

July 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 July 8, 2025, Meeting in Room “A” of the Public Service Building, located at 4230 Elkhart Road, Goshen, Indiana 46526. Board Vice Chairman Ed Pippenger 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, and Barry Kauffman. Others attending Steven Olsen County Attorney, Steve Schweisberger Deputy Surveyor, Carl Gilbert Drainage Supervisor/Drone Program Coordinator, and Tadd Troxell Drainage Technician.

II. Approval of Minutes

Mr. Pippenger opened the floor for discussion on the Drainage Board meeting minutes from June 10, 2025. Scrivener errors were pointed out and minutes revised to reflect the changes.

A motion was made and seconded (Barnes/Pippenger) to approve the revised Drainage Board meeting minutes from June 10, 2025. Mr. Pippenger called for comments or discussion on the motion, hearing no one called for a vote. The Board voted unanimously in favor of the revised motion.

II. CDF Report

Expenditure through 7/8/2025	\$4,790.50
Income	\$433,009.70
Cash Ending Balance	\$3,165,178.84
Funds Appropriated for project	\$332,557.03
Funds Available to Appropriate	\$2,832,601.81

III. Drainage Items

A. Public Notice / Project Review/ Bid Openings

1. None this month

B. Petitions, Permits, Variances and Requests

1. Menges and Menges Lateral “A” – NIPSCO – Utility Permission to Cross

Carl Gilbert reported this item was tabled at the June 10, 2025 meeting concerning the “after the fact” permit submitted by NIPSCO for power lines that were already placed within right-of-way easements paralleling the Menges and Menges Lateral “A” ditches in

B. Petitions, Permits, Variances and Requests

1. Menges and Menges Lateral “A” – NIPSCO – Utility Permission to Cross (continued)

Washington Twp. NIPSCO and staff are working to find a possible solution to this problem. Concerns to be addressed include the minimum safe distance of 15 ft. with the lowest line center sag is at 33 ft., it would not be safe to use equipment under the lines. NIPSCO would need to take the line out of service to allow a contractor to work in the area safely.

Natalie Skaro, NIPSCO, 801 E. 86th Ave, Merrillville, IN 46410, explained her team has recently taken over the task of securing permits and will be responsible to make sure permits are received in the proper order in the future. She noted that the position of the poles was determined by a potential road project in this area. The road has not been constructed yet.

It was pointed out that NIPSCO would need notice, approximately 100 days, prior to being able to kill the line for maintenance and could be down for 2 weeks. This would take coordination with the contractor to know when they would be ready to work through this area. Contractors would likely charge more for the hassle of working with NIPSCO. A brushing project would require more time than a digging project.

Options discussed included: removal of the poles, relocation of the poles, an agreement to shut the line down immediately when maintenance work needs to be done the ditch, or NIPSCO take over the physical and financial responsibility for this portion of the ditch within the encroachment area.

The Board determined it appropriate to “table” the Utility Permission to Cross to allow NIPSCO to review the options discussed and determine the best plan of action for all parties involved. It is imperative that a NIPSCO representative, who can make corporate decisions, be present when the Board revisits this issue at the next meeting.

The NIPSCO representative was directed to submit a draft agreement outlining their proposal for how they are going to handle this violation to the County attorney to review.

A motion was made and seconded (Barnes/Kauffman) to “table” Menges and Menges Lateral “A” Utility Permission to Cross to allow NIPSCO time to review the options discussed and determine the best plan of action for all parties involved. It is imperative that a NIPSCO representative, who can make corporate decisions, be present when the Board revisits this issue at the next meeting. Mr. Pippenger called for comments or discussion on the motion, hearing none, he called for a vote. The Board voted unanimously in favor of the motion.

At this time Vice Chairman Ed Pippenger turned the meeting over to Chairman Lynn Loucks.

