

**ST. JOSEPH RIVER BASIN COMMISSION
MEETING MINUTES
December 2, 2021**

The fourth quarterly meeting of the St. Joseph River Basin Commission (SJRBC) in 2021 was held on December 2nd, at the Schrock Pavilion in Goshen. The meeting was also livestreamed on YouTube and made available here: <https://youtu.be/EA3BJ88iOv0>

Daragh Deegan, Chair, called the meeting to order at 10:00 am. Matt Meersman, River Basin Director, introduced himself along with Kate Barrett and Ashley Matthews from MACOG. He briefly reviewed instructions for participation and discussed the purpose and makeup of the SJRBC. Roll call was taken, and it was noted a quorum was present with the following members in attendance:

VOTING MEMBERS PRESENT IN PERSON:

<i>Chair:</i> Daragh Deegan, City of Elkhart	Ray Hoover, Town of LaGrange
<i>Vice-Chair:</i> Kris Thomas, City of Angola	John Law, St. Joseph County
<i>Secretary:</i> Alicia Walsh, Steuben County	Sue McGee, City of Kendallville
Phil Barker, Elkhart County	Janel Meyer, Steuben County
Rod Edgell, Indiana DNR	Jim Moyer, Kosciusko County
Martin Franke, LaGrange County	Mike Ruff, Steuben County
Bill Hartsuff, Elkhart County	Randy Sexton, Noble County
Dona Hunter, LaGrange County	Steven Vaughn, LaGrange County
Dan Lash, Noble County	

OTHERS PRESENT:

Jason Kauffman, City of Goshen	Kate Barrett, MACOG
Jamie Miller, IDNR	Ashley Matthews, MACOG
Jenna Wait, Elkhart SWCD	Matt Meersman, MACOG
Brandie Ecker (virtual), Thorne Grodnik	

CONSENT AGENDA

Daragh Deegan, SJRBC Chair, reminded members that they can request to have any item removed from the consent agenda if they believe it warrants its own separate vote.

Minutes – September 2, 2021

Daragh asked the Commission members if there were any comments or questions about the minutes of the September 2, 2021, meeting. Hearing no corrections or additions, Daragh moved on to the next item on the consent agenda.

Financial Report

Matt presented the financial report for the first quarter of Fiscal Year 2022 (07/01/21 – 09/30/21). Financial reports were provided to the members for review in advance of the meeting.

Matt discussed the Statement of Financial Activities (Profit & Loss). He noted the water monitoring grant was received from Indiana Academy of Sciences and is reflected under Special Project Income. Matt also mentioned that interest improved on the savings account and there had not been any bank service fees yet. Matt said there were expenses for materials related to

the water monitoring Kate has been doing and there will be upcoming expenses under Planning/Resource Development for the flood resilience planning project in Noble County.

The Statement of Net Assets (Balance Sheet) was then presented. There were no receivables. Matt noted the accounts payable was for services provided by MACOG. Total Fund Balance for the FY 22 Q1 was \$334,933.75.

Matt reviewed the Statement of Cash Flows and mentioned that the statement is prepared on a cash basis ending on 09/30/21. Matt explained the appropriation from the City of Kendallville was for last FY but was not received until after the FYE. He also said the appropriation from the State of Indiana for FY21 Q4 was not received until FY22 Q1 along with their Q1 funds, so it will be about \$22,000 higher than normal for the year.

Matt asked if there were any questions on the financial report. Hearing no questions, he moved on to the next item in the consent agenda.

Claims – December 2, 2021

A list of the quarterly claims and associated invoices totaling \$23,784.17 was distributed to the SJRBC members for review prior to the meeting. Claims included invoices from MACOG for July, August, and September expenses, and Thorne Grodnik for quarterly legal services. There were also two invoices from Christopher Burke for the Flood Resilience Planning Project. Matt asked if there were any questions about the claims, or any other items from the consent agenda.

Hearing no questions or comments, Daragh called for a motion to approve the consent agenda.

RAY HOOVER MOVED TO APPROVE THE CONSENT AGENDA.
ALICIA WALSH SECONDED. ALL IN FAVOR. MOTION CARRIED.

OLD BUSINESS

Existing Projects

Matt noted that all of the existing projects fall under the heading of Special Projects in the budget, and they would not be possible without the financial support of the local government members of the Commission, which cover the cost of basic operations.

Drainage Benefit Apportionment

Matt stated that he has continued to work with LaGrange County on drainage benefit apportionment, which was originally part of a project funded by the Great Lakes Protection Fund. Matt explained they are looking at land cover and soil type to help the Surveyor's office determine how landowners benefit from work being done on the drain. He said there is an upcoming meeting and public hearing to discuss the Eden Rowe watershed that he assisted with. Matt also said the Drainage Board may be interested in using this drainage benefit apportionment method for the Fetch watershed. Deputy Surveyor Steve Vaughn added that this apportionment method helps divide maintenance costs more fairly among land uses and can take the burden off of some farmers. Matt agreed and said that he hopes it also creates an incentive for land owners to store water on their property.

