

April 8, 2025
Minutes of the Elkhart County Drainage Board Meeting
Elkhart County Public Services Building
4230 Elkhart Road, Room A
Goshen, Indiana 46526
At 9:30 A.M

I. Call to Order

The Elkhart County Drainage Board held its April 8, 2025, Meeting in Room “A” of the Public Service Building, located at 4230 Elkhart Road, Goshen, Indiana 46526. Board Chairman Lynn Loucks called the meeting to order at 9:30 A.M. The following Drainage Board Members were in attendance: Chairman Lynn Loucks, Vice Chairman Ed Pippenger, Matt Morehouse, Commissioner Bob Barnes and Barry Kauffman. Others attending were Steve Olsen County Attorney, Philip Barker County Surveyor, Steve Schweisberger Deputy Surveyor, Carl Gilbert Drainage Supervisor/Drone Program Coordinator, Tadd Troxell Drainage Technician and Ian Henderson Survey Party Chief.

II. Approval of Minutes

Mr. Loucks opened the floor for discussion on the Drainage Board Meeting minutes from March 11, 2025, hearing none, called for a motion.

A motion was made and seconded (Kauffman/Morehouse) to approve the Drainage Board Meeting Minutes from March 11, 2025. Mr. Loucks called for comments or discussion on the motion, hearing none called for a vote. The Board voted unanimously in favor of the motion.

II. CDF Report

Expenditures – thru 4/4/2025	\$33,456.55
Cash Ending Balance	\$2,759,551.29
Funds Appropriated for Ditch Projects	\$348,577.70
Funds Available to Appropriate for Future Projects	\$2,410,973.59

III. Drainage Items

A. Public Notice / Project Review/ Bid Openings

1. Boyer Tile Replacement Project #25-001 – Public Hearing

The Board Attorney opened the Public Hearing. It appears that proper notice was provided stating that a hearing would be 9:30 A.M. Tuesday, April 8, 2025, with respect to the Boyer Tile Replacement Project #25-001. The Board initially reviewed the matter and decided that a public hearing would be appropriate to identify the benefits and cost detriments to determine if the benefits outweigh the cost detriments. Therefore, the Board will open the public hearing to give an opportunity for those in attendance to give their views and discussion prior to the Board ruling on items.

The meeting was opened for the Surveyor’s office report and any public comment.

A. Public Notice / Project Review/ Bid Openings (continued)

1. Boyer Tile Replacement Project #25-001 – Public Hearing (continued)

Carl Gilbert reported the maintenance project is located in Section 32 & 33 of Middlebury Township. The project will begin north of CR 28, crosses CR 28 east crossing CR 35 continues east to property line.

The scope of the project consists of 2,600 L.F. of the Boyer Tile & Ditch systems. The project will consist of maintenance digging of approximately 630 L.F. of open ditch and replacement of approximately 2,000 L.F. of existing 15” clay tile with 18” diameter plastic pipe. The project is scheduled to commence in the summer of 2025 and is to be completed by August 29, 2025. The estimated cost of the project is less than \$180,000.00.

It was noted that this system was video inspected last fall. The video revealed the tile to be broken down and failing under CR 28 and CR 35 along with parts of the section in-between. A tile repair project was completed at the chicken barn driveway on the Devon Miller property; it is proposed to relocate a portion of the tile west of that site to better align it with the outlet. Staff spoke with all but one of the landowners in person about the project. Staff were not able to speak with Wendall and Angela Troyer in person; they did send a letter outlining a list of their concerns and questions about the project. Their list included the following: When will the Project start; that date will be dependent on when the project is awarded to the contractor. Driveway repairs: the Project specifications include restoring the driveway to gravel. Reseeding of the yard area: The Project is proposed to be completed by August 29, 2025, so a fall Seeding Project can be scheduled to be completed within the fall seeding season. Typically, we seed it then the landowner is responsible for keeping it watered so it grows. Hay field: The landowner will still be able to farm around the work area. The contractor will be instructed to minimize the disturbance through the hay field. No reimbursement for loss of hay within the drainage right-of-way area.