2. JA Hess Lateral of Horn Ditch – NIPSCO – Utility Permission to Cross

Carl Gilbert reported NIPSCO has installed a new set of power poles parallel to JA Hess Lateral as part of their Horn Ditch 12.5 and 69 KV line project. The poles are located in Clinton Twp., Section 30, east of CR 31 in the right-of-way. It was determined it appropriate to “table” this request until complete detailed information has been received.

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

2. JA Hess Lateral of Horn Ditch – NIPSCO – Utility Permission to Cross (continued)

A motion was made and seconded (Barnes/Kauffman) to table JA Hess Lateral of Horn Ditch Utility Permission to Cross request from NIPSCO until complete detailed information has been received. 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 – Tsunami Express Carwash – Variance Request

Steve Schweisberger reported this item was tabled at the June 10, 2025 meeting for more information of the distances being requested for the encroachments. This is located in Section 22 of Concord Twp., at the northernly portion of the Concord Mall complex. The request is to place encroachments into the 75 ft. drainage easement of Yellow Creek. The proposed variance requests are as follows: 40 ft. into the right-of-way for the pavement/lanes, no closer than 35 ft. from the top of the bank; 47 ft. into the right-of-way for the WQU new storm structure, no closer than 28 ft. from the top of the bank; and 11 ft. into the right-of-way for the new dumpster pad/encloser, no closer than 64 ft. from the top of the bank. It was noted that the placement of improvement(s) if granted by this variance are done so at the owner(s) choice and risk and the County is held harmless of any damage that may occur.

No documentation has been discovered to date indicating that the County Drainage Board, the City of Elkhart or the State Highway established the wall along Yellow Creek on this property. Therefore, it is determined that this concrete retaining wall is the landowner's responsibility to maintain. It is our recommendation that the suck holes behind this wall cause the collapse of the existing asphalt parking lot area be investigated during construction to determine the source and possibly fix the issue.

A motion was made and seconded (Barnes/Kauffman) to approve Tsunami Express Carwash variance request as follows: 40 ft. into the right-of-way for the pavement/lanes, no closer than 35 ft. from the top of the bank; 47 ft. into the right-of-way for the WQU new storm structure, no closer than 28 ft. from the top of the bank; and 11 ft. into the right-of-way for the new dumpster pad/encloser, no closer than 64 ft. from the Yellow Creek top of the bank. 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. Osborn Manning – Alpert Family Real Estate – Variance Request and Permission to Enter

Steve Schweisberger reported the Alpert Family Real Estate request variance into the 75 ft. right-of-way on Osborn Manning Ditch. Distances noted Variance for the following 3 items to be placed within the seventy-five (75) feet easement for right-of-way of Board: variance of thirteen (13) feet into right-of-way for a Gravel Drainage Trench, no closer than sixty-two (62) feet from top of bank; variance of two (2) feet into right-of-way for the Phase 2 West Retention, no closer than seventy-three (73) feet from top of bank;

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

4. Osborn Manning – Alpert Family Real Estate – Variance Request and Permission to Enter (continued)

variance of forty-one (41) feet into right-of-way for the North Retention Basin Overflow Point, no closer than thirty-four (34) feet from top of bank.

Permission to Enter with a drainage swale as depicted from phase 1 north retention area was also approved as shown on SAM drawing file 76692-design.DWG, dated 5/20/2025 sheet 6 of 13. This permission was granted with the stipulation that the swale must be stabilized at the discharge point at the ditch bank. The site is located at 2900 CR 6 West, Elkhart, Lot 1 of Pro-Air Minor Subdivision, in Section 24 of Cleveland Twp. The 8-inch pipe out letting from the proposed phase 2 retention area was also reviewed. This pipe was previously approved on 7/22/2014 for permission to enter.

Debra Hughes, SAM 2810 Dexter Drive, Elkhart, IN, was available to address questions from the Board.

