

**September 9, 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 September 9, 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, Secretary Barry Kauffman, Mathew Morehouse and Bob Barnes. Others attending Steven Olsen County Attorney, 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 August 12, 2025.

**A motion was made and seconded (Barnes/Morehouse) to approve the Drainage Board meeting minutes from August 12, 2025. Mr. Loucks 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 9/4/2025		110,856.76
Income		0
Cash Ending Balance		\$3,033,574.57
Funds Appropriated for project		200,972.76
Funds Available to Appropriate		2,832,601.81

**III. Drainage Items**

**A. Public Notice / Project Review/ Bid Openings**

**1. Pratt Ditch Maintenance Project #25-008 – Public Hearing & Bid Opening**

Tadd Troxell reported that project is in Sections 30, 31 and 32 of Osolo Township, north of Bristol Street, on the east and west sides of CR 7. The project scope is from the outlet at Bristol Street to a location approximately 3,000 L.F. upstream. The proposed project consists of maintenance brushing and digging of approximately 3,000 L.F. of the ditch. The project includes the replacement of a road crossing. This is a cost share project with the City of Elkhart. The contractor will provide the culvert pipe. The Project is to be completed by January 8, 2026. The estimated cost of the project is less than \$30,000.00.

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

**1. Pratt Ditch Maintenance Project #25-008 – Public Hearing & Bid Opening (continued)**

The Board Attorney opened the public hearing. Proper notice was received by all parties. It was given that the hearing would be 9:30 A.M. Tuesday, September 9, 2025, with respect to the Pratt Ditch Maintenance Project #25-006. The Board initially reviewed the matter and decided that a public hearing would be appropriate to identify the benefits and the cost detriments to determine if the benefits outweigh the cost detriments. Therefore, the Board requested to be set for public hearing at this meeting. We will give opportunity for those present to give their views and discussion prior to the Board ruling on items.

No public comment was given.

**A motion was made and seconded (Pippenger/Barnes) to close the public hearing on Pratt Ditch Maintenance Project #25-008. 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 approve moving forward with the Pratt Ditch Maintenance Project #25-008 noting that the benefits outweigh the cost detriments. 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.**

Sealed bids were opened and read aloud by Barry Kauffman.

<u>A1 Backhoe Services</u>	<u>\$25,260.00</u>
Jerry Reed Excavating	\$27,050.00
JJC Excavating	\$41,200.00
SAR Excavating	\$25,543.32

Bids were reviewed for accuracy prior to awarding the project to the low bid. The contractor shall not start the project until the Interlocal Agreement with the City of Elkhart has been executed.

**A motion was made and seconded (Pippenger/Barnes) to award the Pratt Ditch Maintenance Brushing and Digging Project #25-008 to A1 Backhoe Service for \$25,260.00 with the stipulation that the contractor shall not start the project until the Interlocal Agreement with the City of Elkhart has been executed. 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. Lohri-Cripe Lateral Lehman – Stan Peachey – Request to Enclose**

Ian Henderson reported Stan Peachey 15150 CR 36 Goshen, IN 46528, request permission to enclose a portion of the Lohri-Cripe Ditch west of CR 33 south of CR 36, in Section 19 of Clinton Twp.

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

**1. Lohri-Cripe Lateral Lehman – Stan Peachey – Request to Enclose (continued)**

Mr. Peachey noted that he would like to make this area beautiful, eliminate the poison ivy plants and make it safer in respect to the roadway. He also indicated that the enclosure would make it so he could possibly build on the east side of his property.

Staff have been on site to review the needs of the ditch and used the [streamstats.usgs.gov/ss/](http://streamstats.usgs.gov/ss/) site to research the peak-flow statistics report for this area. It would be staff recommendation that a 24" diameter pipe would work, but a 36" diameter pipe would be better to handle all the flow over the 200' length.

