

**MINUTES OF THE REGULAR MEETING OF THE
LAPORTE COUNTY DRAINAGE BOARD
JUNE 9, 2026
LAPORTE COUNTY COMPLEX MEETING ROOM 3
LAPORTE, INDIANA
8:30 AM**

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

STAFF PRESENT: John South, Brad Adamsky

MEMBERS/STAFF ABSENT: Connie Gramarossa

PUBLIC PRESENT: See sign-in sheet.

Jeff Mitzner called the Public Hearing to order. The Pledge of Allegiance was recited. Attendance was taken.

PUBLIC HEARING - DRAIN CROSSING APPLICATION FEE SCHEDULE: Brad Adamsky states, based on the direction of the Board last month, I've created a draft of an ordinance that sets out these fee structures. The point is to discuss them, approve them here, but ultimately the ordinance gets approved by the county Commissioners. So, you guys approve it here and then Connie will take it before the Commissioners, so it can be codified into the La Porte County law. But basically, we're adding fees to cover expenses that the Board or the county is incurring to do certain types of permit inspections. Some of those are crossings. Another one is involving possible somebody coming forward and asking for encroachments. Historically this Board has not granted encroachments, but this way you've got a fee that you can associate if you did allow that. The fees based on discussion. So, in individual residences for a crossing application or review, you're looking at a fee of \$150, for commercial uses, you're looking at a fee of \$1,000. For encroachments, this includes residential and agriculture, \$150, but then for underground excavation for utilities, \$1,000. So, the two fees line up based on your communication last month. This right here is the public hearing announcing those fees. It's a necessary part of adopting. There is also a penalty if somebody does not properly apply for the permit ahead of time. Since this is an ordinance, this follows the violation of the ordinance under Indiana Statutes, which ultimately is a Class A infraction, and that you can assess a fine of up to \$2,500 per day for the violation. the reason for that language is it gives you discretion on what, some discretion on what fee you're going to, or what fine you're going to assess for somebody who doesn't cooperate. The Board talked about the unknowing homeowner who goes and gets a building permit, but then isn't advised that he also needs to apply for this permit here. Maybe you want to show grace to that person versus a repeat or habitual offender. This is similar to other code violations that penalty provision. So, it's in line with those. I've prepared a draft of the ordinance. You guys are seeing it for the first time here. So, what I want you to do is read through it. If those fees are what you approve, then you can at least vote and acknowledge those

fees, review the language before we submit this to the Commissioners to approve the ordinance. And the fees are to be paid through the County Treasurer's office, but then to be applied to the County Drainage Board general fund, since it's being used to reimburse expenses that you're incurring for inspections. I'm not asking you to read this right now obviously, but if you want to read through, if you have any comments or questions or concerns that we can address certainly, but what you're really approving is that fee schedule. Mitzner states, so I'm just looking through this real quick. If it was an Ag we were granting. Are we charging them a \$150? Adamsky replies, for the crossing, you're not charging them anything. For encroachment, I left Ag in. I don't think you want to give the impression that you're allowing encroachments. Mitzner responds, I'm just asking. Didn't we say that the fee was going to be \$1,250 or did we agree on \$1,000? what did we do on that? Adamsky adds, well, that's what you can agree to right now. Again, that's the point of then reviewing before this goes to the commissioners. If you decide \$1,250, I can put it at \$1,250. The minutes reflected \$1,000 from last month. Matwyshyn replies, I see that the County Surveyor is mentioned several times. we'll have to go over the details of exactly what forms I need to have. Adamsky responds, well, you've already got the form, the crossing permit form. What this will require from you is record keeping of fees that are paid, so that there is a record of those. your office is involved obviously. Pat Vance adds, this says that it's got a stop work order as one of the things we can do for failure to comply with this. That's basically red tagging them so it stops whatever project they're in the middle of. Adamsky responds, correct. Adamsky adds, obviously I wanted you to take some time with the language and make sure that's good before it goes, including john, before it goes to the County Commissioners. We can communicate on that via email since we don't have a meeting till August. Mitzner asks, so when does this go into effect then? Adamsky replies, once adapted by the county Commissioners. so, the sooner you approve the language to me, the sooner I get it to Connie, the sooner she gets it in front of the Commissioners. Your action today is to approve those fees. Mitzner states, so, I'm looking for a motion to approve the fees. Vance makes a motion to approve the fees as stated in the proposed ordinance that we have in front of us. Mark Scarborough seconds it. motion passed. Adamsky adds, that completes the requirements of the Public Hearing. Mitzner asks for a motion to adjourn the Public Hearing. Pat Vance motions to adjourn the public meeting. Mark Scarborough seconds. Motion passed.

