

ST. JOSEPH RIVER BASIN COMMISSION
MEETING MINUTES
March 3, 2022

The first quarterly meeting of the St. Joseph River Basin Commission (SJRBC) in 2022 was held on March 3rd, at the Schrock Pavilion in Goshen. The meeting was also livestreamed on YouTube and made available here: <https://youtu.be/Lq3kQIBV2FQ>

Kris Thomas, 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> Kris Thomas, City of Angola	Lynne Leichty, Steuben County
<i>Secretary:</i> Adam Bowden, City of Mishawaka	Sue McGee, City of Kendallville
<i>Treasurer:</i> Jim Hess, Elkhart County	Janel Meyer, Steuben County
Phil Barker, Elkhart County	Jim Moyer, Kosciusko County
Rod Edgell, Indiana DNR	Jon Roberts, Kosciusko County
Martin Franke, LaGrange County	Brad Rogers, Elkhart County
Bill Hartsuff, Elkhart County	Jim Slabaugh, Steuben County
Dan Lash, Noble County	Steven Vaughn, LaGrange County
Ray Hoover, Town of LaGrange	Robert Weaver, Kosciusko County
John Law, St. Joseph County	Jewel Wise, Kosciusko County

OTHERS PRESENT:

Donny Aleo, Elkhart Co. Parks	Jon Stolz, Christopher Burke Eng.
Bob Barr, IUPUI Earth Sciences	Jill Swartz, Town of Bristol
Nancy Brown, ERRA	Brandie Ecker, Thorne Grodnik
Todd Clark, Elkhart SWCD	Kate Barrett, MACOG
Steve Cords, Town of Wolcottville	Ashley Matthews, MACOG
Jason Kauffman, City of Goshen	Matt Meersman, MACOG
Mattie Lehman, City of Goshen	

CONSENT AGENDA

Kris Thomas, 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 – December 2, 2021

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

Financial Report

Matt presented the financial report for the second quarter of Fiscal Year 2022 (10/01/21 – 12/31/21). 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 local government income was down because invoices for this year were not sent until last month. Matt said the two main expenses under water monitoring were for materials for biological monitoring and the Waldron Lake USGS lake gauge sponsorship in Noble County. He also mentioned there were expenses for the Noble County flood resilience planning that will be discussed later in the meeting. Matt said the two main costs under Education and Outreach were for the website domain renewal and the Indiana Watershed Leadership Academy.

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. There was also an outstanding check that had not cleared yet. Total Fund Balance for the FY 22 Q1 was \$325,988.69.

Matt reviewed the Statement of Cash Flows and mentioned that the statement is prepared on a cash basis ending on 12/31/21. Matt explained the quarterly appropriation from the State of Indiana for FY21 Q4 was not received until FY22 Q1 along with their Q1 funds, so it is about \$22,000 higher than normal for the year. The FY21 appropriation for the City of Kendallville was issued in June but not received until July and Rome City provided a \$50.00 appropriation in October.

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 – March 3, 2022

A list of the quarterly claims and associated invoices totaling \$35,790.14 was distributed to the SJRBC members for review prior to the meeting. Claims included invoices from MACOG for October, November, and December expenses, and Thorne Grodnik for quarterly legal services. There were invoices from Purdue University for the Indiana Watershed Leadership Academy, Christopher Burke for the Flood Resilience Planning Project, the U.S. Geological Survey for the Waldron Lake Gage, and an invoice from Juozas Gaigalas for website development and data processing. Matt asked if there were any questions about the claims, or any other items from the consent agenda.

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

RAY HOOVER MOVED TO APPROVE THE CONSENT AGENDA.
ADAM BOWDEN 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.

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.

Matt said over the last six months, SJRBC has held a series of meetings with Noble County officials. Matt met with the Noble County Commissioners last Monday and discussed some of the issues arising due to the lack of enforcement of the existing floodplain ordinance. He explained that the lack of enforcement is threatening current landowners and putting them at a higher risk of flooding when fill is brought into the floodplain and displacing the flood water. Matt said they discussed moving the compensatory storage portion of the ordinance to the county's stormwater ordinance which would be enforced by the County Surveyor.

