're going to have to? Smith responds, well, it currently does, it used to be the conservancy district and the Shirley Heinze. That's where the water goes into that marshy area and then from what I understand that then goes to the Schurz Ditch. Pat Vance asks, this is where we walked at all of us out there? Mitzner responds, this is the City retention pond that's off of Boyd and Division, right there by the railroad tracks. it's where we walked at, but I don't know that you came to where the retention pond was. We drove around after we were done and looked at the retention pond. So, it's actually on the other road. pat Vance responds, no, I didn't see that part of it. Mitzner asks, any questions? Motion to accept. Connie Gramarossa states, I'm not sure what we are accepting because they already had their permits in, right? What are we approving? He said that they already started the work today. Mitzner replies, they haven't started dewatering yet. They haven't started dewatering until June. So, we're not pumping any water yet, but it's going to go into that, the retention pond's going to be done before you guys start pumping water into it. Smith replies, it will probably be about half done. They're going to continue on the pond as they start. Mitzner asks, how much water is this retention pond going to hold? And I know you probably can't tell me that number, but at 12 acres, you're looking at 4.3

million gallons a day. Smith responds, I would say it's not going to hold any of that because it's going to reach capacity, 4.3 million is going to be going to the overflow. And the good thing is it's going to be the summer months, hopefully a drier time. Chad Hertges asks, how deep is the pond going to be? Smith responds, thirteen feet. It's not going to be thirteen feet the entire time. Hertges continues, not a straight hole. It'll be sloped in. The center will be thirteen feet. Smith responds, the pipe they're putting in will be seventeen feet deep. Vance asks, it's a detention pond, not a retention, right? So, we're controlling the flow out of it. Hertges states, there could be 4.3 million gallons going a day going in, but that might only have a seven- or eight-inch pipe going out, like what the Microsoft project is. Scarborough adds, discharge of that pond going to allow that much water to be... Smith responds, yeah, because the pond was way smaller when we did the first phase and that's where the water went. Gramarossa states, they didn't come before this Board to ask that. Smith responds, I did not. I was with another company. that was seven years ago when we did that. Gramarossa continues, see, the unfortunate thing about this whole situation and I believe everyone of us members, the surveyor, maybe the attorney not, but the rest of us were all out there and there is definitely a problem that we've been working on. And now to bring in 4.3 million gallons per day for a two-month period. I believe that an engineer should come in here and show us how that's going to work. They should pay to have an engineer come in here and show us how that is going to work because we already have issues out there that we're trying to work through. And now this Board is about to agree to allow 4.3 million gallons go through there in a two-month period, on a daily basis. I don't know what this Board wants to do. I'm just trying to state the obvious. Mitzner states, you guys can control that water going out of that pond. Smith replies yes. Mitzner continues, so, are all the boards going to be put in. I'm just asking this so everybody's on the same page. So, are all the boards going to be put in that pond so that we're holding back as much water as what we can before it releases into that Schurz ditch? Smith responds, we could do that. They could add more. Mitzner replies, but if you're not done with the pond yet when you start this project, that's going to become a problem, right? Because how are you going to be able to dig in the pond. Smith replies, actually, the second part is a foot or two higher than what the pond is out there. So, it's like an overflow for the existing pond that is out there and then that will overflow into there and when it raises up enough then it'll go out that way. Mitzner responds, so you're not digging in the same pond that's there. You're digging another pond. And where's that at? Smith responds, it's going to be right next to it. They'll actually join, and it'll be one big twelve acre. Mitzner asks, to the east. Smith replies, yeah. I was surprised how big this pond is going to be. Gramarossa asks, could we perhaps have an engineer come and explain it to us? I don't want to hold up the project, but somebody come in and explain the technical end of this to assure us that this is not going to cause more problems down the line. Mitzner adds, because we already have an issue out there with the Schurz Ditch. And we're trying to figure out how to fix that, and I don't want this to be another problem on that Schurz Ditch that we have to try to figure out what we re going to do. And I understand it's going to be during the dry months, but still, you get a 2-inch rain. Chad Hertges adds, an extra four million gallons of water on something we can't get rid of first, it's not going to work out really well. Gramarossa continues, so again, I don't want to shoot it down. You want progress and you want them to be able to move on, but I believe that perhaps I'd make a motion for them to come in and bring an engineer in here and really explain to us, so that someone's taking liability rather than us here. Scarborough asks, when will you need to start

