

**PORTER COUNTY STORMWATER ADVISORY BOARD**  
**March 9, 2020**

LOCATION: County Administrative Center, Ste 205 TIME: 5:00 p.m.  
155 Indiana Avenue, Valparaiso IN

**MEMBERS IN ATTENDANCE**

Bob Gilliana, Fred Martin, Paul Nelson, Jeremy Rivas, Jay Hunter and Scott Severson were present. Jeff Good was absent. Also in attendance were Clay Patton-Attorney, Bob Thompson, Mike Novotney, and staff. Kevin Breitzke was absent.

**All Recommendations will be voted on at the next Storm Water Management Board meeting**

**New Business:**

**Docket No.:** SM-20-0006

**Applicant:** Rael Betensley

**Location:** 1418 N Brummitt Road, Chesterton IN 46304

**Request:** After the fact approval of the replacement/extension of three culverts providing farm crossings over Kemper Ditch, Arm 19, and clearing and tree removal and grubbing work on Kemper Ditch, Arm 19.

Rael Betensley presented for himself. He stated work done by the farmer on his property was done due to safety concerns (needing a wider path for the combine, therefore extending the culvert).

**Staff Findings and Recommendations:**

Staff has reviewed the application and has conducted a detailed inspection of the work completed to date.

The applicant has already completed the replacement/extension of three 20' culverts providing farm crossings over Kemper Ditch, Arm 19 to 40' to accommodate modern farm equipment. Channel excavation occurred where the culvert replacement/extension work occurred. The grade work at all three farm crossings is poor and there is no erosion and sediment control measures in place. In addition, active/recent scour was noted at the crossings, due to the alignment of the culverts and the fact that no erosion and sediment control measures are in place.

Clearing and tree removal and grubbing was conducted along Kemper Ditch, Arm 19, mainly within the parcel identified by Parcel No. 64-04-20-327-001.000-021. The grubbing caused damage to the south bank of the ditch, particularly near the east end of the parcel.

Staff recommends that the applicant be required to perform additional work to address the issues identified along Kemper Ditch, Arm 19, as caused by the applicant's activity, as detailed in the inspection report. Staff recommends that the applicant be required to use a contractor approved by the Department to complete the restoration work. The Department will take care of the washouts occurring along both banks as a result of surface water runoff, as these existed prior to the work completed by the applicant.

After the fact approval of the replacement/extension of the three culverts can be made contingent upon the successful completion of the restoration work. The standard terms and conditions associated with conducting work within a regulated drain/regulated drainage easement shall apply to the project. Staff also recommends that approval of the proposed work be contingent upon the execution of a hold harmless agreement between the applicant and Porter County regarding any damages the improvements may incur during the maintenance of Kemper Ditch, Arm 19.

Given the scope, extent, and character of the work, the applicant also will need to obtain after the fact permits/authorization for the crossings from the State and Federal agencies also having jurisdiction over Kemper Ditch, Arm 19, including USACE, IDEM and IDNR.

**Motion:** Jeremy Rivas moved to approve Case SM-20-0006 per staff recommendations, including successful completion of restoration work and any necessary corrections to culvert installations by an approved contractor. Also, execution of a Hold Harmless Agreement. Seconded by Fred Martin and so approved.

#### **Project Updates:**

Mike Novotney gave updates on Old South Haven South-Central Storm Sewer, Old South Haven Pipelining, Ludington Arm 10, Kankakee River Log Jam and Mass Woody Debris Removal, and the Little Calumet River Watershed (Kemper Ditch).

To date 27 project numbers have been assigned.

The next meeting date is April 13, 2020.

There being no further business, the meeting recessed.

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Bob Gilliana, President

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Mike Novotney, Engineer/Program Director