A motion was made and seconded (Barnes/Pippenger) to approve Alpert Family Real Estate LLC request for variance to 3 items to be placed within the seventy-five (75) feet easement for right-of-way of Board: variance of thirteen (13) feet into right-of-way for a Gravel Drainage Trench, no closer than sixty-two (62) feet from top of bank; variance of two (2) feet into right-of-way for the Phase 2 West Retention, no closer than seventy-three (73) feet from top of bank; variance of forty-one (41) feet into right-of-way for the North Retention Basin Overflow Point, no closer than thirty-four (34) feet from top of bank. Permission to Enter with a drainage swale as depicted from phase 1 north retention area was also approved as shown on SAM drawing file 76692-design.DWG, dated 5/20/2025 sheet 6 of 13. This permission was granted with the stipulation that the swale must be stabilized at the discharge point at the ditch bank. 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. Osborn Manning – SBS Holdings – Variance Request

Steve Schweisberger reported this site is an undeveloped lot directly west of 3128 Lexington Park Dr., Elkhart, Lot 2 of Majestic Security Minor Subdivision, west of CR 3, Section 2 in Cleveland Twp. The variance is to construct pavement and detention basin within the legal drain 75' setback as shown on SAM drawing file: 941140 Design.DWG., dated 6/4/2025.

Debra Hughes, SAM 2810 Dexter Drive, Elkhart, IN, was available to address questions from the Board.

A motion was made and seconded (Pippenger/Kauffman) to approve SBS Holdings request for variance into the 75 ft right-of-way on Osborn Manning Ditch. The variance is to construct pavement and detention basin within the legal drain 75' setback as shown on SAM drawing file: 941140 Design.DWG., dated 6/4/2025. 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 (continued)

6. Osborn Manning – Frontier Communications – Utility Permission to Cross

Carl Gilbert reported Frontier Communications, 2401 Chicago St., Valparaiso, will be installing a new fiber line. The crossing will be on the north side of CR 6, in Section 25 of Cleveland Twp. as shown on Pearce Services drawing for project # 2496189. Permission to cross with a 4" HDPE conduit at a minimum of 6 ft depth below the bottom of the drain.

A motion was made and seconded (Pippenger/Kauffman) to approve Utility Permission to Cross Osborn Manning to Frontier Communications, 2401 Chicago St., Valparaiso, IN. with a 4" HDPE conduit at a minimum of 6 ft depth below the bottom of the drain as shown on Pearce Services drawing for project # 2496189. 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. Osborne Ditch – Frontier Communications – Utility Permission to Cross

Carl Gilbert reported this site is at 59860 IN-15, in Section 28 of Jefferson Twp., west of CR 15 west side of CR 23. Frontier Communications requested Utility Permission to Cross for aerial crossing with a new fiber network as shown on the Troyer Group drawing for GSHN 2022 FTH Goshen HUB H1011 205 SFU Project # 289785. Utility Permission to Cross Osborne Ditch Frontier Communications for an aerial crossing with a new fiber network as shown on Frontier Communications, GSHN 2022 FTH Goshen HUB H1011 205 SFU Project # 289785.

A motion was made and seconded (Pippenger/Barnes) to approve Utility Permission to Cross Osborne Ditch with an aerial crossing with a new fiber network as shown on Frontier Communications, GSHN 2022 FTH Goshen HUB H1011 205 SFU Project # 289785. 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.

8. Lateral KA-Lehman of Lohri-Cripe Ditch – Stan Peachey – Petition to Enclose

Carl Gilbert reported Stan Peachey, 15150 CR 36, Goshen, has requested to enclose a portion of Lateral KA-Lehman of Lohri-Cripe Ditch. This site is south of CR 36 in Section 19 of Clinton Twp.

Mr. Peachey explained there is a dangerous drop off at the road making it so he cannot keep the grass and brush down causing a safety hazard. His proposal would add a 48" X 6' tall cement catch basin with a steel grate/inlet on top, bury an 18" culvert, raise the grade to top of cement catch basin and create a natural swale to be able to mow across and allow water to naturally flow to the south.

