

February 11, 2025
Minutes of the Elkhart County Drainage Board Meeting
Held in Room “A” of the
Elkhart County Public Service Building
4230 Elkhart Road
Goshen, Indiana 46526
At 9:30 A.M

I. Call to Order

The Elkhart County Drainage Board held its February 11, 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, Barry Kauffman, and Commissioner Bob Barnes. Others attending were Steve Olsen County Attorney; Philip Barker County Surveyor; Deputy Surveyor Steve Schweisberger Carl Gilbert Drainage Supervisor/Drone Program Coordinator and Ian Henderson Party Chief.

1. Member Term Review

The board members’ terms were reviewed.

II. Approval of Minutes

Mr. Loucks opened the floor for discussion on January 14, 2025 Drainage Board Meeting minutes hearing none he called for a motion.

A motion was made and seconded (Pippenger/Kauffman) to approve the minutes from the January 14, 2025 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.

III. CDF Report

Expenditures – thru February 7, 2025	\$ 5,103.84
Cash Ending Balance	\$ 2,822,932.89
Funds Appropriated for Ditch Projects	\$ 414,425.30
Funds Available to Appropriate for Future Projects	\$ 2,408,407.59

IV. Drainage Items

A. Public Notice / Project Review/ Bid Openings

1. Yellow Creek Obstruction Removal Project #25-002 – Bid Opening

Tadd Troxell reported the project is in Section 22 of Concord Township, north of CR 20 (Mishawaka Road) and approximately 820 feet west of US 33. The project consists of removing the indicated obstructions in the channel and cabling them in the designated areas. This work is to be completed no later than April 7, 2025. The estimated cost of the project is \$4,000.00.

Sealed bids were opened and read aloud by Barry Kauffman.

Mike Kolesiak Excavating LLC \$2,750.00

SAR excavating \$3,450.00

Multiple other contractors were invited but did not bid.

Bids were checked for accuracy prior to awarding the project to the lowest bid.

A. Public Notice / Project Review/ Bid Openings

1. Yellow Creek Obstruction Removal Project #25-002 – Bid Opening (continued)

A motion was made and seconded (Pippenger/Barnes) to award Yellow Creek Obstruction Removal Project #25-002 to Mike Kolesiak Excavating for \$2,750.00. 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.

2. Baugo Creek Obstruction Removal Project #25-004 – Bid Opening

Tadd Troxell reported the project is located in Section 10 of Olive Township, 500 feet north of CR 130 and approximately 400 feet west of CR 1. The project consists of removing the indicated obstructions in the channel and disposing of the debris by cabling in the designated area. This project will require the use of a long reach excavator. This work is to be completed no later than April 7, 2025. The estimated cost of the project is \$7,000.00.

A sealed bid was opened and read aloud by Barry Kauffman.

Mike Kolesiak Excavating LLC \$5,250.00

Multiple contractors were invited but did not bid.

Bids were checked for accuracy prior to awarding the project to the low bid.

A motion was made and seconded (Morehouse/Barnes) to award Baugo Creek Obstruction Removal Project #25-004 to Mike Kolesiak Excavating for \$5,250.00. 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. Yellow Creek – Tsunami Express Carwash - Update

Ian Henderson reported that the office received notice from Mike Hoff, project manager for Weihe Engineers, to advise that the Tsunami Express Carwash Project has been put on hold, and they will reach out to the Board if/when that status changes. They request to withdraw their application. No Board action needs to be taken.

2. Wisler Ditch – Bryan Sheets – Petition for Maintenance

Steve Schweisberger reported Petition for Maintenance was carried by Bryan Sheets, 25876 CR 50, Nappanee for the Wisler Ditch. Request work completed north of CR 48 to CR 9 to the woods, west of CR 9, in Section 16/17 of Union Township. The muck soil needs to be cleaned out and grade checked through the wooded area. This is a very deep ditch. It has been dug at least 3 times during the last 30 years.

A motion was made and seconded (Morehouse/Kauffman) to accept the Petition for Maintenance carried by Bryan Sheets, 25876 CR 50, Nappanee, for Wisler Ditch and to add it to the list to be evaluated. 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. Petitions, Permits, Variances and Requests (continued)

3. Peters Ditch – INDOT – Permission to Cross

Carl Gilbert reported INDOT, 100 N Senate Ave. N758-ES, Indianapolis, IN 46204 request Permission to Cross for Peters Ditch for INDOT Des. No. 2002356 project. The location is on CR 19 at US-6, 1.30 miles west of SR-15, in Section 30 of Jackson Township. A proposed 80” diameter cured-in-place pipe (CIPP) liner that is 62 ft. long for the existing 84” diameter CMP that is 61 ft. long. Revetment riprap will be placed at the inlet over geotextiles for scour protection. The existing 4” corrugated steel pipe (CSP) under the driveway west of CR 19 will have 13 ft of the outlet end of pipe removed and 4 ft of new pipe with a 45° bend and end section.