dewatering? Smith replies, mid-June. They're going to start setting up well points starting June 1st. Gramarossa adds, we could easily either have a special meeting or do it prior or after one of our meetings. Adamsky adds, June 9th is your next meeting. Mitzner states, yeah, they want to start before that, and like she said, we don't want to hold up progress here, but we got to make sure we've got our I's dotted and our T's crossed on this one. Smith responds, was there issues seven years ago. Mitzner replies, yeah, there's issues. So, the issue is you got a 24, it's 18- or 24-inch culvert that all this water has to outlet through, by the railroad tracks there. so, that's what we're worried about. You know we had a 2-inch rain month ago and it was already over the top of that after the 2-inch rain. So, that's kind of what we're worried about here is that we're going to run into a problem with that in other situations and that's why I asked you to come because I wasn't giving you permission over the phone. Smith responds, the Mayor asked me to reach out. Mitzner continues, I guess I have a motion on the floor. Scarborough asks, whose engineer, are you talking their engineer? Gramarossa responds, yeah. Smith asks, you want the designer? Mitzner responds, whoever you can get to get us some answers. Smith replies, the designer would have all the calculations. I don't do the hydraulic stuff. Gramarossa adds, well, I think if you brought this to a vote right now, I think everyone's so uncomfortable with it, you're not going to get it passed. So, I think the best thing to do is try to get someone in here to explain this to us because, I don't know, the other end, would you guys like to speak up? Pat Vance asks, are we going to have to set a special meeting though for this? Because, he's talking about before our next meeting. Mitzner adds, I guess if we can get together, I have to have two days, right, for a special meeting, Brad? Adamsky responds, 48 hours. Get with me. It is farming season. So, we'll see what we can do about getting a meeting set for you, a special meeting, so we get this handled before June 1st. Scarborough adds, I say we'll get it done if we got numbers, right. Mitzner responds, if we got enough numbers, numbers for the Board and numbers from you, if we can get this figured out. One thing I'd like to know is what that twelve-acre pond is going to hold. That we can hold back enough water to slowly release that, but hard telling what that number is. Smith replies, I know the first phase when there was a big rain event, we ended up sending it to the sanitary, but they can't take that much water every day. They can't treat that much. So, maybe we make something where something happens, give it, relieve it for a couple of days. I'll have to speak with Jerry Jackson, with the sanitary, where we could send it, just to get things caught up. Mitzner adds, talk with Jerry and you guys get back with me and then we'll try to set up a special meeting to get this ok'd for you. Adamsky adds, not to speak for the Board, but they're going to keep a close eye on this project. And it's got to be something that if that Schurz Ditch isn't handling the flow, then it's got to be able to be at least temporarily halted or, somewhat regulated because I think that was the issue seven years ago. And like the Board said, they're focused on that ditch right now already. they're going to be paying, there's going to be close attention to this project going forward. Smith adds, yeah, the first phase there was a lot. Mitzner adds, and we don't want to run into that because we already know we have issues there. There could be a time that if it we get a bunch of rain, you're going to have shut down. Pat Vance asks, do we need to make a motion on this then to say that we're going to throw it back to you, president to set up a special meeting/ Mitzner replies, well, Connie already had a motion on the floor, so we'll just kind of add that to her motion. Gramarossa responds, so, we'll table this until we have a special meeting, and move from there. Pat Vance seconds that. Motion passed. Mitzner adds, we'll try to move it along for you as quickly as we can. Chad Hertges adds, but

they can keep digging the pond. Mitzner responds, yeah, you can keep working on the pond and get that done, because we're going to have to have that. Gramarossa adds, we don't have jurisdiction to stop it. All we have jurisdiction over is the quantity of water that's going to be. Hertges continues, I just wanted to make sure they knew they could keep digging. Mitzner adds, because I think it's to your best benefit that you get that pond done as quick as you can to be able to hold this water. Smith replies, they were figuring about eight weeks. I mean, it's 105,000 yards of dirt to dig out. 8,800 truckloads going over to off of Truesdell. and just so I remember, you want how much the pond will hold? Mitzner replies, how much the pond will hold. Smith continues, and if we can go to the sanitary, in a worst case. Mitzner continues and see where we can go to if we have issues with if we get a three- or four-inch rain and you guys are pumping water and doing that. you know with a stormwater runoff that's going to be there. Plus, then what is going to be in there anyway from the farm fields and everything, that is going to create a problem. And we don't want that to be a problem again. John Matwysyn adds, I'd like to add for your benefit, so you don't have to remember it all, this meeting is recorded, so you can watch it on the internet.

HUDSON LAKE: Georgette Joyce reported, well, I actually have something important. So, the lake is about 12 inches. The drain gate is closed, but the drain was serviced on April 22nd and the stem mechanism, to open and close the gate, was stripped. So, luckily, we were able to close the gate, otherwise we would have lost 12 inches of lake water. We have a person coming out tomorrow to do a physical inspection and give us a quote on that. John was notified when we discovered this, as well as the DNR. DNR covers all the costs, so you don't have to worry about that and we'll be working with on that. Then their grant was awarded to Aquatic Weed Control and we continue with the invasive species of the Phragmites and we're working with Amazon to do some community and lake grants right now. So, it was very scary with the gate. Mitzner states, sounds like you got it under control. Joyce replies, yeah, we wrapped our arms around it. Well, hopefully it won't be a big expense. if it's under \$1,500, we just jump into it and fix it. If it's more, then we have to go through some hoops. Because right now we cannot open the gate.