Jeff Mitzner called the regular meeting to order. Mark Scarborough motions to approve last month's regular meeting minutes. Chad Hertges seconded. motion passed. mark Scarborough motions to approve the special meeting minutes. Pat Vance seconded. Motion passed.

DRAIN CROSSING APPLICATION, SINK HOLE DRAIN, INDOT: Steve Travis, with INDOT approached the Board along with joe Pietrzak, Surveyor at the La Porte District, and also representatives from the Toll Road. What we got going on right now, there's a drain at the toll road crossing on SR 39. we have a drain that goes from the Southwest Quadrant, that was constructed in the '50s, when we built the toll road. It's on the west side of SR 39 that goes north and exits and drains to the Sink Hole Drain. The pipe has failed or is clogged. So, we're before you here to get access to that drain to clean it out. Jeff Mitzner asks, so, you're not replacing it? Travis responds, well, it's flowing slowly. It's a corrugated metal pipe. Portion of it has already been replaced. There's a subdivision there, I believe it's called Chaumieres Pres Du Lac. We've

overlaid their plat of the legal drain and then the County's records of the legal drain. That legal drain was established in the '50s when we built the toll road, I believe, because of that outfall. So, right now we're just trying to get in to try to clean it out from the outfall up. So, that's kind of why we're trying to get access here today. John South reports, I've seen it and I've talked to Joe quite a bit about this and there's mistakes in the original legal description and everything that was done up there, but, yeah, I think what they're doing is ok. Mitzner asks, we don't need Tony to look at this? South responds, we could, they're replacing part of the system up there, so it may not hurt to have Tony take a look. Adamsky states, I'm guessing he'd be familiar with that subdivision too. Pat Vance asks, do we need a motion to approve them to do this project, but then also have Tony take a look at it? Mitzner replies, motion for them to do it, but, before they could do it, we got to have Tony take a look at it and give us the blessing. Travis replies, I think the form I signed, I said approval of the plans we present to you first. We understand we got to work with you first before you give us the actual blessing to get out there. And we're willing to do whatever you guys need. Joe Pietrzak adds, I also talked with John. it would be a good idea with the inconsistencies in the description that any information that we have we would gladly give you guys to help you update the position of it. It's good to have precise records. Pat Vance states, I'm going to make a motion that we contact Tony and see if we can contract with him to look this over and work with them directly to take a look at this and allow them to do the work they're going to do. Obviously, you're going to share the information you said with us, too. Travis replies, that's correct. and this kind of started with the motel on the southeast corner. The farm field there is flooding out. So, all of that flows west across 39 and supposed to go north through this pipe. We've received customer complaints through our 511-phone number regarding the south side of the toll road flooding because of this old drain that is supposed to convey that all the way up to the legal drain there. Mark Scarborough seconded the motion. Motion passed.

BEAVER DAM, MILL CREEK LATERAL, YON LINDBORG: Yon Lindborg, Union Mills, Indiana, approached the Board. Lindborg stated that he has asked Brian Woodward and Scott Severson to help explain the situation. So, if I may yield to them. Brian Woodward, Woodward Law Offices in Merrillville, Indiana, approached the Board. There's a lateral to Mill Creek. I have a map that may be helpful for you gentlemen. If I can pass that out. If you look right here, you can see the regulated drain coming from north to south into this pond/lake and then you see, what would be the east side, you can see it exiting and then it eventually gets to Mill Creek. Some years ago, there was a beaver dam blocking this drain and Mr. Lindborg thought that was the reason that all this water was backing up onto his property. Well, that was part of the reason. Roughly at the outlet of that lake, there's a crossing. I believe that's where it's located. It may be even further down. At one point there was a culvert at the bottom of that crossing and the invert was roughly level with the bottom of the drain. Well, for one reason or another, that culvert got plugged up. Apparently, it was intentionally done. I'll say because there's concrete, blocks of concrete and plastic, kind of like pool liner material, to hold the water back. And because it was so far down the drain and on other properties, Mr. Lindborg could not determine the cause of all this back-up. Eventually those gentlemen ended up in litigation and it was determined this is what happened. Now there was a second culvert put in, but at a much higher level. So, the bottom one didn't work any longer. The top one works, but only after it causes this lake behind it. So, what Mr. Lindborg is asking is that he be granted permission, and let me preface this by