Daragh asked if LaGrange County was using this new method for all drain project apportionments. Steve answered that the traditional method of apportionment is still used for

projects like underground tiles and drain reconstruction. Matt explained that the new method of apportionment is really only appropriate for maintenance projects on open ditches. He also added that the new apportionment method needs to be revisited and updated from time to time as land use changes, which would then require a new public notice process and hearing.

Martin Franke noted moving to the drain benefit apportionment method would be a long transition wherever it is implemented. Matt agreed and mentioned there are GIS tools being developed to automate the process and hopes the Commission can take a lead on making the process as easy as possible. Steve added that the maps made as part of the new method are helpful for showing land owners who benefits from drains. Matt agreed and said that drainage benefit is one of the hardest concepts for many landowners to understand.

Noble County Flood Resilience

Matt discussed the Commission's flood resilience efforts in Noble County, which started with a study of the North Branch of the Elkhart River. The study covered large portions of LaGrange and Noble counties, specifically the Indian Lakes in LaGrange County and the West Lakes area in Noble County. One recommendation from the study was to work with individual communities and determine how to increase flood resilience through planning and zoning. The Commission hired Christopher Burke Engineering to facilitate the process with Noble County as pilot project. Their first meeting was held last month and the next meeting is scheduled for January.

Matt stated that while the current project was focused on increasing flood resilience with new planning efforts, there were a lot of concerns expressed by West Lakes area homeowners about the lack of enforcement of the existing floodplain ordinance. Matt explained that individual counties are responsible for enforcing the State's obligation to FEMA for the National Flood Insurance Program. As far as he knows, every county in the state at least enforces the minimum requirement to build a home above a specified flood elevation. He explained this can be done by building the living quarters of the house above the flood elevation with pillars or foundation walls with vents that allow water to pass under the home. Alternatively, fill material can be brought in to build up the construction site to the point where the foundation is above the flood elevation, but this method displaces water and increases flood risks for adjacent properties.

In Noble County, the existing floodplain ordinance does not allow landowners to bring fill material into the floodplain for any reason unless they can remove an equal amount of material from another location on their property. This provision is intended to prevent new development from increasing flood risks, but it can effectively prevent any new development in certain low lying areas when strictly enforced. Matt said the current Noble County Floodplain Administrator believes enforcement of the ordinance will prevent new development and cause the area to fall into disrepair, but residents already living there are concerned about the excessive amount of fill that is being allowed in low lying areas and the effect it has on their properties.

Randy Sexton thanked SJRBC for their support and expertise as they work through the concerns previously discussed. Randy expressed frustration over the situation and said planning should be done when building or bringing in fill so it can be done properly to avoid adverse impacts. He said the flooding also impacts residents adjacent to the floodplain as well. Randy said he is hopeful their meetings will help people understand that while much of the West Lakes area will always be in a floodplain, there are things that can be done to help minimize the impact.

John Law asked how septic is handled in the West Lake area. Randy said there is a sewage treatment system and the area doesn't rely on on-site septic systems. Randy added that unfortunately a lot of the privately owned piping in the area has never been updated and the sewer system regularly shuts down when it gets infiltrated with floodwaters. Martin Franke asked what the recourse was for residents when sewage gets shut down. Randy said they have to leave, but sometimes homeowners will stay to secure their property for fear of looting.

John Law asked how the lake lots are getting built without DNR permits. Matt explained that they are technically just outside of floodway but some of the lots Randy mentioned possibly include wetlands, which would require a permit. Matt noted that some parts of Noble County's floodplain ordinance that currently exceed state minimums are expected to be included in the new minimum recommendations from the Purdue Local Technical Assistance Program.

Martin Franke said in LaGrange County, there has been issues with the DNR and the jurisdiction of floodplains and floodways. He said in the past few months, there have been abrupt changes to the floodplain maps and homeowners are not finding out until they go to build on property they've owned for years. Martin stated there seems to be no consistency, arbitrary changes are being made, and there are no notifications of the floodplain map changes. Steve Vaughn agreed that property owners weren't being notified of changes that affect their property.

John Law explained that the floodplain maps only consider streams, rivers or lakes rising and flooding out over their banks, but some flooding is caused by water accumulating and ponding in areas that are not considered floodplain. Matt said there is better data available now for floodplain mapping, and with increases in rainfall the fact that floodplain maps are changing is not unreasonable, but a better notification process to landowners affected by these changes is needed. After further discussion, Matt said he is open to the idea of the Commission providing assistance with the notification processes.

Wetland Task Force

Matt stated the Wetland Task Force is made up of thirteen people with Will Ditzler as chairman. The first meeting is scheduled for January 19, 2022. John Law asked if there was anyone from the Homebuilder's Association or a realtor on the committee. Matt said that Jeff Thomas of Oakmont Development in Fort Wayne was representing their interests, and there are also several members that work with the builders in getting wetland permits.

Watershed Leadership Academy

Matt said there were ten applications for financial assistance for the Indiana Watershed Leadership Academy. A partnership between the Commission and the Friends of the St. Joe River Association allowed the tuition for four people from the St. Joseph River Watershed to be covered this year. The individuals selected were Steven Vaughn (LaGrange County Surveyor's Office), Mattie Lehman (City of Goshen Stormwater), Sarah Beam (City of South Bend Stormwater) and Donny Aleo (Elkhart County Parks Department). Kate Barrett will also be attending the academy with the Commission's support.