Adam Bowden asked if DNR can enforce the ordinance. Matt said the local government enforces the ordinance on behalf of the DNR. Matt noted that in order for a community to be eligible for the National Flood Insurance Program they have to stay in good standing with the DNR. He said Noble County is not in good standing with DNR, but their status has not been revoked yet. Matt said the violations are not just in regards to compensatory storage but also administrative issues. He believes that the violations are a result of not having a dedicated floodplain administrator.

Wetland Task Force

Matt stated Senate Bill 389 was passed last year and as a result the Wetlands Task Force was created to review state wetland regulations. The first meeting was held in February and the committee discussed their purpose, current regulations and changes resulting from SB 389. Matt said the chairman is asking for speakers that are well-versed on several wetland related topics if anyone has a recommendation.

Martin Franke expressed concerns about SB 389 tearing down some of the infrastructure that was built to protect wetlands in the state. Martin said another change made at the state level in 2021 was the repeal of Section 327 IAC 15-5 (Rule 5). He said there is not any updated guidance for construction projects from the Indiana Department of Environmental Management (IDEM). Kris Thomas said there will be a transition and the local ordinances still need to be enforced. She said the City of Angola is working with an engineering consultant to help them obtain their new MS4 permit. Kris recommended searching the topic online for resources. Martin said the purpose of Rule 5 and MS4 was to prevent soil erosion and keep sediment from entering the waterways and he would like to see that work continued.

After further discussion, Matt informed everyone the Wetland Task Force will be meeting throughout the summer and fall. The next meeting is on March 23 and will focus on the flood reduction benefits of isolated wetlands and the role they play in storing carbon dioxide and strengthening carbon markets.

Water Monitoring Updates

Kate Barrett stated the Midwest Biodiversity Institute in Ohio should have data analysis completed soon. In the meantime, she has been assisting with various projects throughout the basin. One of the projects is analyzing data for the Greater Elkhart County Stormwater Partnership. Kate said there is data from nearly 60 sites that has been collected since the early 2000s. She is also working on building graphs and interactive web maps that will be available to

the public. Matt added that he is excited Kate has been able to bring a new approach to identifying trends and relationships in data analysis. He has heard feedback from other SJRBC members who appreciate Kate's skills and knowledge in analyzing existing information. Jim Hess agreed with Matt and said Kate's work has been helpful in making sense of the available information and moving forward with it.

Kate said she is impressed by the density and frequency of data that has been collected throughout the basin. She shared a graph from the data collected by the Elkhart Stormwater Partnership and noted the relationship between total suspended solids and *E. coli*. Matt said this could indicate the *E. coli* numbers are related to water runoff more than leaching. Kate said she is working on the draft report for Partnership members and it will be available to the public once completed. She also shared a live prototype of an interactive map that was built by the GIS consultant and web developer. Kate plans to reach out to SJRBC board members to discuss what water monitoring data they have already collected in hopes of organizing and streamlining the information. Matt explained the prototype database Kate is building will store information in one place and allow users to select different sites and variables.

Matt stated the board previously approved an agreement with Midwest Biodiversity Institute (MBI) for data analysis which costs approximately \$12,500.00. He explained that the purchasing policy limits his ability to authorize payment to \$10,000 or less. Matt called for a motion to approve payment to MBI once the invoice is received.

MARTIN FRANKE MOVED TO APPROVE PAYMENT TO MBI FOR \$12,500.
LYNNE LEICHTY SECONDED. ALL IN FAVOR. MOTION CARRIED.

Matt then discussed the ToltHawk devices used for water level measurement as an inexpensive alternative to commissioning a USGS gauge. Matt explained the device does not do everything the USGS does, so it would require some additional work to get discharge estimates, but they are accurate and the data is available in real time. Matt received a quote of \$8,132.87 to purchase eight units. There is a \$250.00 annual service fee after the first year, which covers the cellular plan, web application and data hosting. The SJRBC would own the data but ToltHawk must be allowed to access it for research and development. The data would be available to the public on our website or theirs. The unit can be used with any SIM provider and ToltHawk has a one year warranty that covers everything except vandalism and negligence. The SJRBC would be responsible for the installation of the devices. Matt planned for three units to be deployed long-term in the North Branch Elkhart River and five units to be used short-term in the headwaters of Bowman Creek to assist the St. Joseph County Surveyor's Office with regional detention design. Matt would like to consult with Indiana DNR and others involved in the study to determine the location that will give the most useful information. After further discussion, Matt asked for approval to purchase the eight ToltHawk devices for \$8,132.87.