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

8. Lateral KA-Lehman of Lohri-Cripe Ditch – Stan Peachey – Petition to Enclose (continued)

A motion was made and seconded (Barnes/Pippenger) to approve the concept of enclosing a portion of the Lateral KA-Lehman of Lohri-Cripe Ditch system to Stan Peachey, 15150 CR 36, Goshen, pending receiving and approving a detailed design drawing with elevations of what is going to take place. The landowner will be required to sign a maintenance agreement that will be recorded with the deed of the land. 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.

9. Kessler Ditch – Surf Internet – Utility Permission to Cross

Carl Gilbert reported Surf Internet, 228 Waterfall Dr., Elkhart requested Utility Permission to Cross Kessler Ditch at 2 sites. Requesting to bore a conduit and fiber 10 ft minimum below the culvert bottom at both sites. Site #1 will be on the east side of CR 27. Site #2 will be on the south side of CR 24. As shown on Surf Internet plan sheet for Project name GSHNIN03.SA01. Staff will advise Surf Internet that there is another utility permitted in this area.

A motion was made and seconded (Barnes/Kauffman) to approve Utility Permission to cross Kessler Ditch with conduit and fiber 10 ft below the culvert at 2 sites as shown on plan sheet for Project name GSHNIN03.SA01 to Surf Internet, 228 Waterfall Dr., Elkhart. 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.

10. Werntz Ditch Lateral “K” – Frontier Communications – Utility Permission to Cross

Carl Gilbert reported Frontier Communications, 1222 Vine St. Suite 301, Paso Robles, CA, request Utility Permission to Cross Werntz Ditch Lateral “K”. The site is at 29558 CR 40 Wakarusa in Section 35 of Olive Twp. The crossing will be with a 4” HDPE conduit will be placed at a minimum of 5 ft. depth below the bottom of the drain. As shown on Pearce Services plan for Frontier Communication, WKRS 2024 FTTG G1002 208 NORTH ELKHART STREET 351 SFU project # 2520081 dated 6/12/2025.

A motion was made and seconded (Pippenger/Barnes) to approve Utility Permission to cross Werntz Ditch Lateral “K” to Frontier Communication, 1222 Vine St. Suite 301, Paso Robles, CA, for a 4” HDPE conduit will be placed at a minimum of 5 ft. depth below the bottom of the drain. As shown on Pearce Services plan for Frontier Communication, WKRS 2024 FTTG G1002 208 NORTH ELKHART STREET 351 SFU project # 2520081 dated 6/12/2025. 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.

C. Drainage Project Updates and Reviews

1. Damey Tile – Update

Steve Schweisberger reported the repair to the Damey Tile on the southeast side of CR 43 in Section 1 of Benton Twp. requested by Kevin Bontrager was tabled at the June 10, 2025 meeting. Following the meeting staff researched the history of Damey Tile. This system drains east to west from Noble County into Elkhart County. In 1973, there was a report presented to the Elkhart County Board that a new “Damey Hite Tile” was installed to convey the additional watershed drainage needs that the existing clay tile was failing to carry. Therefore, our office determined that both the existing clay and new 18” concrete tile are recognized as county regulated drains to be maintained for the drainage needs of this watershed. Project #19-042 installed a tile to connect the clay and the concrete making this a twin system. The requested tile repair is estimated to be less than \$2,500.00 which would include locating the failure, purchasing the pipe and replacing it.

A motion was made and seconded (Barnes/Pippenger) to approve a repair project for Damey Tile for this one item and if this is ever identified as not being a county regulated drain this is not an acceptance of responsibility associated with it in the future. 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. Livengood, Millersburg Lat. “A” and Rink Lat. Tile Repair project #25-017 – Change Order

Carl Gilbert reported Change Order #1 on Project # 25-017 to decrease the contract amount by \$200.00. No lateral connection was found during the repair; therefore, no lateral connection was made.

A motion was made and seconded (Pippenger/Barnes) to approve Change Order #1 on Livengood, Millersburg Lat. “A” and Rink Lat. Tile Repair Project # 25-017 to decrease the contract amount by \$200.00. 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.