saying, because of the trees and growth and forestry around the drain, it's virtually impossible to get to that crossing without going across someone else's property. You can't use the easement to get there. So, what Mr. Lindborg is requesting, and this was Scott who was introduced and is with us, has suggested, he be granted permission to access that crossing through the waterway, through the easement and to gradually lower that crossing to alleviate this water that's now backed up artificially, onto this property. And as you can see there's a legend on the right-hand side of the map showing the impact on his property. now, at one point, this was just a straight drain. There was no backed up water at all till the beaver dam and the crossing was backed up. He's just looking to restore it to the condition that it was intended to be. So, that's his request this morning. We're open to suggestions, recommendations, comments, questions, objections, we're willing to answer any questions you may have. Jeff Mitzner states, John and I went out with Yon and looked at where it's at, but we could not see it from where we were at, but he kind of explained to us where we were at in the vicinity. I guess I'd like to go out there and actually look at where the problem is at. And this is going to take a little bit of time to try to get this figured out. So, you think that they've got it, You guys had some elevations didn't you, Yon? Do we know where we shot those elevations from? Where they came from? was there a pinpoint where it was at or how did they shoot the elevations? Lindborg responds, the question of elevations concerns me because this is a drainage board, and I think the board ought to be concerned about removing water from my property that was initially attended that way. And what the question of elevations is, would only relate to trying to maintain some lake on the Bernacchi property, which I don't know that that's my responsibility. Brad Adamsky replies, given the history of this, and John's done some digging already and we did see where this was brought, maybe 2014, 2015, before the Board, which was before any of us, even myself, were counsel for the Board. is there any change in the last 10 years that specifically we're going to see different? I'm just trying to get a consistent history, so as we do our due diligence and our research, we're not relying on old information. Woodward adds, I think there might be some expansion. Two or three years ago in the drought years when everything dries up, of course it's going to shrink a little bit from where it currently is. I bet if you went out and looked today, after the last two days, I think we've had probably five inches or so of rain, maybe more. I bet it's up a little bit from where it typically is. It ebbs and flows depending on environmental conditions. Adamsky replies, it's similar problems that you were experiencing 2014, 2015 that need to be addressed. So, just want to make sure we're not relying on dated information. Mark Scarborough asks, so there's no way to access this through your property. Lindborg responds, a boat and that was attempted. There was one foot taken off many years ago and then in the attempt to take a second foot off, the contractors were threatened and chose not to continue their work. Scarborough asks, we have no funds for this drainage outlet, for this. John South replies, there was a proposal put in in 2015 to start charging fees for this, but it just kind of disappeared. there was no other talk about it after that. It was introduced, and the Board didn't act on it. Scarborough asks, can we get access through other people's property, if we ask, Brad? Is that something we are able to do, so we don't have to take a boat to get to it or can we even access it by walking. Adamsky replies, well, I think that's what they were asking is coming down through your easement from the other direction. Lindborg replies, the depth of the water is about the height of the old fence posts. So, depending on the level of your waders, I guess. Mitzner replies, so, the water's pretty deep. On Yon's side, the water is probably six feet deep. Scarborough asks,

