

**St. Joseph County Drainage Board Meeting
January 9, 2023 – 4th floor Chambers - County-City Building**

St. Joseph County Drainage Board Meeting

The St. Joseph County Drainage Board Meeting was called to order by Mr. Thomas Schlarb at 8:30 a.m., with the following members present:

**Thomas Schlarb
Randall Matthys
John Summers**

**Brandie Ecker, Attorney – via zoom
Robert L. Kruszynski, Ex-Officio Member
Morgan Ealy, Administrative Assistant**

ELECTION OF OFFICERS

(Audio Position 00:00:15)

Mr. Randall Matthys made a motion to elect Mr. Thomas Schlarb as Chairman of the Drainage Board, being seconded by Mr. John Summers and carried unanimously, 4-0.

Mr. Thomas Schlarb made a motion to elect Mr. Randall Matthys as Vice Chairman of the Drainage Board, being seconded by Mr. Derek Dieter and carried unanimously, 4-0.

Mr. Randall Matthys made a motion to elect Morgan Ealy as Secretary of the Drainage Board, being seconded by Mr. Derek Dieter and carried unanimously, 4-0.

APPROVAL OF 2023 MEETING DATES

(Audio Position 00:03:00)

Thomas Schlarb: I think the only one we might have problems with is John Linn. I don't remember if it's March or April that he usually can't make the first week.

Randall Matthys: Since he's not here right now, I would say we accept them as presented.

John Law: Usually it's April that he can't make it for spring break. He'll have the April one moved a week later.

Mr. Randall Matthys made a motion to approve the 2023 Drainage Board meeting dates as presented, being seconded by Mr. John Summers, and carried unanimously, 4-0.

APPROVAL OF DECEMBER 12, 2022, MINUTES

(Audio Position 00:04:24)

Mr. John Summers made a motion to approve the December 12, 2022, minutes, being seconded by Mr. Derek Dieter and carried unanimously, 4-0.

**INTRODUCTION OF NEW SURVEYOR
SURVEYORS REPORT**

(Audio Position 00:04:56)

Robert Kruszynski: Good morning. I'm happy to be here and I know I have big shoes to fill with Mr. McNamara. My name is Robert Kruszynski. I've been around County Government for around 20 years. I was the County Highway Commissioner for 17 years for the County. I've been in the Public Works spectrum for almost 55 years. The last 8 years, I served on the County Council. I was employed by the Sheriff's Department before that. I'm looking forward to working with you gentlemen. I know some of you, we go back to the Leaf Program.

A. Payment to Contractors

(Audio Position 00:06:43)

Randall Matthys: The work that Allsop did on the Niespodziany for \$7,285.00, where was that work at? The one dated for 11/15/2022.

John Law: I'll look it up for you and I'll show you where it is. Bailey couldn't do it, so Al moved in and did it.

Randall Matthys: Off of the railroad tracks?

John Law: Yes. Back there in the woods.

Mr. Randall Matthys made a motion to approve the December payment to contractors, being seconded by Mr. Derek Dieter and carried unanimously, 4-0.

B. Change of Assessments

(Audio Position 00:09:51)

Mr. John Summers made a motion to approve the December 12, 2022, change of assessments, being seconded by Mr. Thomas Schlarb, and carried unanimously, 4-0.

Mr. John Summers made a motion to approve the January 9, 2023, change of assessments, being seconded by Mr. Thomas Schlarb, and carried unanimously, 4-0.

BIRK MAIN TILE RECONSTRUCTION

(Audio Position 00:12:53)

A. Owen Martin Proposal – Bill Mason Tile Project, Pierce Road North

Thomas Schlarb: The other property owners were notified, right John?

John Law: I don't believe they were notified yet. Mason family owns 35% of that which would come down to about \$12,900. Moyer family is 23% and they're right at \$8,500. The Gadacz family is 15% and about \$5,500. Fox family owns 20% which would be \$7,400.

John McNamara: All you need to do now is put together the six official notices. You have to pick a date for a public hearing. The percentages are what we came up with and the amount of money is the estimate and then what John will do is bid it and you'll know exactly what the price is.