Mr. Peachey would agree to installing the 36" diameter pipe if the County would participate in the upgrade. It was noted that he plans to add an inlet for surface water to enter the tile. He would also like to extend the 12" tile from his driveway culvert into the proposed 36" pipe and enclose the roadside ditch.

Staff advised Mr. Peachey to get a permit from the County Highway Dept. to enclose the roadside ditch.

This request was considered favorable with the following stipulations.

1) The landowner will be responsible for securing all required state and federal permits to enclose this ditch. 2) The current and all future landowners of this property will be responsible for all maintenance and/or future required replacement of enclosed portion. 3) The landowner accepts responsibility for any claims of damages associated to enclosing this ditch. 4) Staff must approve the proposed design including elevations, grades, type of tile and backfill materials to be used. The landowner must notify the Surveyor's Office before commencing with the installation of the pipe so staff can be on site to document.

All the above stipulations must be included in a signed agreement with the landowner which must be recorded with the County and will run with the land. If these conditions are all met, the County Drainage Board agrees to contribute a one-time payment of \$2,000.00 toward a portion of this project that has met the invitation/bid procedures required for this project, which staff has indicated to be equivalent to the cost of maintenance that would be performed on this portion of the open ditch should it be added to the project list in lieu of the approach requested by Mr. Peachey. In the alternative, Mr. Peachey may proceed without following the invitation/bid procedure requirements if he is willing to forego any contribution by the County Drainage Board.

**A motion was made and seconded (Barnes/Pippenger) to grant Stan Peachey, 15150 CR 36 Goshen, IN 46528 Permission to enclose approximately 200 ft. of the Lohri-Cripe Ditch with a 36" diameter pipe with stipulations noted above which must be included in the landowner agreement. 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)**

**2. Preston Miles Ditch – NIPSCO – Utility Permission to Cross**

Matt Morehouse will abstain from voting on this matter.

Carl Gilbert reported NIPSCO request for Utility Permission to Cross Preston Miles Ditch. The crossing would be at US-6, approximately 750' west of IN-15. The project will retire the existing gas main line in place and replace it with a new plastic gas main line 10' below the flow line. This is in Section 29 of Jackson Twp. The proposed work is for NIPSCO project ID# M12692474. Staff will advise NIPSCO that the proposed elevation should accommodate for the new INDOT structure to be installed at this site. This includes, but is not limited to, the proposed invert elevation of the structure and any additional required excavation to properly install said structure.

**A motion was made and seconded (Pippenger/Barnes) to approve the retirement of the existing gas main in place and replace it with a new plastic gas main 10' below the flow line for NIPSCO project ID# M12692474. 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**

**C. Drainage Project Updates and Reviews**

**1. Nuisance Brush and Weed Control Project #25-009 – Time Extension**

Carl Gilbert reported a time extension has been requested by Right of Way Management for the unsprayed portions of the project that were skipped to avoid damage to standing crops. The original completion date is September 19, 2025, for Project #25-009. The Project was awarded March 11, 2025. The contractor would like to come back after crops are off to do a dormant application. The service is performed by state licensed applicators with a combined 100 years of ditch bank spraying experience.

Staff expressed concerns and questions about amount of kill and how long to hold payment for work completed. The drone will be used to document the results of the foliar spray, so the contractor can return and spray the correct areas. Another concern is how to pay the contractor for dormant spray when no results will be noticed until leaf growth in 2026. The contractor must confirm satisfactory completion of the work, and they will be paid for whatever has been satisfactorily completed. No action to be taken on the payment until an invoice has been received. The Board could allow the contractor to do the dormant application, pay 50% of the actual application on those ditches and pay the remainder upon confirmation of desired kill. If kill is unsatisfactory, the contractor shall come back in and do a re-spray during the 2026 leaf out time for those ditches that are unsatisfactory. There is not a clear reason for the time extension request. The contractor is asking for extension to avoid the liquidated damage. The contractor is offering additional services for no added cost in exchange for no liquidated damages. One option is for the contractor to submit a detailed outline of the additional services that will be rendered in exchange for the extension from September 19, 2025.