there's not a high ditch bank that you can even walk down or get down. Mitzner adds, so, the seventy-five-foot easement on both sides, there's no access on either side of that ditch to be able to come from the east. Lindborg replies, from the east would be Bernacchi's. Woodward adds, well, along the easement as I'm looking here, you should be able to access it. You'll have to walk through a forest or trees to get there. Scarborough responds, I was thinking coming through the field. I didn't know who owned the field. Lindborg responds, that field is under water. Scarborough asks, even to the east? Woodward replies, no, not to the east. Mitzner asks, if we come in from the other way Yon, can we get in from the other way from the east side? Lindborg responds, like Brian said, if you wanted to wade up Mill Creek. Mitzner continues, I'm talking about is there any way we can get back there as far as walking without having to wade? Lindborg replies, through the trees on each side that are part of the easement on each side of the ditch, you could walk through those trees without being in water. Mitzner replies, that's what I'm talking about. I guess my question is, we probably need to contact Bernacchi's. Adamsky adds, put them on notice and that you're going to use the easement. That way he doesn't think somebody's just walking through his woods out there. Scarborough adds, we'd have to go through their property though, wouldn't we? Mitzner adds, it looks like it. Is there any way we can contact them and ask them if we can go through their property, so we don't have to go on the easement? Are there trees just on the ditch bank or do they farm up next to it then? Lindborg replies, they do not. Mitzner asks, so that's all woods back there? Lindborg replies, yes. Mitzner responds, so they don't have any access back there either then, as far as you know. Lindborg responds, there is a driveway, but it's their driveway back to that crossing. Woodward states, I feel confident in telling you that if you ask for permission to cross his property, the answer is going to be a resounding no. Adamsky asks, what is the nature of the litigation. Woodward responds, it's still ongoing and the reason we're is because we have a mediated agreement where we would approach the Board and see if we can obtain some administrative remedy. So, that's why we're here to fulfill our part of that mediated settlement agreement. And then if we can't get any relief through this Board, then the litigation continues, but obviously our position would like to get it resolved here and lower that level to where it should be. And obviously there's going to be silt built up in that drain that Mr. Lindborg will have to, and I think he's sort of obligated himself, to remove that. Which is fine. We just want the drain restored the way it was meant to be, the way it was installed. That's all we want. Adamsky asks, are you able to share the terms of the mediated settlement agreement or is it confidential? Woodward responds, in essence, that's what it was. Go to the Board, see if you can get relief there. And once you've exhausted that administrative remedy, if you don't get the relief you want, then the litigation proceeds in Circuit Court. Mitzner asks, is there any way we can send them a letter to politely ask them if we can go back there? If they're obstructing the water flow, they can't do that. You can't obstruct the water flow. You can't throw something in the ditch to obstruct, to push water back on your neighbors. Adamsky replies, and that's why I was asking about the terms of the mediated settlement agreement is if it's got something in there that they've got to comply with, maybe that gives us a little more teeth instead of the asking for permission to cross the property. Woodward replies, I can't recall if there's a specific provision in there and I didn't bring it with me. John Matwyslyn states, I would need Brad's assistance in interpreting Indiana code, but I believe that the County Surveyor is allowed to essentially trespass legally on property in the performance of their duties and maintaining the drainage system is part of the duties of this county surveyor. but, I would