John Law: We've already got the bid.

Thomas Schlarb: How much was the last one?

John Law: \$25,000.

Thomas Schlarb: We'd have to have a hearing scheduled for March.

John Law: Right, to talk about it and see if those landowners are willing to pay that. It's up to the board how you want to handle it.

Thomas Schlarb: Does that go back to the majority of the acres who control it?

Randall Matthys: We're going to have a public hearing on this to present the percentage cost to each family.

John Law: Yes, to present the costs that they would be responsible for Owen Martin putting in that tile.

Randall Matthys: The landowners will have to pay for it versus the Drainage Board.

John Law: It's a reconstruction. That would be the landowner's responsibility. That doesn't mean the Board can't work something out with those guys.

Brandie Ecker: It's essentially an assessment on top of a maintenance assessment. It's a reconstruction assessment that's separate, but it gets parceled out how they described.

Thomas Schlarb: When this is sent out for the public hearing, do we have the amounts that each one is going to cost? Does that go out so they will know that?

John Law: Yes. In the past, John sent out letters with what we're doing, what total cost is, and what would be their percentage or share.

Brandie Ecker: That is required to go in those notices.

Randall Matthys: The dollar amount on the percentage for each landowner, that totals up to what the bid is? So, we're being involved as the Drainage Board to get things moving forward to get it done?

John Law: Correct, and say if once these folks come to the Board, when they get the letter, they'll either send a letter back saying we're in favor of it or opposed to it. This is why we're opposed to it. Then, at the public meeting, they have their chance to speak their mind whether they're for or against it. At the end of that meeting, you guys would make the decision to either move forward with the project or not. It is a legal tile.

Randall Matthys: We do have some responsibility, but not necessarily 100%.

John Law: Since they are redoing the entire tile, that is a reconstruction. We're maintenance and they're rebuilding the thing.

Brandie Ecker: It's the same thing. You have an assessment that's set to take care of maintenance, so it's ultimately their responsibility through that. This is the same thing; it's just directly allocating that as the assessment for the reconstruction.

John Law: What I'll do is put together letters and send them out to these folks telling them March 6 is the meeting and this is your percentage. You're more than welcome to send a letter in opposed or for and why. We'll talk about it in front of you guys on March 6.

Brandie Ecker: It also needs published in the newspaper.

Thomas Schlarb: If the number of acres is greater in the protest, they can reject it?

Brandie Ecker: That's not a formal thing. Once the hearing happens, you'll hear from everybody and then you as the Board have to decide based on what you've heard whether the benefits of the reconstruction outweigh the costs that the owners are going to have to pay. If that's your decision and you make it based on how many acres the people objecting to it own, I suppose that's your right, but it's not an automatic thing.

John McNamara: At the public hearing, the decision is whether the costs are greater than the benefits or the benefits are greater than the costs. That's it. There isn't anything else involved. If you determine that the benefits are better than the cost even if one or two object to it, you can approve it.

Randall Matthys: We don't have the right to force anyone to pay for it. If they're not willing to pay a percentage.

Brandie Ecker: That is essentially what you would do if there were objectors and you found that despite their objections, that the benefits are likely to outweigh the costs of the reconstruction, then yes, you would be forcing people to pay for it who didn't want to.

Randall Matthys: We need to wait and see what the outcome is of the public hearing and what the comments are.

John McNamara: What we've seen in the past is when some of the smaller property owners objected to it, some of the big guys would say, "I'll pay their share." That way it gets done and everybody is happy. If the big guy objects to it, I don't know what to do. One time, it wasn't going to go, and the majority landowner said he would cover the rest of it. The Niespodziany, way back when, Brian Bailey's dad agreed to pay the whole cost rather than the other guys who objected to it. That way the job got done.

Robert Kruszynski: Are they aware of this now?

John Law: He was at the last meeting, so he knew we were working on it.

Robert Kruszynski: They know something is coming.

Randall Matthys: Bill Mason is the gentleman that has brought this to our attention. He's naturally in favor of something being done.