BRAD ADAMSKY, ATTORNEY: No Report

JOHN MATWYSHYN, SURVEYOR: I have reported already on the Ridge Run Drain Crossing.

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

CLAIMS: No Claims

\$2,735 available in engineer fund.

PUBLIC COMMENT: **Jim Lefeber**, 1285 E 400 S, LaPorte, IN, approached the Board. Sunday I was out clearing my property borders, Travis ditch for approximately a quarter mile, I'm guessing. I'm approximately a mile south of the Microsoft project. So, when I was out their Sunday and a little bit last night, I'm noticing an increased flow. Have they started dewatering at Microsoft yet? Mitzner replies, no. There's no extra water running off. The only water running in that ditch is the rain water that's coming there. I guess what are you asking any extra flow of

water? What is your question on that? Lefebber replies is there any extra flow? Mitzner responds, there will never be any more water flowing in the Travis Ditch than what there is now according to their specifications, they will actually be dumping less water into the Travis ditch after they get all of their retention ponds done than what is coming from them now from the Travis ditch. There will be less water from a 160-acre field. Let's just say we get a two-inch rain on a 160-acre field. There will be less water running into that ditch with them having their retention ponds than what there is now with a 160-acre runoff. Lefebber states, sounds great. Mitzner continues, we are monitoring this very closely. Lefebber responds, thank you, thank you for that too. A lot of people south of me are curious about it. because nobody wants to be one of their puppets. now is it my responsibility to clean that ditch? Because I'm all about doing it. I've cleaned it 20 years ago. Mitzner states, I'm going to tell you that, you're how far south? Lefebber replies, my property is a mile south from Microsoft. Mitzner replies, I'm not going to speak out of turn, but give us a little bit of time. We might be cleaning parts of that ditch. I'm working on something right now and we might get some of that cleaned. Chad Hertges adds, he's between 300 and 400 South. Lefebber adds, my biggest concern is strangers on my property. I don't care about people a whole lot. That's why I built so far off the road. I love my dog, that's my only companionship besides my wife, I don't care for people. Mitzner adds, glad you brought your wife into it. Lefebber adds, after 29 years I've only been right twice. Mark Scarborough adds, if we do do anything they should at least stay within the 75' easement of our drainage, but we'll probably be notified when the time comes. Lefebber asks, that was my next question, will I be notified as in a person just walking down my lane with the machine or am I going to notified through the mail, how does that work out. I have a gated property. It's a quarter mile long driveway. Are they just going to come up the side on 400 just plowing their way through? John South replies, it would more likely be a mailing.

Gary Metcalf, 4205 N 325 W approached the Board. A couple things. kudos to everybody that's been on the Board. I'd like to see in the future, possibly more information available online. County website's not always up to date and also, I had sent emails to John and to you also Adam about the 11 companies that are presently dumping water into ditches that are now inside the city limits. I think that in your fee structure, maybe in the future you could add companies that are in the city limits, either hook up to the city or contribute to funds to make sure that the ditches are cleaned and properly maintained and maybe even filtration. You mentioned about Microsoft. They're a half a mile away from the sanitary district. If nothing else, let them use it as stormwater and force them to hook into it. Mitzner responds, did you hear what I just told this man? They're not going to be dumping any more water in there than a 160-acre field is going to dump in there in a two-inch rain. Metcalf responds, and we've known in the past that data centers are well known for not following what they say they are going to do. Mitzner replies, as long as I'm on this Board, they're going to follow what I told them to do. I'm telling you that right now. I'm tired of hearing about Microsoft that they're going to dump more water in there that's going to go in there. we're not dealing with that. We've already looked into it. We know what's going to happen and they're following the rules the correct way. And just so everybody knows, I want to reclarify what I told you. They're actually dumping the water on their own property 300' away from the Travis Ditch. Okay? So, 300' from where their retention pond is to the Travis Ditch, that water is going to perk for 300' before it gets to the Travis Ditch. So, that's