It was recommended that Right of Way Management submit a change order to include time extension, description of additional services to be rendered at no additional cost to the County. The change order would specify the amount of work performed to date, justifying what amount to pay and confirming the balance will be paid at a specific date. Those 4 components; time extension, additional services at no cost, the amount

**C. Drainage Project Updates and Reviews (continued)**

**1. Nuisance Brush and Weed Control Project #25-009 – Time Extension (continued)**

performed to date, and the remaining balance on the contract and conditions listed to ensure adequate kill as originally specified.

Additional services include a dormant application, to be paid 50% of the original bid amount at the time of completion of the dormant application, with the balance being withheld until leaf out takes place or until satisfactory kill can be proven. This is for the ditches that the contractor has not touched and those with unsatisfactory kill. The 50% payment would be due to the funds invested in the chemicals because it would be a 4-to-6-month period until the satisfactory kill can be determined. In the event the kill has not been achieved, the contractor shall at no additional expense, do a foliar application to get the expected results.

The time extension was tabled, and the Board requests the contractor to submit the described a change order.

**A motion was made and seconded (Pippenger/Morehouse) tabled the time extension request from Right of Way Management for the Nuisance Brush and Weed Control Project #25-009. A change order is requested from the contractor to be submitted to the Board for review to include a description of additional services to be rendered at no additional cost to the County. 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. Coe Myer Fisher Bank Stabilization Project #25-020 – Review**

Tadd Troxell reported the project is in Section 35 of Osolo Twp. on the Josh Prusinski property. The project was completed on September 3, 2025. Staff onsite observe the contractor and homeowner working on the ditch. Fabric was cut and placed along the predetermined line, and riprap was placed on top of it. Excess fabric was then draped over the riprap. There was plenty of riprap for the project and we were pleased with the results and considered the project complete. Photos of the project were reviewed. The homeowner will haul in the fill to reclaim his lost bank. **Informational only.**

**3. Damey Tile Repair Project #25-022 – Change Order**

Carl Gilbert reported the project is east of CR 43, ¼ mile north of CR 44 in Section 1 of Benton Twp. The project was completed on September 2, 2025. Staff were onsite to observe the contractor already at work. Staff delivered and laid out the culvert pipes and assisted with the work as needed. The failed sections of tile were dug out and replaced with new dual wall, 15-inch, plastic pipe and adapter were used at both ends. The pipe was bedded in and backfilled with stone as spec'd. Native material was used for backfill. Change order #1 is to decrease the contract amount by \$150.00. The plans called for 1 lateral connection; 0 lateral connections were encountered.

**C. Drainage Project Updates and Reviews (continued)**  
**3. Damey Tile Repair Project #25-022 – Change Order**

**A motion was made and seconded (Pippenger/Barnes) to approve Change Order #1 for Damey Tile Repair Project #25-022 to decrease the contract amount by \$150.00. 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.**

**4. Darr Tile at Smart Cabinetry Report**

Matt Morehouse will abstain from voting on this item.

Steve Schweisberger reported on August 8, 2025, staff observed that a semi-trailer running gear appeared to have collapsed into the Darr Ditch. The County Regulated Tile is on the north side of CR 50 east of CR 23 in Section of Jackson Twp. Staff contacted landowner, Smart Cabinetry. They advised that the trailer was removed and damage to the plastic tile could be seen. Staff advised that it was the landowner, Smart Cabinetry, that will be responsible to repair the damaged tile. Staff should be notified then the repairs are to be made so the work can be documented and inspected. The repair has not been completed yet. A letter should be sent to owner pointing out their actions have created a liability risk, and the hole should be covered securely until it is permanently fixed within 30 days from the receipt of this letter. If the tile is not repaired within the 30 days, the Surveyor's Office will repair the damaged tile, and Smart Cabinetry will be billed for the repairs. Also request what their standard operating plan will be to prevent this from happening again.