JOHN LAW MOVED TO APPROVE THE PURCHASE OF EIGHT TOLTHAWK
DEVICES. STEVE VAUGHN SECONDED. ALL IN FAVOR. MOTION CARRIED.

Matt explained that Jack Wittman has worked with the Indiana Finance Authority (IFA) on regional water studies and suggested there could be opportunities for the Commission through

the IFA to fund increased monitoring in support of regional water planning. If the St. Joseph River Basin were designated as an official water planning region with the IFA, water monitoring equipment and services could be considered critical water infrastructure. In response to this, Matt would like to create an advisory committee to help guide the water monitoring strategy with members representing different interests. Lynne Leichty said the DNR monitors the groundwater levels in Steuben County and she has concerns about the perfect storm for a one hundred year flood. Lynne said they are already experiencing flooding in areas that have never flooded before. She is interested in the maintenance of their water and drainage systems. The assessments in their county do not raise enough funds for the reconstruction or maintenance of these systems. Matt noted that the Great Lakes Compact requires states to show they are maintaining and managing the water to have exclusive access to the water. He said his goal is to understand and predict the impact of change on water infrastructure. He explained that water infrastructure includes grey and green infrastructure. Matt will discuss what is needed to form an advisory committee with the Commission's attorney and follow-up.

22nd Annual Symposium

Matt stated he reserved Fernwood Botanical Gardens for Friday, May 6. He has also secured two speakers on the topic of "Government Funding for Watershed Management". Matt mentioned there may be more participants with the virtual option, but he will plan for an in-person event pending any unforeseen circumstances or feedback from Commission members.

NEW BUSINESS

Purchase Policy & MACOG Agreement

Matt discussed the recently adopted purchase policy and the Agreement for the Provision of General Services with MACOG. He said a potential conflict was identified between some of the language in the purchase policy and the agreement with MACOG. To address that, an amendment to the agreement with MACOG was drafted by the Commission's attorney and presented. MACOG will adopt the amendment at their next Policy Board meeting. Matt asked the Commission to do the same.

RAY HOOVER MOVED TO APPROVE THE AMENDMENT TO THE AGREEMENT FOR THE PROVISION OF GENERAL SERVICES.
LYNNE LEICHTY SECONDED. ALL IN FAVOR. MOTION CARRIED.

Other Business/Updates

Rob Brennan was introduced by Adam Bowden as the new MS4 manager for the City of Mishawaka.

DIRECTOR'S REPORT

Matt informed everyone that he completed numerous administrative tasks this past quarter. He and Kate put together an annual report that highlighted key projects from the last year. He also completed reporting for the State Board of Accounts. Member invoices were prepared and sent out to local communities. Matt noted there were also several new members this year including new Elkhart and Noble County Health Officers and a new Steuben County Surveyor.

Matt said he has worked on drain benefit apportionments with the LaGrange County Surveyor's Office since the last meeting. He has also had correspondence and meetings regarding Watershed Development Commission legislation (HB 1036), and participated in the Upper Elkhart River Watershed Management Plan development process.

ITEMS FROM THE FLOOR

Nancy Brown of the Elkhart River Restoration Association (ERRA) invited everyone to participate in an upcoming public meeting for the Upper Elkhart River Watershed Project. The public meeting will take place on March 17 in Ligonier and will introduce the project and seek feedback from the community. The ERRA plans to update the watershed management plan to improve water quality in the Elkhart River. Matt added he invited Sara Peel to come to the next SJRBC meeting to explain how this project differs from the North Branch Elkhart River study recently completed by the Commission.

Mattie Lehman said the City of Goshen has been working on a flood resilience plan and they will be hosting a public meeting on March 17 at the Goshen Theatre to solicit public input.

ADJOURNMENT

There being no further business, Kris Thomas 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

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