going to help maintain the water that's going to flow into the Travis Ditch. So, I guess I should have told you that when you were up here. Metcalf continues, but I'm still worried about what happens if they have a chemical spill. You think a night guy is going to say, "hey, we're going to shut everything down and we're going to be able to keep that from going into the Travis Ditch." Mitzner replies, I'm sure they have protocols for that reason. Metcalf continues, and you can read all through all the times that they've just paid a fine and said move on. but anyway, I still haven't got anything from those, South responds, yeah, I wanted to update you. I'm working on that. I'm in the process of getting... Metcalf states, in that one meeting, you held up a folder and said, "here's this folder with 11 companies." South responds, wee, no, there's all lot more than 11, actually, but that's what I'm working off. Mitzner asks, what is it he's looking for? South responds, he wants to know all of the businesses that are in La Porte that dump into the Schurz Ditch. Metcalf adds, inside the city limits and not using city limits drains. Adamsky adds, it's public record. Gramarossa asks, do we have regulatory jurisdiction to stop these people from dumping in there? because, we obviously know there's a water table, right? And everything from La Porte will dump down into the Kankakee, which will travel through all our ditches. And so, is there any type of regulation that we have currently that we can stop companies from doing that or is there some kind of law out there that we can demand or deem them to stay within the city limits? I think that's what you're looking for, correct? Metcalf responds, or just ask them to hook into the city. Gramarossa adds, well, again, so everything is done by laws and regulations or some kind of regulatory... Metcalf adds, or an ordinance. Gramarossa continues, so what would be our options here? Adamsky replies, that specific type of request likely goes beyond your authority, as your jurisdiction and that would fall into the city. The city would be the ones that make the requirement for them to tap in. we can't require a business or a private person to tap into the city because we don't have authority over the city. Metcalf responds, you can fee them for using Travis Ditch or all of the ditches. Adamsky replies, anybody using a ditch or part of a ditch should be part of an assessment anyhow and that's something the Board does periodically look at through reports with the assessor. Metcalf replies, that's basically what I was trying to get a handle on was the fact that you guys have no money to work with and this would be a way to have a revenue stream. Mitzner adds, well, one thing on this too is everybody that dumps into that Schurz's ditch is assessed. Now, let's remember one thing, that there's a cap on the assessment, that cap has been capped on that ditch for I don't know how many years. We tapped that cap now. So, now everyone, you're going to be able to look on Beacon and you're going to be able to see that everybody's getting charged for that next year. correct? Because we tapped into that. We're out of our ceiling. So, now we can tap that again and we can start charging for drainage again. Metcalf adds, just looking for revenue streams for you guys to be able to make sure, that in the future, Mitzner adds, and there is caps on all those ditches, so we can only get so much money. Metcalf continues, at least if they were asked to go into the city there would be some kind of monitoring and some kind of filtration before it ends up in Travis ditch and then the Kankakee. That was my whole premise behind any of it was to be able to say we've done our due diligence as a county to try to make sure that our waterways are kept clean. Mitzner adds, so, the stormwater project that they're working on now, that's going to help what we're talking about here. The stormwater project that they're doing now is going to be coming from the city and they're going to put it in retention ponds. They're going to hold it there and then they're going to slowly release it into that ditch. Metcalf adds, at times I would think that Travis ditch

would be at capacity probably, like you said, after the 2-inch rain that we just had. is there regulation for Travis Ditch, to tell the city and Microsoft, you can't dump at this time? Mitzner responds, no. Metcalf responds, so it can go over flood stage. Mitzner replies, I'm going to say yeah. that's what we're dealing with. not the Travis, we're talking about the Schurz ditch. Metcalf adds, eventually we're talking about the Kankakee, because pretty much everything in La Porte County either goes... Mitzner adds, and then it ends up down there on me and Mark. nobody cares about us down there. Metcalf responds, that's what I'm talking about. I do care about it because. Gramarossa adds, north of the city goes to Lake Michigan. So, the thing is, are you looking for assessment for everybody? because, you can't just pick Travis ditch and say, "We're only going to do it on." Metcalf replies, that would be a way to have a money stream into the county for all of the things we can't do or haven't done for anybody. If you're inside the city limits, great. Take your water to the city limits. If you're in the county, then the county has a way. Mitzner responds, well, you got to understand the city limits. it doesn't matter because the water still has to come to the county. It doesn't matter. And the city is in the county. So, the water's got to come that way. Metcalf replies, as long as it goes through some type of metering and some type of filtration, that's great. Scarborough adds, like the other gentleman said, they can't pump into the city because it won't hold 4 million gallons. Metcalf replies, so maybe the retention pond isn't big enough. Mitzner replies, that's why we're going to have the special meeting to get this taken care of. Metcalf responds, you're doing a fantastic job. don't think that I'm trying to be critical of you. I'm just glad that you're proactively doing something now.

ADJOURNMENT: Connie Gramarossa motions to adjourn. mark Scarborough seconded. motion passed. Jeff Mitzner adjourned the meeting at 9:30 AM. The next regular meeting is Tuesday, June 9, 2026 at the LaPorte County Complex Meeting Room #3 at 8:30 AM.

John South, Secretary
Dated: May 12, 2026

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

https://www.youtube.com/watch?v=y5ZwregD80o&list=PL8L8Y5g9S6bq8rIUrYSH2oxusFpU9II_Z&index=2