3. York Lateral “F” Beaver Leveler Site Project #25-021 – Project Review

Carl Gilbert reported the Beaver Leveler was installed in 2024 on the York Lateral “F” in Section 20 of York Twp. Staff on site 4/28/2025 observed a dam downstream of the outlet of the leveler pipe. Terry Smith was engaged to set traps. Setup fee and trap check for 5 nights totaled \$200.00.

A motion was made and seconded (Barnes/Kauffman) to approve payment to trapper for setup fee and trap check for 5 nights totaling \$200.00. 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.

V. Other Business

1. Additional Staff Items

a. Coe Meyer Fisher Bank Stabilization – Josh Prusinski - Cost Estimate

Tadd Troxell reported the Josh Prusinski request for a bank stabilization project not to exceed \$4,000.00 was approved at the April 8, 2025 meeting on Coe Meyer Fisher Ditch. Mr. Prusinski is requesting the riprap to cover a length of 64.11 ft. along the bank adjacent to the house. The cost estimate for the project is \$2,926.66. Mr. Prusinski would like to be able to place fill and topsoil in the eroded area to reclaim the area lost on the bank and have riprap used to armor the filled area. It is the opinion of staff that it would be in the best interest of this ditch to armor this area in order to avoid more erosion or harm the system. Approval could be subject to execution of permission to enter, his request should be converted to permission to enter to put in the fill material with the staff signing off on that and then staff could do what is needed after. He will need permission to enter to add the fill dirt into the ditch. He can reclaim it at his expense. Staff would recommend he should first place the dirt where he wants to reclaim and then armor the toe with riprap. The amount that it will be extended out needs to be under the scrutiny and guidance of the Surveyor's office. It was determined the approval of the cost share project subject to a Permission to Enter being completed by the landowner. The landowner will be paying for everything except for ½ of the riprap and installation. The landowner will pay 100% of the backing fill, topsoil and all the labor associated with filling.

A motion was made and seconded (Barnes/ Kauffman) to approve cost share project subject to Permission to Enter being completed by the landowner. The landowner will be paying for everything except for ½ of the riprap and installation. The Landowner will pay 100% of the backing fill, topsoil and all the labor associated with filling. 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. Horn ditch Brushing and Bank Stabilization Project #25-006 – Change order and update

Tadd Troxell reported that Project #25-006 is complete. Change order #1 to increase the contract amount by \$1,221.20 for extra riprap delivered to site as directed by staff. 30.53 tons at \$40.00 per ton total \$1,221.20.

A motion was made and seconded (Barnes/Pippenger) to approve Change Order #1 to increase the amount of the Horn Ditch Brushing and Bank Stabilization Project # 25-006 contract by \$1,221.20. 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.

Carl Gilbert continued to explain the specifications for Project #25-006 including burning of the brush on site. Lippert air quality control person informed staff that they have an air quality permit which bans burning on site. Staff gave Lippert 2 options. Option #1, they could pay to have the contractor haul all the brush away. The contractor quoted \$1,000.00 per load for an estimated 10 loads. Option #2 would be to allow us to pile the

1. Additional Staff Items (continued)

b. Horn ditch Brushing and Bank Stabilization Project #25-006 – Change order and update (continued)

brush on Lippert property as far away from the ditch as possible. They chose to have the brush piled approximately 30 ft. from the top of bank on their property.

It was noted that the disturbed areas need to be stabilized with grass. It was determined that staff should seed now and re-evaluate growth near the fall seeding time. The cost for the seeding will be included in the cost share amount with the City of Goshen.

A motion was made and seconded (Pippenger/Barnes) to direct staff to seed the disturbed areas on the Horn ditch Brushing and Bank Stabilization Project #25-006 with a grass/rye mixture and approve payment of all costs associated with seeding. 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.

Staff will work with Spring Brooke Subdivision and City of Goshen to keep the replacement screening as far away from the top of bank as possible.

VI. Adjournment

A motion was made and seconded by (Barnes/Pippenger) to adjourn the July 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