The County Attorney noted that any loss within the drainage right-of-way is not entitled to any reimbursements for such loss. The law is clear that while they have the authority to be there, they do so at their own risk. And that they understand that the work has to be completed that any loss they suffer will not be recoverable by them. This Board allows farming within the drainage right-of-way some other rights-of-way you are not allowed.

Reseeding the grass for the yards will be a separate project. Staff will work with the landowners on the hay field.

No members of the public were in attendance to speak on this matter.

A motion was made and seconded (Pippenger/Barnes) to close the public hearing for Boyer Tile Replacement Project #25-001. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

A motion was made and seconded (Morehouse/Barnes) to grant the benefits of the Boyer Tile Replacement Project #25-001 outweigh the costs detriments and approved moving forward with the project. It was noted that by law any loss within the drainage right-of-way is not entitled to any reimbursements for such loss, Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

A. Public Notice / Project Review/ Bid Openings (continued)

2. Wisler Ditch Obstruction Removal Project #25-012 – Bid Opening

Tadd Troxell reported the project is located on the west side of CR 1, south of CR 40, in Section 34 of Olive Twp. The project consists of removing the multiply obstructions in the channel and installing bank revetment to control erosion. The contractor will be working from both sides of the ditch. This work is to be completed no later than May 16, 2025. The estimated cost of the project is less than \$7,500.00.

Contractors invited but did not submit bids: Aaron Wait, Beaver Excavating, BMF Excavating, Borkholder Excavating, Jeff Hershberger, Jerry Reed Excavating, L.I. Excavating, Martin Forestry & Excavating, Premium Services, Turning Tracks, Wait Services.

Sealed bids were opened and read aloud by Barry Kauffman.

M. Kolesiak Excavating \$6,700.00

SAR Excavating \$6,250.00

Bids were reviewed prior to awarding the project to the low bid.

A motion was made and seconded (Pippenger/Morehouse) to award Wisler Ditch Obstruction Removal Project #25-012 to SAR Excavating for \$6,250.00. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

B. Petitions, Permits, Variances and Requests

1. Indian Creek – Frontier Communications – Utility Permission to Cross

Carl Gilbert reported Frontier Communications request Utility Permission to Cross Indian Creek at 19860 Brookmist Circle Goshen, IN. The site is in Section 21 of Jefferson Twp. west of CR 18. Frontier is placing a new fiber network to provide high speed internet to local homes. The fiber is to be installed 6' below the culvert on the east side of the road as shown on Frontier project #2494788. It was noted that any maintenance digging project on this system could involve the removal of up to 2 feet of sediment from the ditch bottom. The proposed depth of the utility should accommodate for this to ensure the minimum depth of cover requirements.

A motion was made and seconded (Morehouse/Pippenger) to approve Utility Permission to Cross Indian Creek to Frontier Communications at 19860 Brookmist Circle Goshen 6 ft. below the culvert as shown on Frontier Project #2494788. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

2. Osolo Twp. Drain – Frontier Communications – Utility Permission to Cross

Carl Gilbert reported Frontier Communications, 1222 Vine St. Suite 301, Paso Robles, CA 93446, request Utility Permission to Cross Osolo Twp. Drain at 25643 Modrell Ave., Elkhart 46514. The site is in Section 33 in Osolo Twp. The placement consists of 115' of boring at 72" min depth below the Osolo Twp. Drain, on the north side of the

Modrell Ave., as shown on Frontier Project #2496182. crossing. The utility company should be made aware that any future maintenance project on this system could involve

B. Petitions, Permits, Variances and Requests (continued)

2. Osolo Twp. Drain – Frontier Communications – Utility Permission to Cross (continued)

the removal of up to 2 feet of sediment from the ditch bottom. This additional depth should be factored in before installing the utility to ensure the required minimum depth of cover.

