

**MINUTES OF THE REGULAR MEETING OF THE
LAPORTE COUNTY DRAINAGE BOARD
SEPTEMBER 8, 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 last month's meeting minutes. Mark Scarborough seconded. Motion passed 5-0

DRAIN CROSSING APPLICATION FEES ORDINANCE: Jeff Mitzner reported that the fees ordinance was approved by the Commissioners.

MAINTENANCE, RICE DITCH, GERRY HOOVER: John South reported that he inspected the ditch and believes it could use a cleaning. South also stated there is approximately \$20,000 in that account. South asked for permission to put the project out for bids. Pat Vance motioned to put it out for bids. Connie Gramarossa seconded. Motion passed 5-0

WHITE DITCH, TREES IN DITCH, MICHIANA SHORES: Jeff Mitzner acknowledged Charity Glaser, La Porte County Highway Department, who is meeting in Michiana Shores tomorrow to resolve the issue up there.

RODMAN DITCH, DIVERTING OF WATER, DNR: John South reported that he reached out to Reed Stiller and explained what the Board is looking for out there and requested that reed reach out to Chad Hertges. South and Hertges reported that they had not heard back from Reed as of yet, but Hertges said he would reach out to Reed. Mitzner tabled the topic until the October meeting.

CULVERTS, CENTER TOWNSHIP, NEAL NEALIS: Skipped to give Mr. Nealis a chance to arrive.

BEAVER DAM, MILL CREEK LATERAL, YON LINDBORG: Jeff Mitzner asked the Bernacchi's to come up first. Mitzner reported that three of the Board members and John South met with the Bernacchi's out at their place to look at this issue. Kris Lebo approached the Board

along with her daughters, Sadie and Maya. Mitzner stated that the discussion they had out there was that the Bernacchi's told the Board that the bottom of the 18" culvert was at the 755' level mark and the 12" culvert that was running full, the Bernacchi's stated that was just keeping it at the 755' level mark. Kris Lebo stated that they are all set through IDEM to be at the correct elevation. Mitzner continued by stating that the 18" culvert is at 756.2'. The 12" culvert is sitting at 755.65'. so, there is essentially a foot and a half of water that is being held back. Lebo disagreed with that assessment and said they are not in violation. Brad Adamsky adds that the level is above the 755' threshold, so they are not in violation based on IDEM's threshold. A back and forth discussion took place in regard to the two culverts and the correct level for each of those culverts. Mitzner proposes to Lebo that they need to get this set with a 36" culvert at 755'. Lebo states that she would like to get this inspected by IDEM before anything goes any further. More discussion followed. Lebo agreed to contact IDEM for an inspection and to coordinate with John South so that Drainage Board representatives can be at the IDEM inspection. Mitzner added that he would like a motion to have Tony Hendricks be on site with the Board. Adamsky suggests having a motion authorizing the presence of a surveyor on behalf of the County. Connie Gramarossa motions to have a surveyor present when IDEM comes out. mark Scarborough seconds. Motion passed 5-0.

Yon Lindborg, Union Mills, Indiana, and Brain Woodward, Woodward law Offices, approached the Board. Woodward stated that he had a couple of concerns. He stated that there are no time parameters in place and asked if the Board is interested in establishing some time parameters. Brad Adamsky and Connie Gramarossa discussed potentially have a response before the next meeting in October. Mitzner responds he would like to move this along. Gramarossa motions to expediate IDEM to come out and do the inspection within a month's time. Mark Scarborough seconded. Motion passed 5-0. Woodward wanted to add one other thing to the record. They don't consider bringing the level down to 755' to be a final resolution because they have this other litigation ongoing. he doesn't want it to be construed as a compromise. Gramarossa stated for the record that last month the Board attorney asked Mr. Woodward for documentation and Mr. Woodward stated that he couldn't share that with the Board. Woodward stated that without the other side's approval because mediation agreements are considered confidential. Judy Bernacchi approached the Board and gave her permission to share the mediation agreement with the Board. Adamsky stated that either party can provide it to him as counsel. Yon Lindborg stated that this system worked before the beaver dam showed up and, with Russ Bernacchi's permission, he removed the beaver dam, but then he was accused of flooding the Bernacchi's property. A discussion on wetlands and farmable land commenced. Mitzner had one more question for the Bernacchi's, we're in agreement that there was another tube lower than these tubes originally, correct? Kris Lebo responds that she doesn't know that. Judy Bernacchi confirmed that there is a tube at the bottom of the ditch. When they agreed to take the beaver dam down a foot, that was when the bottom tube became clogged and which resulted in them putting in the other two tubes and is also when IDEM became involved. IDEM set the two higher ones. Bernacchi stated that Russ Bernacchi and Yon Lindborg alternated cleaning out the tube in the beaver dam, but Bernacchi stated that one-year Lindborg had replaced the tube with a larger one and lowered it. More discussion took place. Mitzner stated they may revisit this topic later in the meeting when Tony Hendricks gets there.

