

WHITLEY COUNTY DRAINAGE BOARD – MINUTES REGULAR MEETING – MAY 19, 2025, 9:00AM
Whitley County Government Center - County Commissioner/County Council Meeting Room – 1st Floor

Pursuant to law, the Whitley County Drainage Board met with those members present as follows:

Chairman Seth Schrader, Vice Chairman Dave Johnson Member Michael Schrader, Member Brad Cormany, Commissioner Rob Schuman

Staff present: County Engineer Brad Allen, County Surveyor Dane Drew, Drainage Supervisor Max Utterback, Drainage Board Attorney Matt Shipman, Drainage Board Secretary Jennifer Stephenson

CALL TO ORDER: Chairman Seth Schrader called the meeting to order at 9:00AM.

IN THE MATTER OF PUBLIC ATTENDANCE: There were seven (7) visitors in attendance for the May 19, 2025, Whitley County Drainage Board meeting. A guest list is included with the minutes of this meeting.

IN THE MATTER OF CONSIDERATION AND ADOPTION OF THE APRIL 21, 2025, WHITLEY COUNTY DRAINAGE BOARD MINUTES:

A motion was made by M. Schrader to approve and adopt the April 21, 2025, Whitley County Drainage Board Minutes as presented. Motion was seconded by Schuman. Motion passed 3-0-2 with S. Schrader and Johnson abstaining.

IN THE MATTER OF PUBLIC HEARING:

DRAIN: 619-000B SCHRADER E

CURRENT ANNUAL DRAINAGE ASSESSMENT: \$15 per acre / \$50 minimum (\$4,843.77 annually)

PROPOSED ASSESSMENT: \$40 per acre / \$200 minimum (\$13,919.72 annually)

S. Schrader opened the Public Hearing at 9:05am.

DESCRIPTION: Proposal to increase the assessment rate on the 619-000B SCHRADER E county regulated drain to allow for the last phase of tile replacement consisting of 1650 feet of 24" with an estimated cost of \$42,000. All landowners within the watershed were notified with no notices returned as undeliverable. Two (2) written objections were received from DeAnne Conn and Sam & Karen Hall. Sam Hall was in attendance and spoke to the unfairness of the drain collection. The watershed contains 300 acres with thirty-two (32) assessments, nineteen (19) minimums. The current maintenance fund balance is \$6,688.25. Johnson motioned to approve the proposed assessment increase to \$40 per acre / \$200 minimum, collecting \$13,919.72 annually. Cormany seconded the motion. Motion passed 3-0-2 with S. Schrader and M. Schrader abstaining.

S. Schrader closed the Public Hearing at 9:16am.

DRAIN: 205-017B GEARIN C #17

CURRENT ANNUAL ASSESSMENT: \$1.34 per acre / \$5 minimum (\$695.54 annually)

PROPOSED ANNUAL ASSESSMENT: \$40 per acre / \$200 minimum (\$21,574.04 annually)

S. Schrader opened the Public Hearing at 9:17am.

Proposal to increase the assessment rate on the 205-017B GEARIN C #17 county regulated drain to allow for more funds to be received for future general maintenance on the drain. All landowners within the watershed were notified with no notices returned as undeliverable. One (1) written objection was received from Inara Wait. Richard Kyler was in attendance to voice his opinion on the increase, stating that he does agree it needs to be raised but could be a lesser rate, still bringing in enough for future maintenance. The watershed contains 480 acres with twenty-eight (28) assessments, sixteen (16) minimums. The current maintenance fund balance is in the red (\$5,490.81). Schuman motioned to approve lowering the assessment rate from the proposed to \$20 per acre / \$100 minimum, collecting \$10,787.02 annually. Cormany seconded the motion. Motion passed unanimously.

S. Schrader closed the Public Hearing at 9:23am.

DRAIN: 433-000B MARS A

CURRENT ANNUAL ASSESSMENT: \$.54 per acre / \$5 minimum (\$95.05 annually)

PROPOSED ANNUAL ASSESSMENT: \$40 per acre / \$200 minimum (\$5,394.72 annually)

S. Schrader opened the Public Hearing at 9:24am.

DESCRIPTION: Proposal to increase the assessment rate on the 433-000B MARS A county regulated drain to allow for maintenance to be completed including jetting and clearing. If an Owner Funded Reconstruction is not submitted then more funds will be needed to replace tile on the east side of SR5. All landowners within the watershed were notified with no notices returned as undeliverable. One written objection was received from Allen & Lesa Norton. The MARS A watershed contains 108 acres with fourteen (14) assessments, nine (9) minimums. The current maintenance fund balance is zero (\$0.00). Johnson motioned to approve the proposed assessment increase to \$40 per acre / \$200 minimum, collecting \$5,394.72 annually. M. Schrader seconded the motion. Motion passed 5-0. S. Schrader closed the Public Hearing at 9:28am.

IN THE MATTER OF CONSENT FOR PERMANENT STRUCTURE PETITIONS:

DRAIN: 073-088B CARTER O #88

Allen & Dorothy Zeller are requesting to rebuild a pole building that was recently destroyed by fire to be located a minimum distance of fifty (50) feet from the CARTER O #88 county regulated drain. Also on the petition is their existing blacktop driveway located ten (10) feet from the same county tile. Johnson motioned to approve the Consent for Permanent Structure Petition to Allen & Dorothy Zeller for a pole building to be placed a minimum distance of fifty (50) feet from the CARTER O #88 and their existing blacktop driveway located ten (10) feet from the CARTER O #88 county regulated drain. Cormany seconded the motion. Motion carried 5-0.

