

MARSHALL COUNTY DRAINAGE BOARD
Tuesday, January 19, 2010

The Marshall County Drainage Board met in regular session on the 19th day of January, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Jack Roose, Tom Chamberlin, Kevin Overmyer and citizen members Randy Glinge and Dave Miller. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. The meeting was opened in due form and the following business was considered.

Mr. Overmyer welcomed Mr. Glinge and Mr. Miller as our two new citizen members of the board.

2010 Re-organization of Board

Mr. Roose made a motion to retain the current leadership, seconded by Tom Chamberlin. Motion carried.

Mr. Roose made a motion to rescind the previous motion, seconded by Tom Chamberlin.

Mr. Roose made a motion to nominate Mr. Overmyer as President and Mr. Chamberlin as Vice-President, seconded by Mr. Glinge. Motion carried.

Mr. Chamberlin made a motion to nominate Lori Lowry as Recording Secretary for the Drainage Board, seconded by Mr. Roose.

Mr. Roose made a motion to nominate Randy Glinge to the Robbins Ditch board, seconded by Mr. Chamberlin. Motion carried.

Mr. Overmyer made a motion to nominate Mr. Roose and Mr. Chamberlin to the House Ditch board, seconded by Mr. Glinge. Motion carried.

Mr. Chamberlin made a motion to nominate Mr. Clevenger as the Drainage Board Attorney, seconded by Mr. Roose. Motion carried.

Arm #7 of the Myers Ditch on the south side of Argos

The areas affected are south of Argos on Michigan Road south of the railroad tracks on the east side. The regulated drain comes from the west near the Madras plant to Dewey Street cuts back to the north then to the Ritzcraft Plant. Over the past few years the current structure has not been able to keep up. A new proposed routing was presented to the board for their review. The following pipes and their quantities are listed below:

- 30" pipe 920 feet
- 24" pipe 1600 feet
- 18" pipe 1200 feet

- 12” pipe 700 feet

The watershed is 358 acres and is 80% agricultural with an estimated cost of the proposed project being \$107,681.00. This project has been in the works for approximately two years as they have been trying to get the costs down. The costs have been reduced by almost \$100,000.00. It will still be a sizeable assessment, but there seems to be no other options to get rid of this water.

This board discussed rate options. Mr. Roose made a motion to figure the ag rate of approximately \$300.00 per acre, residential being one house plus one acre at a 2/1 ratio and commercial at a 3/1 ratio, seconded by Mr. Chamberlin. Motion carried.

York Drain Maintenance Public Hearing

Mr. Fisher explained that the reconstruction from last month was turned down while they were in favor of establishing a maintenance fee on this drain. Notices were sent out at \$3.50 per acre which would bring in \$2,500.00 +/- per year.

The time now being 8:56 a.m. on Tuesday, January 19, 2010, Mr. Roose made a motion to open for public hearing, seconded by Mr. Chamberlin. Motion carried.

- Matt Garver – Is in opposition to the project as he feels it would not benefit everyone in the watershed. The board explained that once a ditch is put on maintenance and it reaches the 4 year accumulation it can be removed from collection at that time.
- The following remonstrators submitted letters: Charles & Marjorie McCormick, Nancy Taylor, Cecil & Ruth Ann Huff, Bill & Karen Ronk, Jerry & Evelyn Reichard, and Matt & Dawn Garver.

Mr. Glinge made a motion to close the public hearing, seconded by Mr. Roose. Motion carried.

One of the first things that would have to be done is that a control structure will have to be placed at DNR. We would supply the pipe and they would have their construction outfit build it.

After a discussion the board decided hold off one more month to allow the two new board members time to research the case and visit the site.

Mr. Roose made a motion to table this public hearing until February 15, 2010, seconded by Mr. Chamberlin. Motion carried.

Tech Farm

Mr. Fisher asked that this discussion be delayed until the February meeting.

Minutes

Mr. Roose moved to approve the December 21, 2009, Drainage Board Meeting Minutes. Motion seconded by Mr. Chamberlin. Motion carried.

Other

Joe Skelton informed the board that maps have been created to tell the depth of Lake of the Woods. The maps show that there has been a loss of 5 to 15 feet in depth.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

MARSHALL COUNTY DRAINAGE BOARD
Monday, February 15, 2010

The Marshall County Drainage Board met in regular session on the 15th day of February, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Jack Roose and Tom Chamberlin and citizen members Randy Glinge and Dave Miller. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. The meeting was opened in due form and the following business was considered. Commissioner absent was Kevin Overmyer.

Recognition of Board Members

The Drainage Board presented both John Glinge and Ray Borggren a certificate of appreciation for their years of public service on the board.

Minutes

Mr. Roose moved to approve the January 19, 2010, Drainage Board Meeting minutes. Motion seconded by Mr. Miller. Motion carried.