A motion was made and seconded (Pippenger/Barnes) to grant INDOT, 100 N Senate Ave. N758-ES, Indianapolis, IN 46204, Permission to Cross for Peters Ditch with an 80” diameter carried-in-place pipe (CIPP) liner that is 62 ft. long for Des. No. 2002356 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.

4. Berkey Lateral to Kieffer Ditch - INDOT – Permit to Cross

Ian Henderson reported INDOT, 100 N Senate Ave. N758-ES, Indianapolis, IN 46204 request Permission to Cross for Berkey Lateral to Kieffer Ditch for INDOT Des. No. 2002263 project. The location is US-6, 1.30 miles east of SR-15 in Section 27 of Jackson Township. A proposed 110’ long 5’X4’ reinforced concrete 4-sided box structure with cutoff walls is to replace the existing 4’X2’ concrete box structure that is 41’ long. The proposed structure will have the inlet and outlet lowered approximately 2 ft. so the outlet flowline elevation matches the downstream flowing elevation of the stream. At the inlet there will be an inlet depression created with a 2:1 slope that will direct the water from the existing swale upstream down to the structure. No sump will be provided. 109 ft. of the existing 18 HDPE county drain tile and manhole will be removed. A new C4 manholes will be installed where the removal ends and a new 18” diameter pipe will be placed to outlet to the new inlet depression of the box structure. Class 1 riprap choked with uniform riprap will be placed at the inlet and class 2 riprap choked with revetment riprap will be placed at the outlet with both over geotextiles.

A motion was made and seconded (Pippenger/Barnes) to grant Permission to Cross Berkey Lateral to Kieffer Ditch with a 110 ft long 5’ X 4’ reinforced concrete 4-sided box structure with cutoff walls to INDOT, 100 N Senate Ave. N758-ES, Indianapolis, Indiana for Des. No. 2002263 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.

5. Osborne Lateral “A” – Frontier – Variance

Steve Schweisberger reported this is located in Section 28 of Jefferson Township west of SR 15 on the north side of CR 23. This is the outlet of Wolf Lake. Frontier is doing a large project in this area of the county with a lot of new lines being pulled through existing conduit. Therefore, it will not need a utility permission to cross. They have requested a variance to install a pedestal in the 75 ft right-of-way. In the past we did not require utilities

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

5. Osborne Lateral "A" – Frontier – Variance (continued)

to have a variance in the road right-of-way. Frontier will be installing the pedestal in the right-of-way. I feel it would be better to reply that they have permission to place this structure in the designated ditch right of way. This structure will not restrict our ability to do ditch maintenance.

Steve Olsen advised for the purposes of the record; the County Drainage Board will only be responding to the Petition for variance. The correspondence from the Surveyor's office will not ensure or guarantee that it complies with the other requirements, and references to another department within the County. Frontier will have to talk to other departments for additional permission for the right of way. There is a possibility that it might be declined by other departments, but for the purpose of the variance request specifically for the drainage ditch, we are okay with this.

A motion was made and seconded (Morehouse/Kauffman) to have the Surveyor's office respond to Frontier that there are no obstructions for purposes of the drainage ditch, as a result they have no objection to the installation of a pedestal within the 75 ft. drainage right-of-way. Additional permission must be requested and received from another department within the County that will have additional permission within the road right of way. 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. Drainage Project Update and Project Review

1. Fetters Martin Maintenance Project #24-028 – Time Extension

Carl Gilbert reported Fetters Martin Project is located south of CR 32, between CR9 & CR11. The contractor had all the digging completed by the original completion date, January 10, 2025, except for the leveling of the spoil. Staff contacted the effected landowners to confirm that they were satisfied with the leveling of the spoil. Leveling was inspected on 1/29/2025 and considered complete. Staff request a time extension until January 30, 2025, to cover the leveling of the spoil.

A motion was made and seconded (Pippenger/Barnes) to grant a time extension for the Fetters Martin Maintenance Project #24-028 to cover the spreading of the spoil. The new completion date for the project will be January 30, 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.