John Law: Yes. Bill Mason got that bill for \$37,000 and he asked the Board to pay for it. Since it's a reconstruction, the Board can't pay for it. They would have to spread out the payment throughout the watershed and that's what we're doing. The Board wouldn't be paying for it, the landowners would all be paying for it. We would organize it and then charge the landowners their share.

Thomas Schlarb: That bill, what was that for?

John Law: That's the proposal. The exact bill is \$36,837. I just was saying \$37,000...

Thomas Schlarb: It came across as though it was another bill.

Randall Matthys: This will be on the March 6 meeting?

Thomas Schlarb: Yes.

John Law: In the meantime, we'll send letters out to all these players and give them the opportunity to write in or show up or both.

Randall Matthys: We may or may not fund any of this.

John Law: Correct. That would be your decision and whether it's needed or not. It could be very much needed, but nobody wants to pay for it. The need for it outweighs their objection. Then, you would decide to go through it and they'd be on the hook for that amount or you can decide that it's not going to be worth the amount that we're going to pay. You can decide not to do it. It's probably 100 years old and it's the old clay tile.

Thomas Schlarb: I can't figure out why it's an 18-inch that goes across the map there. I can't tell whether it's a 60 or an 80 and it branched out into these other folks to the north of it.

John Law: They're fixing it every year.

Thomas Schlarb: Where he said they're all cracked; it could be that they might not be.

Randall Matthys: Is there a maintenance fund on this?

John Law: Yes. The upper end of it is on the Birk 6, but it comes out of the Birk-Newcomer fund.

Randall Matthys: The maintenance fund is for maintenance like a repair.

John Law: They have 10 years to pay off their amount. It's not like they owe right now, you can spread that out over 10 years and they just put it right on the assessment.

Randall Matthys: Who would pay the bill up front?

John Law: Drainage Board. Then we're reimbursed through the assessments.

Randall Matthys: Will that all be spelled out in the letter when they get it?

John Law: Yes. What I'll do is pull out what John used to do and go from there but I believe that's all spelled out. Birk Newcomer has \$51,000 in it.

Thomas Schlarb: Does that include last year's assessment?

John Law: Yes. Sometimes that's delayed a bit, but yes. Plus, it's on hold so we need to do something.

Randall Matthys: Is there any other maintenance on this drainage system that we need to be aware of?

John Law: There's always maintenance.

Mr. Randall Matthys made a motion to call for a public hearing on March 6, 2023, being seconded by Mr. Derek Dieter and carried unanimously, 4-0.

PRIVELEGE OF THE FLOOR

(Audio Position 00:33:30)

None.

ADJOURNMENT

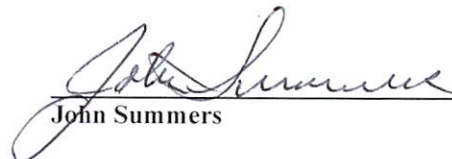
(Audio Position 00:41:33)

Mr. Derek Dieter made a motion to adjourn the meeting at 9:11 a.m. being seconded by Mr. Randall Matthys, and the motion was unanimously carried, 4-0.

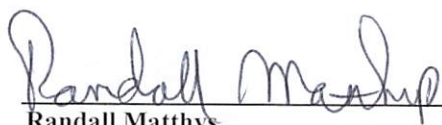
St. Joseph County Drainage Board



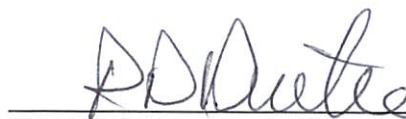
Tom Schlarb, President



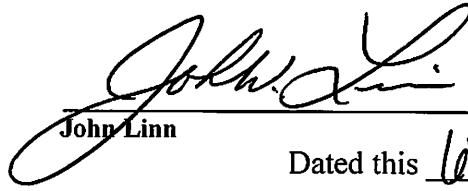
John Summers



Randall Matthys



Derek D. Dieter, County Commissioner



John Linn

Dated this 6th day of February, 2023.