Water Monitoring Updates

Kate Barrett stated that the first summer of biological monitoring has been completed for 11 sites throughout the basin. She reminded everyone that Daragh already densely samples the downstream/urban portion of the basin through his program so sites were focused in rural areas

to complement the existing data. Kate said the samples she collected have been sent to Midwest Biodiversity Institute in Ohio to be analyzed. In the meantime, Kate and Matt have discussed how they can use existing water quality data and share the data in a meaningful way.

Kate stated she is currently working on building a database and analyzing data collected by the Elkhart Stormwater Partnership and other sources throughout the basin. Kate said a GIS consultant and web developer have been hired to build an interactive web map that will be hosted on the SJRBC website. Matt added that the interactive map would organize data from the different types of monitoring in one place and provide visual interpretation in an educational way. Dan Lash asked if the interactive map was currently up on the website. Matt and Kate answered that it is currently being developed on a temporary server.

Steve Vaughn asked how often chemicals are sampled and whether the effect of fertilizer use can be seen. Matt said the data was too intermittent to be able to tell chemical levels on a daily basis, but they might be able to make speculations by looking at trends in the available data.

Martin Franke asked if the Commission was going to start chemical monitoring. Matt responded that right now the focus is on biological and flow monitoring, but chemical monitoring has been discussed. Matt explained that chemical monitoring usually needs to be done very frequently in order to understand trends, and that is expensive.

Dan Lash asked for clarification between biological and chemical monitoring. Matt explained that the sampling of insects and fish is what he means by biological. Technically bacteria could be considered biological, but he includes it with chemical because it is sent to a lab for analysis.

NEW BUSINESS

Election of 2022 Officers

Matt explained that the traditional process for creating a Slate of Officers for the Commission is for the officers currently serving progress to the next position: Vice Chair to Chair, Secretary to Vice Chair, and Treasurer to Secretary, leaving the Treasurer position to be filled. He stated that Jim Hess of the Elkhart County SWCD, and Ray Hoover of LaGrange County, both indicated a willingness to serve as Treasurer. Ray Hoover nominated Jim Hess to serve as Treasurer.

Hearing no additional nominations, Daragh called for a motion to close the nominations and adopt the slate of officers as presented including Jim Hess as Treasurer.

MARTIN FRANKE MOVED TO APPROVE THE 2022 SLATE OF OFFICERS PRESENTED. RAY HOOVER SECONDED. ALL IN FAVOR. MOTION CARRIED.

22nd Annual Symposium

Matt wanted to discuss the Annual Symposium which is typically held on the second Friday in May. He said while the virtual option has more participants, he is inclined to hold the Symposium in person for the experience. Matt would like to reach out to Fernwood to see if the facility is available. He requested suggestions for topics or speakers.

Other Business/Updates

Janel Meyer thanked Matt for his upcoming participation at their stormwater workshop.

DIRECTOR'S REPORT

Jack Wittman of Intera followed-up with Matt after his presentation at the last meeting regarding his suggestion that the Commission consider requesting to become a designated water planning region with the Indiana Finance Authority. Matt stated that as a water planning region, there could be new opportunities for financing traditional water infrastructure projects, as well as funding for an expanded water monitoring network.

Matt informed everyone that MACOG has hired an AmeriCorps Program Director. He said there is potential for hiring seasonal staff through the AmeriCorps program to assist with water monitoring or other areas where additional help may be useful.

Matt stated he had a meeting with the Southwest Michigan Planning Commission and a group called Urban Waters from the Chicago area. He said they are approaching the Great Lakes Protection Fund to see if they can get funding to build urban water gardens at various sites in the basin. Matt explained the water gardens are floating structures with plants that are anchored to the shore providing habitats and aesthetics in urban areas. Matt noted a couple of potential sites such as the Millrace Canal in Goshen and near Howard Park in South Bend.

Matt said he met with the Michigan Association of County Drain Commissioners regarding legislation to expand how drainage funds are used to address watershed projects. Matt said the potential legislation would allow for projects like storage basins to be funded outside of the drain easement, which is not currently allowed.


ITEMS FROM THE FLOOR

Daragh asked if there were any items from the floor. Matt said Brad Baldwin with the Indiana DNR runs the Indiana Stream and Wetland Mitigation Program (IN SWMP) which offers applicants who impact the wetlands in the St. Joseph Basin an opportunity to buy credits rather than doing a restoration project themselves. Matt said if anyone knows of potential restoration sites in the St. Joseph River Basin to reach out to the IN SWMP. Matt said the ideal site would be public with local ownership such as a county park or district site.

ADJOURNMENT

There being no further business, Daragh Deegan called for a motion to adjourn the meeting.

RAY HOOVER MOVED TO ADJOURN THE MEETING. RANDY SEXTON
SECONDED. ALL IN FAVOR. THE MOTION CARRIED.


Kris Thomas, SJRBC Chair