DRAIN: 653-000B SMITH S B

Ronald & Katy Smithson, Jr are requesting to construct a new barn to be located a minimum distance of forty (40) feet from the SMITH S B 653-000B county regulated drain. M. Schrader motioned to approve the Consent for Permanent Structure Petition to Ronald & Katy Smithson, Jr for the new barn to be a minimum distance of forty (40) feet from the SMITH S B county regulated drain. Johnson seconded the motion. Motion carried with all in favor.

IN THE MATTER OF LET/BID JOBS:

216-015B GOBLE E #15 – Bids were recently accepted to replace 2000 feet of 24" tile on Phil Frazier's property south of 700 South and west of 200 East.

The labor bid was tabled during the April meeting to allow for Utterback to contact Warner Excavating and confirm they were aware of the scope of this project for the amount they bid. Warner is aware and still interested in the project. Schuman motioned to award the labor portion of the project to Warner Excavating for \$6,000. Johnson seconded the motion. Motion passed 5-0.

215-000B GLICK E / 289-000B HOWENSTINE W – Bids were recently accepted to replace 1050 feet of 24" tile on the GLICK E and 1000 feet of 15" on the HOWENSTINE W drains located on Emerick's property.

M. Schrader motioned to award the labor bid to Pankop Drainage for \$10,150.00. Cormany seconded the motion. Motion passed with all in favor.

Cormany motioned to award the pipe bid to FRATCO for \$20,964.82. Schuman seconded the motion. Motion carried unanimously.

Schuman motioned to award the backfill to Brad Hull Trucking for \$20.25/ton for #8 limestone. Johnson seconded the motion. Motion passed 5-0.

IN THE MATTER OF OTHER BUSINESS:

Allen brought a question up to the Board regarding how the Board wishes to handle instances when a member of the Drainage Board works on a drain and then asks for compensation. Normal procedure allows for a property owner to do work on their own property with prior approval. Staff would just like to make sure the Board does not see a conflict with Drainage Board members working on county regulated drains if prior approval is given, whether on their own property or not, as long as liability insurance is on file. Shipman added that invoices from Board Members could come in front of the Board so that they are being kept transparent. S. Schrader added that Board Members should not get special treatment, and normal protocol should be followed. M. Schrader and Johnson feel the same in that work should be approved by staff for a certain dollar amount prior to work being done and should go through the proper channels.

IN THE MATTER OF THE ENGINEER REPORT:

Allen reported that Elkhart County has done away with watershed assessments and now just has a Cum Drain fund, similar to our Cum Bridge fund. This would mean that all drainage assessments would be removed, and a tax would be applied in its place, based on the assessed value of the property. This tax would max out at .5% of the assessed value. The current amount collected from drainage assessments would remain the same with this change. Also, with this scenario, money would be available to be used right away for projects instead of holding projects off until the specific drain fund has enough money. Allen still needs to run a full analysis to see how this would affect property owners. Public meetings would need to be held and an Ordinance would need to be created and approved by the County Commissioners. Allen noted that County Council would be the controller of the funds and the Drainage Board would appropriate monies needed for drain projects. The tax rate could be lowered if the Cum Drain fund was to get too large. Allen and Shipman both brought up some pros and cons for the Board members to consider. They will look into getting a copy of Elkhart County's ordinance and will put together some additional information for a future meeting.

Tile Spray Program – Allen also provided information regarding the potential tile spray program that has been previously discussed at recent meetings. Allen has put together a tile spray layer showing areas that have been cleared and would benefit from spray. At this time there are nineteen (19) tiles totaling 13,770 feet of tile. Ten (10) of the Nineteen (19) would have access issues, which means a field or yard would be gone through to get to the tile. Allen still needs to figure out if tile spray can be tacked onto the open drain spray contract or if it would be better to leave them separate. If there are numerous areas with access issues, then possible aerial application may be an option. Additional tile areas will need to be added to this as time goes on and more are located.

573-000AB ROUCH-SHAW AB – Allen updated the Board that the recent tile replacement project on the ROUCH-SHAW AB had a smaller tile size installed than what should have been with a new development coming in. This developer will be installing 24" tile, which would hook into our current 15" tile. The county tile will need upsized because of this. Allen has reported the information to the Redevelopment Commission, who believes upsizing the tile for this short distance still falls under the scope of the original project and has agreed to pay for the change.

IN THE MATTER OF THE FIELD WORK REPORT:

Utterback reported that drain projects are moving along well.

ADJOURNMENT: There being no further business and no further questions or comments from the public, Chairman S. Schrader adjourned the meeting at 9:56am.

Submitted by: Jennifer Stephenson, Drainage Board Secretary

PUBLIC ATTENDANCE LIST - WHITLEY COUNTY DRAINAGE BOARD, MAY 19, 2025:

1. Jon Gotz, SWCD
2. Ron Smithson, Jr
3. Sam Hall
4. Karen Hall
5. Todd Auer
6. DeAnne Conn
7. Richard Kyler

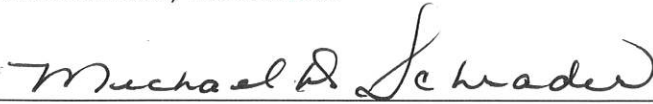
Members signing do hereby concur that the foregoing is a true copy of the proceedings of the Whitley County Drainage Board meeting held on May 19, 2025:



SETH SCHRADER, Chairman




DAVID JOHNSON, Vice Chairman



MICHAEL SCHRADER



BRAD CORMANY



ROB SCHUMAN, Commissioner Member



ATTEST: BRAD ALLEN, Whitley County Engineer