BANK SPRAYING 2026: John South reported that he has not received invoices from the Davey Group for the Bank Spraying projects and asked if the board wanted to rebid these for the fall or just wait until next year to rebid. Jeff Mitzner responded that we wait until next year. Mitzner added that when the invoices come in that we not pay Davey for the spraying that they did. Mark Scarborough stated that we just not approve the invoices when they come in. Mitzner added that we will rebid the bank spraying next spring.

GALENA MEADOWS MOWING PROJECT, REBID: John South reported that this is a project that Davey Resource Group backed out of and requesting permission to put this back out for bids. Pat Vance motioned to rebid the Galena Meadows mowing project. Mark Scarborough seconded. Motion passed 5-0.

SCIPIO SUNRISE MOWING PROJECT, REBID: Pat Vance motions to rebid Scipio Sunrise project. Mark Scarborough and Connie Gramarossa seconded. Motion passed 5-0.

PROFESSIONAL SERVICES, LEGAL DRAIN MAPPING: Jeff Mitzner states that with the additional money from the drain crossing applications the Board could consider hiring Charles Hendricks and Associates to improve the legal drains accuracy on Beacon. Tony Hendricks approached the Board and described the project details and the potential cost to the Board to contract with Charles Hendricks and Associates for this project. Mitzner states because of the recent issues we've had, we need to prioritize the tiles. Hendricks mentions that Porter County has this, Lake county has this, St. Joe County has this, they not only have the drains, they also have the easements. Mark Scarborough motions to approve the contract for legal drain mapping with Charles Hendricks & Associates. Chad Hertges seconds. Motion passed 5-0.

O'HARA-RICE DITCH MOWING PROJECT #2, **TABLED FROM LAST MONTH**: Brad Adamsky confirmed that a certified letter was sent and returned. John Bailey approached the Board. Jeff Mitzner stated that Mr. Bailey has a fence that is in our easement and in order to due maintenance on the ditch, the Board will require that Mr. Bailey remove his fence. Bailey responds just let me know what day and I'll set it down and you can go through and do whatever you need to, and I'll put it back up. Connie Gramarossa motions to rebid O'Hara-Rice Ditch mowing project #2. Mark Scarborough seconded. Motion passed 5-0.

DRAIN CROSSING APPLICATION, MULTIPLE DITCHES, ZAYO: Jeff Mitzner reported that Zayo contacted him last Friday and they requested to be tabled until next month. They found that they were good with most places, but there are a few places that they might need to fix, and they wanted to discuss that with the Board, but they couldn't be at the meeting today. Connie Gramarossa motions to table until next month. Mark Scarborough seconds. Motion passed 5-0.

BEAVER DAM, MAERZ DITCH, JERRY COOLEY: John South reported that he took a look at the Ditch, but was unable to pinpoint the beaver dam, but did state that there are a large number of trees down in the ditch. South also stated that this is a regulated drain, but it is not assessed. Mitzner recommended John South reach out to Mr. Cooley to see if he can get some neighbors

involved to get this taken care of themselves since there is no money on that regulated drain. Brad Adamsky asks would they want to go ahead and make a motion to give them approval to do that if they do? Mark Scarborough motions that we give them approval to work on our easement. Pat Vance seconds. Motion passed 5-0.

DRAIN CROSSING APPLICATIONS, MULTIPLE DITCHES, TEAM FISHEL: John South reported that there are twenty Drain Crossing Applications submitted for Team Fishel. South reported that he has sent out the invoices for these twenty applications. Mitzner asked for a motion to approve the applications as long as they pay the application fees. Mitzner also added that he would like Team Fishel to contact the County Surveyor, so he can go out and check when they are going underneath the ditches. Connie Gramarossa motions to approve. Mark Scarborough seconds. Motion passed 5-0.

DRAIN CROSSING APPLICATIONS, MULTIPLE DITCHES, NIPSCO: John South described the two drain crossing applications from NIPSCO, reported no issues with the projects. Jeff Mitzner requested a motion to approve as long as their fees are paid, and they contact the Surveyor. Connie Gramarossa motions to approve the applications from NIPSCO. Mark Scarborough seconds. Motion passed 5-0.

DRAIN CROSSING APPLICATION, KIEFFER DITCH, UNITI DARK FIBER: John South described the project. Jeff Mitzner requested a motion to approve as long as they pay their fee and they contact the Surveyor. Chad Hertges motions to approve. Pat Vance seconds. Motion passed 5-0.

DRAIN CROSSING APPLICATION, RICHMAN DITCH, FRONTIER: John South described the project. Jeff Mitzner asked for a motion to approve as long as they pay their fee and contact the Surveyor. Chad Hertges motions to approve. Mark Scarborough and Connie Gramarossa second. Motion passed 5-0.

DRAIN CROSSING APPLICATION, KABELIN DRAIN, HENDREN HOMES: Connie Gramarossa motions to approve. Jeff Mitzner adds motion to approve as long as they pay their fee and they contact the Surveyor. John South gave a brief description of the project and drain area. Chad Hertges seconds. Motion passed 5-0.