need to get Brad's assistance to interpret. Woodward replies, you know, that's a good paragraph. look, I don't do administrative law. I have appeared in front of two municipal boards in the last week and for the first time in probably two decades. So, it's much much more enjoyable than being in court, by the way. Adamsky replies, sometimes. Woodward continues, at least the two I've been involved in have been. But, like meat inspectors, every call, just way back, they're allowed to access private property to perform their duties without warrants and that type of thing. Matwyshyn responds, the law, there's thirty pages there and many paragraphs that I need to get interpretation. Adamsky adds, following the right guidance. Woodward adds, so, I'll refer to council whether you can do that or not. Mitzner states, I guess we got a little bit of investigating we need to do. And we don't have another meeting until August, because we don't have it next month because of the fair. So, I guess I'm going to ask for a motion to table this, but in order to table it, I want to make sure that we keep working on it so that we have something for you guys in August. Or if we can do something, like John said, if he can go back there because of the County Surveyor, we find that out and maybe we can get back there before that meeting. I guess I kind of like to go back there with him and maybe a couple of Board members to see what we actually have back there. From the way that looks, it looks like the water is four feet below the culverts in the picture that I have here. I mean I'm just guessing. So, that means they're holding back at least four feet of water, possibly. So, we need to look at that. Matwyshyn adds, Is there some urgency with regard to the water level? Does it need to be reduced now? Mitzner replies, after last night's four-inch rain, it probably needs to be reduced now. Mitzner adds, this has been going on since 2015. Lindborg adds, there's not a crop out there that we hope to harvest. Adamsky responds, by tabling it, you also give John time too, because there's record of this and he's got to talk to Tony to familiarize himself. I'll talk with the surveyor as far as getting access, whether it's through you or you and Board members. So, even though they're tabling it, next meeting's not till August. There will be activity between now and August. Woodward replies, Scott has been out there, not recently, but has been out there, so maybe he can elucidate a little more on what he observed when he was out there. Scott Severson, Valparaiso, approached the Board, I work with Yon, I've been helping him since we were here 10 years ago, but we did float it with the county Surveyor. We floated it from Yon's side and we went right down the easement. you can see the ditch. So, we just floated right down the ditch to where the obstruction is located, and it would actually be something not that difficult to remove. Woodward asks, do you know roughly how much water is being impounded as far as elevation? On Yon's side it's at least four feet, but as you get closer and closer to the impoundment, there could be ten feet of water there. but it would be easy enough to take one foot off the top of that impoundment. Mitzner asks, so, do they use this for a crossing? I mean, there's culverts there. Do they use it for a crossing or what is it actually used for? Severson responds, it's primarily to hold the water back. You can walk across it. I wouldn't be comfortable driving a vehicle across, maybe like a four-wheeler, from what I recall, but it's not very wide. So, it's mainly like vinyl, like liner and just pieces of concrete stacked. So, it'd be very easy to take those pieces of concrete, put them up on the side of the bank, and just start dropping it down one-foot at a time to provide some relief. Maybe that's something you could do between now and August, even. Woodward adds, Well, I think they want to investigate a little bit before we start. Mitzner replies, we want to do a little investigating and we met with Yon on Tuesday or Wednesday of last week. So, we haven't had a lot of time to investigate. There's an awful lot of paperwork in that file. Severson continues, so,

after you do your investigation, I'm suggesting it would be as easy as authorizing Yon to perform the work at his expense and we float down the ditch to the obstruction and just manually remove the pieces. But, I understand you need to do that after you do some investigation, but that's what Yon is thinking. It's fairly straightforward. it's not a labor-intensive operation. Lindborg adds, we don't see this as being very difficult. We realize silt can be an issue, but if we take a foot off at a time and let the water gradually do its work. There'll be silt that I need to deal with in the ditch that has backed up over these many years, but it's just a matter of taking a little bit off at a time not causing any damage to the Mill Creek Lateral or any overflow of the Mill Creek Lateral and just simply removing the obstruction. Mitzner asks, who owns most of the pond? Lindborg responds, Bernacchi's. So, you only own what looks like a forty that goes straight north. Is that a forty that goes straight north of where that crossing was? Pat Vance states, Well, I was going to make a motion that we table this to August with the understanding that we're going to pick it up then and in the meantime John can continue investigation of the historical and see if the president and John could go walk that again, maybe some other Board members, if we can figure out when, where, and if we need permission to do so, so that we can pick this up again in August. Chad Hertges seconds. motion passed.

BANK SPRAYING 2026: John South reported, I just wanted to give a quick update on this. They're scheduled to start the Bank Spraying on Monday. I went out yesterday and took some pictures of a few of the O'Hara-Rice projects. Took as many pictures as I could, that I could access. I still got two more that I got to look at before the end of this week, so I can get some pictures of those.

Mitzner states, before we get to drain crossings, I've got a text here from Jerry Jackson, on the Schurz Ditch. The Shirley Heinze wetland, the water is to the top of the pipe. The pipe runs under the railroad and Ohio St. The discharge pipe is running full. The culvert under State Road 4 is about 2/3 full. Boyd Blvd lagoon overflow, a little more than half the pipe. I guess that's the main thing the Boyd Blvd lagoon is only half the pipe full right now. So, they're not discharging. because the boards have been out right? I'm pretty sure Jerry told me the boards were out. John Smith responds, yes. Mitzner continues, I just wanted to report on that before we get to these drain crossings.