**A motion was made and seconded (Barnes/Pippenger) to have staff contact the landowner, Smart Cabinetry, to advise that their actions have created a liability risk and the hole should be covered securely until it is permanently fixed within 30 days from the receipt of this letter. If the tile is not repaired within the 30 days, the Surveyor's Office will repair the damaged tile, and Smart Cabinetry will be billed for the repairs. Also request what their standard operating plan will be to prevent this from happening again. 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**

**5. Pine Creek Dewatering Report**

Steve Schweisberger reported that Troy Brubacher contacted the office concerning a dewatering issue at the Alliance site on Pine Creek. This site is on the east side of CR 17, 2000 feet northeast of CR 17 & CR 14 intersection, in Section 6 of Jefferson Twp. Troy advised that the dewatering pipes for this project were designated to discharge into a fallow field area east of Pine Creek but had been extended all the way to Pine Creek by the sub-contractor and had caused erosion and sediment issues at the outfall into the creek. Staff advised that any damage to the ditch bank and/or sediment deposit in the channel will need to be addressed and a temporary Permit to Discharge for dewatering

**C. Drainage Project Updates and Reviews (continued)**

**5. Pine Creek Dewatering Report (continued)**

will need to be submitted. The surveyor's office was also contacted by Joe Foy and Todd Clark with concerns at the site. Staff were on site on 8/27/25 to investigate the reported issue. Staff found both dewatering lines pulled away from the ditch. The north pipe was disconnected and not in operation. Minimal scouring was observed at the previous outfall directly into the creek at the north location. The south pipe was still in operation discharging into the fallow field area east of the creek. No water was flowing to the creek; water appeared to be infiltrating into the soil. At the original south outfall site directly into the creek, there was significant erosion of the bank at this site and a large sediment deposit in the channel. Troy Brubacher and Foreman Glenn were advised that the sediment needed to be removed before the expected rain and the side slope will need to be repaired.

On 8/28/25 Brubacher foreman Glenn reported sediment had been removed as requested and he also filled washout area with some of the dryer material removed. This material is quite sandy and may require top dressing with material that will be more favorable for establishing grass growth. On site 8/29/25 to inspect sediment removal and bank repair. The work done appeared to be satisfactory. The sediment was adequately placed away from the top of bank. Seeding the disturbed areas is recommended. Brubacher foreman Glenn, Joe Foy and Todd Clark were all advised of the findings. No permit to discharge is required at this time because the current outfall locations of the dewatering pipe are outside the 75 ft. right of way and there was no evidence that water was getting to the creek. Aerial and photos of the site were reviewed. **Information only**

**V. Other Business – Additional Staff Items**

**1. SR 15 over Pine Creek – INDOT - Temporary Permission to Enter and Utility Permission to Excavate in County Drain Right of Way**

Ian Henderson reported that INDOT is requesting Temporary Permission to Enter for Cofferdam and Utility Permission to Excavate in County Regulated Drain R/W at SR 15. Site is 1.95 miles south of US 20, in Section 22 of Jefferson Twp. The project work inside the floodway of Pine Creek involves temporary removal of existing riprap, painting the pier piles, encasing the pier piles in concrete, and restoring the existing riprap. Temporary cofferdams will be installed to permit painting and encasement of the piles. Staff express concern that the riprap should be grouted, and it should not raise the bottom of the ditch.

**A motion was made and seconded (Pippenger/Morehouse) to approve Utility Permission to Excavate and Temporary Permission to Enter for INDOT Project #220908 at SR 15 over Pine Creek. 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**

**2. AP Jones – Kosciusko County Joint Meeting - Update**

The Joint Board voted to raise the rate for assessments on the AP Jones watershed. It will be \$6.00 per acre with a minimum payment of \$40.00.

**Information only**

**VI. Adjournment**

**A motion was made and seconded by (Barnes/Kauffman) to adjourn the September 9, 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