DRAIN CROSSING APPLICATION, FORBES DITCH, WESTVILLE: John South described the project. Mark Scarborough motions to approve as long as they are 48" under the culvert and if they have any issues they need to come to the Board. Jeff Mitzner added as long as their fee is paid, and they contact the Surveyor. Connie Gramarossa seconds. Motion passed 5-0.

URBAN DRAIN, CONCORD VINEYARD #1, COUNTY HIGHWAY: Mike Yacullo, County Highway Engineer, approached the Board and reported on the details of the project to improve drainage along the north side of Schultz Rd. in the Concord Vineyards, #1 Urban Drain. Mark Scarborough motions to approve the project. Chad Hertges seconds. Motion passed 5-0.

BEAVER DAM, MILL CREEK LATERAL, YON LINDBORG: Tony Hendricks approached the Board. Jeff Mitzner states that the Board's suggestion is to put in a 36" pipe at the 755' height, because right now there is a 12" in place. Hendricks stated that a 36" pipe could handle 100 cubic feet per second, which is what would be required for normal farm ground. This would handle a 100-year storm and would not back up the water as much on the adjacent field to the west. Hendricks stated that he viewed historical photos, which anyone can see if you go to IHAPI, which is the Indiana historical photo website. Hendricks stated that IDEM set the 755' because they didn't want silt going downstream. Hendricks mentioned the 2015 site inspection, in which Jim Keil said the 36" pipe was at 748'. Hendricks stated he wrote a recommendation to put that pipe at 752' to not impact the Lindborg land, which is sitting at about 754', 755', which if you drain to 755', you're still going to get wet soil. Some of the options, in his opinion, as county surveyor, where to at least get it down to 755' and a 36" will hold that as best as you could even in a major event. At some point, even if you use a standpipe to get something down lower without letting the silt go downstream that will cause an event with IDEM and a permitting issue and waters of the US, but there are things you could do; a standpipe would allow it to slowly come down without allowing the silt to go through. If you put in a 36" pipe at 755' it should maintain that lake at 755' a majority of the time. Mitzner adds, looking at those pictures, the 18" pipe is at 756 and a half. Hendricks states 756.26. Mitzner continues, the 12' pipe is at 755.65', so, they're holding back a foot and a half of water. A discussion commenced between the Board and Tony Hendricks on the pipe sizing. Mitzner states that he wants to reemphasize that Hendricks is proposing putting in a 36" pipe at 755' and see how the level maintains and see if that cures the problem on Yon's property. Hendricks responds that since he's in the private world, he'll have to qualify those comments that 755' is the number from IDEM, a 36" pipe is your best shot at maintaining that 755' in any storm, in any rain event. Judy Bernacchi approached the board and stated that she only had one thing to say, she stated that they spoke for years with the Drainage Board about putting in a standpipe. The reason one wasn't put in is because they could never agree on a level. a discussion commenced between the Board, the Bernacchi's and Tony Hendricks in regard to standpipes. Yon Lindborg stated that the statement accusing him of putting in a 36" pipe and flooding the Bernacchi's is not true. Mitzner states that we are going to leave it at this, the Bernacchi's are going to contact IDEM. They're going to contact John South when IDEM comes here. Tony Hendricks is going to be at the meeting with IDEM.

HUDSON LAKE: Georgette Joyce approached the Board; the lake is between 13" and 14". The tolthawk has been measuring with wild swings, so she wanted to ask John South to meet to do a recalibration. Sometime in the next month. No issues. Drain gate mechanism has finally been repaired about 10 days ago. The drain gate remains closed. The invasive treatments are done. They only have two left, the Phragmites next to Eagle Island and they may have a third treatment for Starry Stonewort. Sediment removal is in process and will hopefully be done in the next week and that concludes the scheduled dredging efforts. They received \$40,00 from Amazon, so hopefully \$16,000 will go towards adding walleye fish to the lake in the fall.

BRAD ADAMSKY, ATTORNEY: Nothing.

JOHN MATWYSHYN, SURVEYOR: Just very interesting to hear the summary of events that transpired recently. Mitzner responds, well, you were invited to come to that meeting. Matwysyn responds, I got a notice. Yes. I had another obligation. For Thursday. I didn't know about the Friday meeting. Mitzner stated, it was Thursday when we were out there.

JOINT BOARDS: Jeff Mitzner states, I've got nothing on Joint Boards.

CLAIMS:

\$1,635 available in engineer fund.

PUBLIC COMMENT: Dan Szilagyi approached the Board and stated that he has an issue with the County Line Ditch. Jeff Mitzner states, John South go out and take a look at this and report back to the Board next month.

ADJOURNMENT: Mark Scarborough makes a motion to adjourn. Pat Vance seconds. Motion passed 5-0. Jeff Mitzner adjourned the meeting at 9:56 AM. The next regular meeting is Tuesday, October 13, 2026 at the LaPorte County Complex Meeting Room #3 at 8:30 AM.

John South, Secretary
Dated: September 8, 2026

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

https://www.youtube.com/watch?v=9fs2JRbYo3U&list=PL8L8Y5g9S6bq8rlUrYSH2oxusFpU9Il_Z&index=2