2. Fetters Pletcher Maintenance Project #24-027 – Change Order - Part 1

Carl Gilbert reported Change Order #1 is to increase the contract amount by \$1,036.10 for 350 L.F. extra ditch digging, 0.84 ton of extra riprap and extra trip to site to unload culvert. The original specifications did not include trip to site to unload culvert. The pipe manufacturer requested that the contractor be on-site to unload the pipe, other manufacturers do not care if we "roll" the pipe off the truck. The contractor requested an additional \$250.00 to be on-site to unload it. If the contractor had been on-site, he would

C. Drainage Project Update and Project Review (continued)

2. Fetters Pletcher Maintenance Project #24-027 – Change Order- Part 1 - Continued

have unloaded the pipe for no fee. Change order #2 is to increase the contract amount by \$175.00 for 350.00 L.F. of extra spreading of spoil.

It was noted that these change orders are to cover something that was not anticipated at the time of bidding.

It was recommended by the Board that future deliveries have machinery on-site to unload the pipe rather than “rolling” the pipes off. This would be safer for the employees and material.

A motion was made and seconded (Morehouse/Kauffman) to approve change order #1 for additional digging & riprap in the amount of \$1,036.10 and change order #2 for additional spreading of spoil in the amount of \$175.00 for Fetters Pletcher Maintenance Brushing and Digging Project #24-027. 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.

Part 2 - Carl Gilbert continued with part two of the project issue. Before and after photos of the pond area were reviewed. The contractor left 2 ridges of dirt in the pond area. The landowner questioned why the sediment was left. It was not clear in the specifications to dig out all the sediment in the pond area. The tile is not being obstructed but there is a lot of sediment left in the pond which could cause an issue. The contractor had left the site prior to the final inspection, otherwise, a change order could have been used to address the problem. The contractor was willing to return to do the work but would need to be paid a mobilization fee.

It was agreed the best way to handle the issue would be to rebid a project to complete the additional work not addressed in the specifications for the Fetters Pletcher Maintenance Brushing and Digging project #24-027. The contractor successfully completed all other work as per specifications.

A motion was made and seconded (Pippenger/Barnes) to rebid a project to complete the additional work not addressed in the specifications for the Fetters Pletcher Maintenance Brushing and Digging Project #24-027. 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. Maplecrest Drainage Pipe

Ian Henderson reported that this pipe is in Section 34 of Jefferson Township. This is an enclosed mutual (private) drain that runs from the north side of Maplecrest Country Club north across CR 126 then into the Woodstock Subdivision Pond. This is NOT a County Regulated Drain. Representatives from the Woodstock Subdivision and Maplecrest Country Club were supplied with historical documents per records request.

V. Other Business (continued)

1. Maplecrest Drainage Pipe (continued)

Representatives from both entities, Woodstock Subdivision, James Donahoe, 60232 SR 15, Goshen, IN, north lot 9, Goshen, IN and Maplecrest Country Club Representative, Devin Solovey, 611 Hackett Road, Goshen, IN 46526, were allowed to address the Board with their thoughts and comments on the issue.

Steve Olsen questioned both representatives whether there was anything that they wished to present that related directly to the pond, especially to an action taken by the County or any involvement in this? Also, if they believe that there is something that the County previously did or has a responsibility to do regarding this dispute.

Both representatives answered, no to this question. The Woodstock representative did inquire about the possibility of monetary assistance.

Steve Olsen continued to explain that this Board exclusively governs County Regulated Drains. The Drainage Board does not have control over and cannot spend government funds on private or mutual drains.

Steve Schweisberger noted that there is a statutory protocol in place if you want to explore turning this into a County Regulated Drain.

Steve Olsen reiterated that this Board exclusively governs the County Regulated Drains and does not have control over and cannot spend government funds on private or mutual drains. One of the questions posed today is whether funds could be provided. I want to make sure the public is aware that funds from the government cannot be used on mutual or private drains. As stated earlier, there is a statutory protocol in place for the purpose of turning this into a County Regulated Drain if you want to explore it. As a County Regulated Drain you would no longer have control over your own systems and you would give that control to the government, this is typically not the wishes of private citizens.

Steve Olsen continued to explain the general thought process among the County Boards is to allow the public to be heard, given the opportunity to speak and always encourage the public to work things out independently. The government is not seeking or encouraging litigation of any manner. The Board is not pushing private citizens to do any specific action or take any action with respect to the presentation that was given here today. There was no specific item noted, by either representative, that this was either a Drainage Board responsibility by action or inaction taken by the Surveyor's office or the Drainage Board. There is no specific action that this Board could take. The Board does not serve as a mediator compacity for the purpose of the general well-being of individuals, there are private mediators that could assist with that. It is not something the government services can provide with taxpayer dollars. I believe that this is a general summary of the powers and obligations of the Drainage Board. Hopefully, that will provide some guidance for the individuals here. I know you came with hopes and dreams that everything would be done when you left today but understand that this Board just does not have those powers.

VI. Adjournment

A motion was made and seconded by (Pippenger/Barnes) to adjourn the February 11, 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