DRAIN CROSSING APPLICATIONS, MULTIPLE DITCHES, NIPSCO: John South reports, there's seven crossings that NIPSCO's doing with a conduit under Topper ditch, Webster Ditch, Wade Ditch, Porter Ditch, Travis Ditch, Travis arm of the Rodman, and Davey Arm of the Rodman. And in each case, they're going to go a minimum of sixty inches below the natural bottom of the ditch. I don't see any issues with these. If they meet their sixty inches, they should be fine. Mark Scarborough motions that we accept these drain crossing applications from NIPSCO. John Matwyshyn asks, What's the natural bottom? Is that the bottom that was agreed to when the regulated drain was established in court proceedings? That's the natural bottom? Or is it the current bottom? Mitzner replies, it's not the current bottom. So, you got to know where the culverts at. So, you got to be four feet under the culvert. Matwyshyn responds, the word natural bottom was mentioned, and I didn't know if that related to the court proceedings or some

other level. Scarborough adds, my motion is that they need to be sixty-inches underneath the culvert and accept these drain applications. Pat Vance seconded. Motion passed.

DRAIN CROSSING APPLICATION, NORRIS DITCH, UNITI DARK FIBER: John South reports that this is a conduit as well. They didn't have it on the application, but I asked them to add forty-eight inches below natural bottom. And they did. Scarborough asks, forty-eight or sixty? South responds forty-eight for that one. That's what we've been using as a standard. Brad Adamsky asks, did NIPSCO offer the sixty on theirs? South replies, yes. Mark Scarborough makes a motion that we accept the Norris Ditch crossing application. Pat Vance seconded. Motion passed.

O'HARA-RICE DITCH, MOWING PROJECT #2, **TABLED FROM LAST MONTH**: Brad Adamsky reports, I can address that. Part of what this was tabled for is there is an encroachment that's in the way. It's a fence. The Board gave me permission to move forward with basically removing the fence after talking with John South, I realize it's not that simple. There're horses in that field. So, we'll go forward with it, but I'm just relaying to the Board that this should be a complaint for injunctive relief. Make the court order the person to remove the fence. That way you're not incurring any potential risk or liability from removing the fence and having horses run free. I can certainly get that on file and possibly even have it resolved before your August meeting. Pat Vance asks, you need a motion for that, then? Adamsky responds, yeah, technically, because I think your motion last month was giving them ten days and then remove it. This is more filing a court action. So, yeah, I'd like a motion for that. Pat Vance moves that we allow our attorney to pursue that for a, did you say some sort of relief legally? Adamsky replies, complaint for injunctive relief. Vance adds, so moved. Mark Scarborough seconded. Motion passed.

DRAIN CROSSING APPLICATION, MULTIPLE DITCHES, ZAYO, **TABLED FROM LAST MONTH**: John Matwyshyn reports, I've spoke with Joey McGinnis twice since our last meeting. The position that they are currently are at is they don't have an instrument that can do the measurement in water and they're not able to do a measurement through the culvert. One instrument is acoustic. It can't take a reading through the open space. The other is electromagnetic, which can't go through the metal culvert. So, they're currently struggling with how to do the measurement of the location of their conduit under our drain. They did mention that they had some difficulty trying to reach Jeff, our president. I don't know if that's true or not. Mitzner responds, I got an email from them last week and I've been swamped with my own stuff, so that took priority. So, I will try to get ahold of them next week. I'll admit I saw the email and I did not have any time to talk to them about this. So, if you talk to them again, tell them that I saw the email and we will make contact. Matwyshyn continues, but, they're struggling with what to do because their standard techniques won't work for this particular situation. Mitzner responds, well, the email said something about, if the culverts here, they could take a reading from here and take a reading from here, but there's no way to know exactly where they're at underneath the culvert, but if they're only four feet here, because they got to go from top of bank. If they're only four feet here, and the culvert's there, and it's a four-foot culvert, we think they're just going to be four feet under the culvert. We don't know. that's the way I