A motion was made and seconded (Pippenger/Morehouse) to approve Utility Permission to Cross Osolo Twp. Drain to Frontier Communications at 25643 Modrell Ave, Elkhart 6 ft. below the bottom of the ditch as shown on Frontier Project #2496182. Any future maintenance project on this system could involve the removal of up to 2 feet of sediment from the ditch bottom. This additional depth should be factored in before installing the utility to ensure the required minimum depth of cover. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

3. Yellow Creek – County Highway Dept. – Permission to Cross, Permission to Enter and Temporary Permission to Enter

Tadd Troxell reported the County Highway Department request Permission to Cross for INDOT Project No. 2003071 in Section 16 in Harrison Twp., on CR 36 west of CR 11. The project will replace the existing County Bridge No. 233 over Yellow Creek with a new 43 ft. concrete single span bridge. Permission to enter with the roadside swales has been submitted. Temporary Permission to Enter for dewatering in the work area during the construction was also approved contingent the submittal of the proper documents to the Surveyor's Office.

A motion was made and seconded (Barnes/Kauffman) to approve Permission to Cross Yellow Creek to County Highway Department for a new bridge to replace existing bridge #233 and Permission to Enter with the roadside swales. Also approved the Temporary Permission to Enter for the dewatering portion of the project contingent the Surveyor's Office receiving the completed document. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

4. Horn Ditch – City of Goshen Engineering Dept. – Permission to Cross

Ian Henderson reported City of Goshen, 204 E. Jefferson St. Suite #1, Goshen 46528 request Permission to Cross. The existing structure carrying College Ave, (CR 36) over Horn Ditch will be removed and replaced. A pedestrian bridge will be built adjacent to College Avenue for a multi-use path as shown on plans for Project #1900739. The Surveyor's Office main concern is Horn 2-Stage Ditch, the design of the 2-Stage Ditch predicates the outlet of this structure. A conference call on April 4, 2025, Structure Point stated to the Surveyor's Office staff that this bridge will not impact the flood levels, either up or downstream, from the structure. It is understood that it has been certified by Structure Point to the City of Goshen's flood plain manager and the DNR that this bridge

will not impact the flood levels. The Surveyor's Office staff can infer from that statement that the discharge of the bridge is not going to substantially alter the flow.

B. Petitions, Permits, Variances and Requests (continued)

4. Horn Ditch – City of Goshen Engineering Dept. – Permission to Cross (continued)

Commissioner Bob Barnes noted that the County is collaborating with the City on this project.

It was noted that with all Permissions to Cross, it is the responsibility of the Petitioner to maintain the structures. If the structures should become an obstruction or cause any adverse effects to the ditch, it will be removed at their cost.

A motion was made and seconded (Pippenger/Barnes) to grant Permission to Cross the Horn Ditch to City of Goshen Engineering Department for the removal and replacement of the existing structure carrying College Ave., (CR 36) over Horn Ditch. A pedestrian bridge will be built adjacent to College Avenue for a multi-use path as shown on plans for Project #1900739. As with all Permission to Cross, it is the responsibility of the Petitioner to maintain the structures. If the structures should become an obstruction or cause any adverse effects to the ditch, it will be removed at their cost. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

5. A.P. Jones – Kosciusko County Surveyor's Office – Appoint Joint Board Member

Steve Schweisberger reported the Board last month approved an adjustment to the A.P. Jones water shed and to abandon a section of the tile that is under a wetland area. The Board did request representation on the Joint Board for the project. Lynn Loucks was appointed to the Joint Board with Kosciusko County to review the proposed rate increase for A.P. Jones Ditch.

A motion was made and seconded (Morehouse/Barnes) to appoint Lynn Loucks to the Joint Board with Kosciusko County to review the proposed rate increase for A.P. Jones Ditch. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted in favor of the motion. 4-0-1

Lynn Loucks abstained from the vote.

6. Bishop Ditch & Lateral "A" – John Wingard – Permission to Cross (2 sites)

Ian Henderson reported John Wingard, 0705 N. 1200 W. Middlebury, IN 46540, request Permission to Cross the Bishop system at 2 sites. Site "A" will cross Bishop Ditch with a clear span bridge, 47 ft. long semi-trailer bed, in Section 14 of Osolo Twp north of CR 4. Site "B" will cross Bishop Ditch Lateral "A" with a site built clear span bridge, steel "I" beam construction with plank, in Section 14 of Osolo Twp., north of CR 4. The landowner will be advised that this site is in the floodway and all structures should be kept above the base flood elevations. Staff can supply the base flood elevation to the landowner. As with all Permission to Cross, it is the obligation of the person crossing to

maintain their crossing or if it should become an obstruction to the flow of the ditch, it will be removed at their cost. Furthermore, the Board will not be responsible for the replacement of these crossings.

