

WHITLEY COUNTY DRAINAGE BOARD – MINUTES REGULAR MEETING – JUNE 16, 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

Staff absent: 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 two (2) 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 MAY 19, 2025, WHITLEY COUNTY DRAINAGE BOARD MINUTES:

A motion was made by Cormany to approve and adopt the May 19, 2025, Whitley County Drainage Board Minutes as presented. Motion was seconded by M. Schrader. Motion passed 5-0.

IN THE MATTER OF CONSENT FOR PERMANENT STRUCTURE PETITIONS:

DRAIN: 400-000A LEE J & 401-000A LEHMAN I A

NIPSCO requested to cross the LEE J 400-000A and LEHMAN A 401-000A with a new subsurface 20-inch natural gas pipeline updating the existing natural gas pipeline. Johnson motioned to approve the Consent for Permanent Structure Petition to NIPSCO to cross the LEE J 400-00A and LEHMAN A 401-000A county regulated drains. M. Schrader seconded the motion. Motion carried 5-0.

DRAIN: 543-000A PHILLIPS C A

Brad Minear requested to install an inground pool with concrete apron to be located a minimum distance of nineteen (19) feet from the PHILLIPS C A 543-000A county regulated drain. An excavator will still be able to get through this area however it will be tight. Utterback recommended that Shipman draft a letter stating that the Board is not responsible for any damage even with the shaking of the ground potentially cracking concrete, if the Board would like to add that condition. M. Schrader motioned to approve the Consent for Permanent Structure Petition to Brad Minear for the inground pool w/concrete to be located a minimum distance of nineteen (19) feet from the top of bank of the PHILLIPS C A 543-000A county regulated drain with the condition that there will be no liability to the Drainage Board for any damage as a result of the use of heavy equipment in the reconstruction or maintenance of the drain. Cormany seconded the motion. Motion passed 5-0.

DRAIN: 770-000B WHITE B

Marc & Jolee Diamante requested to cross the WHITE B county regulated drain with a gravel driveway. Utterback explained that this tile has had issues causing the assessment rate to recently be increased. Utterback will need to conduct exploration and most likely, a tile replacement project will be in the future once funds allow. The Board does not want to hold up the property owner from installing the drive so, at this point, if they wish to install the driveway now, the Board will not require the tile be replaced. However, they will be responsible for replacing the pipe if the use of the driveway causes issues, which includes paying for backfill. Johnson motioned to approve the Consent for Permanent Structure Petition to Marc & Jolee Diamante for the gravel drive to cross the WHITE B 770-000B county regulated drain with the condition that the pipe not need replaced unless the tile beneath the drive gets damaged by use of the drive. Cormany seconded the motion. Motion carried unanimously.

DRAIN: 729-000A ULREY E

Shane Barkley with Top Notch Services requested to construct a new home for property owner, Dawn Britten, located at 7450 West 800 South, South Whitley. The new home would be located a minimum distance of thirty (30) feet from the top of bank of the ULREY E 729-000A county regulated drain in the same area as the previous home that was destroyed by fire years ago. Schuman motioned to approve the Consent for Permanent Structure Petition to Shane Barkley with

top Notch Services for the construction of a new home on the property of Dawn Britten, located a minimum distance of thirty (30) feet from the top of bank of the ULREY E 729-000A county regulated drain. M. Schrader seconded the motion. Motion passed with all in favor.

IN THE MATTER OF OWNER FUNDED RELOCATION:

DRAIN: 561-000B RAPP G

Allen presented the Owner Funded Relocation of the RAPP G drain located thru the Town of Churubusco. This entire tile will be replaced as the drain fund allows, which was the need for the assessment rate to be raised in 2023. However, the town is requesting to relocate 332 feet of 36" tile located on Weston Avenue, moving the tile to the road right-of-way. M. Schrader motioned to approve the Owner Funded Relocation to the Town of Churubusco for the replacement of 332 feet of 36" being replaced on Weston Avenue. Cormany seconded the motion. Motion passed 5-0.