understood the email. Matwyshyn responds, that's what he expressed over the phone. One concern I had is if we do ditch maintenance, a backhoe will maybe snag the fiber optic line and in my view, that's a big expense, if they rip. Mitzner adds, and they're going to relive us of that if someone goes in there and hits that, that's not going to be on our expense because that's not our problem because they weren't down there. That was one thing I talked to the guy about. Matwyshyn adds, and the impression, apparently conveyed to me is that we were concerned about damage to the culvert, and I said, "No, no, we're worried about future maintenance and damage to the fiber optic lines because that's easily hundreds of thousands of dollars, if we rip through hundreds of lines of fiber optic." Adamsky adds, if you don't know where they are, or they're not where they're supposed to be, you have no way of avoiding it. Mitzner responds, and that was one thing I told him is that they needed to relive us from that. There needs to be something that if we hit one of those or say Scarborough excavating is digging a ditch and he hits one that he's not liable for that because they're not deep enough in the first place. And I will try to make contact back with those guys. That's my fault, but I've just been swamped with other things. Matwyshyn adds, and I wasn't part of the conversation, so I'm not sure exactly what the document should have said. but he had one impression and my concerns were for damage to the fiber optic and that needs to be resolved. And there has to be some document. I think possibly the conduit really needs to be replaced. I don't know if they can extract it and put it back in. Mitzner replies, let me talk to him and we'll table this again until August. Scarborough adds, problem is they don't own that. They just are the contractors putting it in. Mitzner adds, Zayo hired someone else to put it in. So, it's a contractor they got to deal with. Because Zayo is the company. And the company putting it in is a different contract. Matwyshyn adds, there is one engineering firm, there's the horizontal drilling firm, and then there's a fiber optic firm. There're multiple entities involved. The fiber optic firm is not involved yet. It's just the conduit firm, the horizontal drilling firm, and the engineering firm. And apparently there's a miscommunication there and now we have something to resolve. Pat Vance asks, but these are the guys who crossed our ditch without our permission too, right? Mitzner responds, eleven times. Vance adds, basically the reason we had to come up with the ordinance. Matwyshyn adds, I've heard that this project was sixteen hundred miles of horizontal drilling. So, they may have other issues elsewhere outside our county that they're dealing with, so, yes, they're trying to avoid resolving this thing quickly. Mitzner adds, they're going to start hearing from Starke County too now because of me being on the four-county drainage board. I brought that up to them and they had no idea. Can I have a motion to table this again and I'll get a hold of them before next month or before August and try to resolve something. Pat Vance states, so moved. Mark Scarborough seconded. Motion passed.

DRAIN CROSSING APPLICATION, KANKAKEE RIVER & SALISBURY DITCH,
GAFFNEY: John South reported, Kylie Gaffney came into the office and described what they wanted to do here. They want to put in a new septic system and it happens to be two different regulated drains on their property, the Salisbury and the Kankakee River. So, I just had her fill out an application that we'd take a look at it. Mitzner asks, wait, so this isn't a drain crossing then? This is going to be an encroachment. South adds, it's barely going to touch the 75 feet. So, I don't think it'd be a big problem. Mark Scarborough asks, so, they want to put a septic field close to the 75 feet. South responds, Yeah, I think they're just replacing the one that's currently

there. Mitzner responds, I'm going to suggest that they bring in a photo, or a drawing, or a site plan before we approve this. So that we know. Can I have a motion to that effect to table it until they bring in a site plan? Mark Scarborough makes that motion. Chad Hertges seconded. Motion passed. Brad Adamsky states, just to clarify, that'd be to their benefit too, because if you ever have to work on your easement, if there's a way of avoiding it and you've got the record of where that encroachment is, certainly, with the septic field being underground. That's reasonable to ask from them. Mitzner asks, did that come through the building commissioner, then? South responds, yeah, that's who sent her over to us.