B. Petitions, Permits, Variances and Requests (continued)

6. Bishop Ditch & Lateral "A" – John Wingard – Permission to Cross (2 sites) (continued)

A motion was made and seconded (Morehouse/Barnes) to approve Permission to Cross Bishop Ditch to John Wingard, 0705 N. 1200 W. Middlebury, IN 46540 for a clear span bridge and Lateral "A" with a clear span bridge, steel "I" beam construction with planks, with the understanding that the structures will be kept above the base flood elevations. As with all Permission to Cross, it is the obligation of the person crossing to maintain their crossing or it will be removed at their cost. Furthermore, the Board will not be responsible for the replacement of these crossings. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

7. Livengood Tile & Millersburg Tile – A+M Wood Source – Variance Request

Steve Schweisberger reported this request is in Section 35 of Clinton Twp., north of the Millersburg treatment plant, west of SR 13. An aerial of the site was reviewed. There is a 36" diameter plastic pipe north of this site that was replaced. The tile previously diagonally angled across the field; it was relocated to follow the property lines. The new easement is all north of this property. There is no right-of-way that extends onto this property that is in question. Where the 36" pipe comes back into the 2 tiles, there is the Livengood and Millersburg Tiles with a 75 ft. right-of-way that goes under the retention pond that Carriage has constructed. If these two tile systems are ever replaced the tile will follow a different route.

This request is for a building expansion and do away with the existing retention pond located west of the existing building and construct an "L" shaped pond that will encroach into the 75ft right-of-way of those 2 tile parallelling. The distance will be 20 ft. from the centerline of the tile for that encroachment. This would be a 55 ft. variance into the 75 ft. right-of-way. Typically, this would not be recommended, but the pond is proposed to be 2 to 4 ft deep in this location. If this was a building it would be different, but this will be a shallow retention pond that will probably be dry. Also, it is proposed to relocate these tiles in the future and this area will not be needed for the replacement.

A motion was made and seconded (Barnes/Kauffman) to approve variance to reduce the 75' right-of-way from the center line of the tile to 20 ft. measured from the tile centerline to A + M Wood Source on the Livengood tile and Millersburg tile contingent the receipt of the properly completed variance form by the Surveyor's Office. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

V. Other Business – Additional Staff Items

1. Coe Meyer Fisher Ditch - Josh Prusinski– Bank Erosion

Carl Gilbert noted that this request was reviewed and tabled last month.

Josh Prusinski, 5321 Briarwood Dr. Elkhart, shared photos of his site and requested assistance in stabilizing and reclaiming some of his lost land. He would like to add soil behind the riprap to regain some of his yard area.

Carl Gilbert noted an estimated 40 tons of riprap will be needed for the stabilization project. It was noted that the cost for the soil to be added would be 100% on the landowner. Staff would need to monitor the placement of any soil to make sure that it does not restrict the flow of the channel. The estimated cost of the project would be \$4,000.00. A 50/50 cost share agreement, with Josh Prusinski for bank stabilization with a not to exceed clause. If the low bid is more than \$4,000.00, staff will check with Mr. Prusinski prior to awarding the Project.

A motion was made and seconded by (Barnes/Kauffman) to enter into a 50/50 cost share agreement, not to exceed \$4,000.00, with Josh Prusinski for bank stabilization on the Coe Meyer Fisher Ditch. If the low bid is more than \$4,000.00, staff will check with Mr. Prusinski prior to awarding the Coe Meyer Fisher Bank Stabilization Project. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

VI. Adjournment (10:19 am)

A motion was made and seconded by (Kauffman/Barnes) to adjourn the April 8, 2025, Elkhart County Drainage Board meeting. Mr. Loucks called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

Respectfully submitted,

Doris Biller, Recording Secretary