IN THE MATTER OF OTHER BUSINESS:

Scott Wagner Preliminary Request – Scott Wagner has a private tile that crosses his property, located at 1936 E Paige Road, Columbia City, which was installed by Harry Bollinger back in the 1960's – 1970's. The current private tile's top end begins on Wagner's property and runs west to the Eel River. Wagner has found that the last time the private tile was worked on was in 1985. Earlier this year there was an issue when water stood and wouldn't go down. It was jetted which led to a hole opening up under the driveway just to the west of Wagner, which is the same area the tile was worked on in 1985. Wagner paid roughly \$21,000 for Wigent Excavating to repair the tile under Sroufe's drive, the jetting and installation of a clean out on his own property. Trees were also removed from Wagner's property at that time. Wagner noted that with the recent four-inch rain event, there was standing water, but it did drain within eight hours, so is working well. Wagner wanted the Board's opinion as to if it's a tile they would like to put into a drain maintenance program, so that there are funds available for possible future issues. Allen noted that with Wagner owning over 10% of the acreage in the watershed, he can file the petition on his own but does require legal counsel which Wagner would be responsible for. A preliminary inspection and report would need done, with a Public Hearing then scheduled. The Board decided to table this for now until Utterback can assess the tile and to let Shipman look into the process more as well, since he was not in attendance today.

IN THE MATTER OF THE ENGINEER REPORT:

234-000AB GUY F1 (Joint drain with Kosciusko County) – Allen reported that property owners, Chris Long and Layne Evans, have noticed a significant amount of flooding which they assumed may be related to a stream restoration project going on in Kosciusko County on the GUY F1, which is called Deed's Creek in Kosciusko County. This project has included adding grade control structures, which affects the lowest water can go. Allen has talked with Jim Moyer, the new Kosciusko County Surveyor, regarding the issue this is causing in our county. Moyer will take some shots of our tile and the ditch. Moyer is recommending a three-prong approach, which includes: Moyer proposing a dipping project on Deeds Creek in Kosciusko County, south of the stream restoration project to help lower the grade; Then looking into removing the next two grade control structures which should lower the water level; Also then looking at the possibility of raising the GUY F1 tile, which may find needs upsized at the same time. Moyer did ask about possibly using GUY F1 drain funds to correct the flooding problems, however the Board is not in favor of this due to Kosciusko County Drainage Board not including the Whitley County Drainage Board and Whitley County drains in their project and therefore should fix it with their own funds. Allen will contact Moyer and relay the Board's discussion.

Drain Fund Maintenance Discussion – Allen continued discussion from last month regarding a possible Cum Drain Fund in the place of our current drain maintenance funds. Allen has reached out to Elkhart County and found that their Cum Drain Fund was established in the 1980's and they do not have a copy of the ordinance, but are looking for it. Allen has pulled some data from the databases and reported that we collected just over \$1 million for county drains. If we switched to a Cum Drain Fund, it would be just under \$1.2 million collected with the majority of taxpayers paying less than current amounts. An inter-local agreement would need put in place for drains within cities/towns, as we would not be able to collect Cum Drain from those taxpayers within the four incorporated areas.

Tile Spray Program – Allen still needs to look into this and will report back once more information is compiled.

IN THE MATTER OF THE FIELD WORK REPORT:

362-000B KERCH C – Utterback informed the Board that this drain is in need of tile replacement and would need to increase the assessment, which was reported by property owners, Dick Kyler and Brady Wright. A first phase of tile replacement estimate would be for 2800 feet of 30" tile beginning on the east side of Raber Road, with an estimated cost of \$96,200. If the assessment is increased, the first phase could begin in approximately three (3) years. M. Schrader motioned to approve holding a Public Hearing to increase the assessment rate to \$40 per acre / \$200 minimum, collecting \$3,554.66 annually. Johnson seconded the motion. Motion carried 5-0.

Utterback asked if the Board is okay with Stephenson and himself, bringing a list of drains to them that are in need of increased assessment rates for maintenance reasons since they do not collect enough at this point. The Board was in favor of moving forward with this so that Public Hearings can be scheduled.


ADJOURNMENT: There being no further business and no further questions or comments from the public, Chairman S. Schrader adjourned the meeting at 9:15am.

Submitted by: Jennifer Stephenson, Drainage Board Secretary

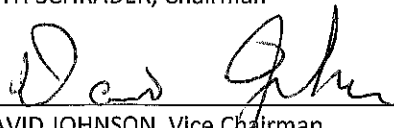
PUBLIC ATTENDANCE LIST - WHITLEY COUNTY DRAINAGE BOARD, JUNE 16, 2025:

1. Jon Gotz, SWCD
2. Brad Minear

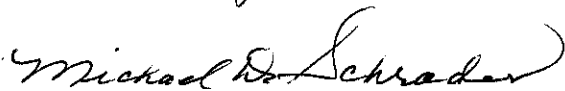
Members signing do hereby concur that the foregoing is a true copy of the proceedings of the Whitley County Drainage Board meeting held on June 16, 2025:




SETH SCHRADER, Chairman



DAVID JOHNSON, Vice Chairman



MICHAEL SCHRADER



BRAD CORMANY

ROB SCHUMAN, Commissioner Member



ATTEST: BRAD ALLEN, Whitley County Engineer