DRAIN CROSSING APPLICATION, HANNA ARM OF THE TUESBURG, BRIDGE REPLACEMENT: John South reports, the County is going to replace one of their bridges, bridge 166 over CR 1650 South. They're going to be replacing a single span precast prestressed concrete box with a 40-ft long by 26-ft span by 9-ft riser reinforced concrete box culvert. I think this is one we probably want to have Tony take a look at anyway. Make sure everything is ok. Mitzner asks, they're not putting a culvert in. They're just replacing the bridge. South responds, reinforced concrete box culvert. Mark Scarborough asks, that was a bridge before, wasn't it? South replies, it said it was a concrete box beam bridge. So, they're replacing that with a 40-ft long by 26-ft span by 9-ft rise, reinforced concrete box culvert. Jeff Mitzner asks, did they hire a surveyor to do this? They hired Mark Foster from Lawson Fisher and Associates. Scarborough asks, can we just contact him and see what the elevation of that box culvert's going to be that they are putting in? Mitzner adds, I'm already familiar with this. We had this problem couple years ago. The railroad here holds back some water, because there's some trash comes down and holds back some water, so we had an issue here. So, we took the trees out. The County Highway actually helped us take the trees out. We hauled some stone in here and did a few things here. So, I think we need to make sure that the elevation is right on this. Brad Adamsky adds, get Tony involved? Scarborough adds, find out the elevation from the engineer that's already involved. As long as he is below the original ditch level. Do we need to get Tony involved? Mitzner adds, I'm just going through from when I had a culvert replaced that the County said that it needed to be, they only lowered it an inch. I had Tony come out and Tony came out and shot it. That was when he was a surveyor, he came out and shot it and lowered it eight inches, because it wasn't clear to the original bottom of the ditch. And that's what I would worry about there, that we're not going to be below the bottom of the ditch or to the original bottom of the ditch. So, I guess that's the Board's decision on what we want to do. If we want to hire Tony to go out there and make sure or if we can work with this engineer to make sure it's low enough that we get it to the bottom of the ditch. Scarborough replies, there's not a box culvert there now, is it? It's just a regular bridge deck. South & Mitzner respond, yeah, it's a beam. Mitzner adds, they're putting in a box culvert. Scarborough adds, maybe we should get Tony. He can shoot some shots, quarter mile up the ditch and make sure that it is low enough. Adamsky adds, the right elevation. Scarborough makes a motion to hire Tony to check this project out. Mitzner adds, and we want to make sure that he shoots up the ditch far enough and down below the ditch to make sure that the bottom of the box culvert is low enough there. so, it doesn't impede holding back water. Pat Vance seconded. Motion passed.

HUDSON LAKE: Georgette Joyce, 7299 E, Hudson Point Lane, New Carlisle, reported, the lake is measuring just over twelve inches above the weir. We lost a couple of inches, but the latest rain brought most of it back. The drain gate continues to be closed and estimate was secured to replace the rod portion of the mechanism to open and close the gate, that was found to be stripped. The DNR has approved the estimate and a contract was signed with a deposit. The work will be completed next week, weather permitting. And as I noted before, the opening of the gate is suspended until everything is repaired. Aqua weed control was awarded for our LARE grant and invasive species treatment. They did do a survey last week and we have a couple options of how to go forward in treatment, the difference of cost, we'll discuss tonight at our Board meeting. We talked to Amazon Web Services, and several of our projects, they're interested in funding, to a significant level. We're hoping to get that approved and I can share what that is once we know what they're going to do, but it's for the park and the lake, invasive species and things like that. So, that was exciting news and that's it.

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

JOHN MATWYSHYN, SURVEYOR: I've already mentioned everything that transpired since the last meeting.

JOINT BOARDS: Jeff Mitzner states, I've got nothing on Joint Boards. I already mentioned that worried about these drain crossings, too.

CLAIMS:

Rodman Ditch de-brushing, Davey Resource Group, \$5,600

John South reported that he's looked at it. Walked the entire length. Thought they did a good job. Chad Hertges also reported that looked at and it looked pretty good. Motion to pay Davey Group \$5,600. Pat Vance, so moved. Mark Scarborough seconded. Motion passed.

McKellips Ditch, mowing, Davey Resource Group, \$8,500

John South reports that he has walked about half of it and it looked pretty good, but there is still the northern part that they did that hasn't been looked at. Mitzner states, I'll take a motion to approve it, subject to John South going out and checking the rest of it. Pat Vance, so moved. Mark Scarborough seconded. Motion passed.

\$2,735 available in engineer fund.

PUBLIC COMMENT: None

ADJOURNMENT: Mark Scarborough motions to adjourn. Chad Hertges seconded. Motion passed. Meeting adjourned at 9:28 AM. July meeting is cancelled, the next regular meeting is Tuesday, August 11, 2026 at the LaPorte County Complex Meeting Room #3 at 8:30 AM.

John South, Secretary
Dated: June 9, 2026

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

https://www.youtube.com/watch?v=qbhqqnG20i4&list=PL8L8Y5g9S6bq8rlUrYSH2oxusFpU9Il_Z&index=2