Sign Contracts

The following contracts were distributed for signatures: Dausman Ditch, Brock Ditch, and the Burl Ballinger Ditch.

Koontz Lake Sewer District

The Koontz Lake Sewer District asked that the applicants name be changed on the contract from the contractor to Koontz Lake Sewer District.

Ida Worsham Ditch

The Ida Worsham petition was presented to the board. It will be a bi-county ditch with Kosciusko County.

Mr. Roose made a motion to nominate Mr. Miller and Mr. Overmyer as members of the Fulton County Joint Drainage Board, seconded by Mr. Glinge. Motion carried.

Mr. Roose made a motion to nominate Mr. Chamberlin and Mr. Glinge as members of the Kosciusko County Joint Drainage Board, seconded by Mr. Miller. Motion carried.

Sarber Maintenance Contract

Mr. TJ Hurford was asked to appear before the board to explain why he has not fulfilled his maintenance contract on the Sarber Ditch.

Mr. Fisher explained to the board that this contract was approved in September of 2009 with a 120 day complete date which expired January 18, 2010. As of this date Mr. Hurford has not started the project. Mr. Fisher recommended to the board that if they wish to have Mr. Hurford complete the project then they will have to extend his contract.

The reason for the delay was that he was unaware of the crops to be worked around, the crop completion was slow and the work he was doing on the House Ditch for the Marshall Starke Board took longer than expected.

Due to the current weather conditions Mr. Fisher believes that the work probably won't be able to be started until March or April. With the length of maintenance being approximately 4,400' it shouldn't take him more than one month to complete.

Mr. Roose made a motion to amend the existing contract on the Sarber Maintenance Ditch to start which ever is first the 15th of April or sooner and to complete the project no later than 30 days after the 15th of April, seconded by Mr. Miller. Motion carried. Mr. Hurford initialed the back side of the original contract with the above amendment.

Henry York Drain

In 2009 a reconstruction on the Henry York Drain was proposed and denied. In January of 2010 a maintenance hearing was held a tabled. The schedule of assessments have been sent out with a \$3.50 per with a \$5.00 minimum.

At this time there are only two options for the board. They are to establish maintenance for this project or vacate the drain so it is no longer a regulated drain.

Due to there being a lot of opposition Mr. Roose contacted 22 people that are part of this ditch. He found that there are 4 strongly opposed to the project, 9 opposed, 7 will be okay with whatever the board chooses and 1 in favor of the project. After consideration Mr. Roose's opinion was to deny the maintenance request.

Mr. Fisher clarified to the board that if they wish to vacate this drain it may not totally remove all responsibility from this board as the law states that this board is a quasi judicial board.

If the board chooses to accept the maintenance proposal the first thing that will be done is to slow down the water with a control structure at the DNR property. After that maintenance will be done on areas of the tile that needs it. Maintenance essentially fixes and repairs; it does not totally replace the whole thing.

Mr. Miller made a motion to put the Henry York Drain on maintenance at the rate of \$3.50 per acre with a \$5.00 minimum, seconded by Mr. Glinge. Motion carried with a vote 3-1 with Mr. Roose voting nay.

Tech Farm

Mr. Brent Martin appeared before the board to discuss their plans to improve Miller Drive both east and west and extend another drive both east and west.

Along Miller Drive lies the Schu ditch which is a legal drain. As a part of the funding for the project they are required to establish a 25' native vegetation buffer. That would extend the whole length of the project east and west. There will be two ditch crossings, one to the east and the other to the west. Associated with the ditch crossings will be utility crossings, specifically to the east. Sanitary sewer, electric and telecommunications will be to the left. Mike with Lehman & Lehman and Dave that designed the storm water drainage systems were present to answer any technical questions.

Mr. Dave Miller reminded the board that he has been before them on numerous occasions presenting the preliminary plans and over time they have finally gotten down to the final engineering of this project.

A major point of concern for this board is the buffer area. Mr. Fisher explained that in the buffer areas there should be grasses and no woody vegetation or trees. Another concern of the board was who would maintain this area. Mr. Miller presented to the board A Covenant to Maintain and Relinquish Claim to Restore Native Vegetative Buffer should it be disturbed by the process of maintaining the legal drain. Once approved by the drainage board this covenant would be recorded. As far as maintenance it was discussed that this area be cleaned and maintained prior to them starting the work.

Their hope is to bid out the project in May and start in June.

Mr. Roose made a motion to allow VanVactor Farms Inc. to proceed with their next phases, seconded by Mr. Glinge. Motion carried. Mr. David Miller abstained.

Mr. Clevenger asked that the contract be amended to say....real estate shall maintain and restore if necessary... Mr. Miller agreed to make the change.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

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Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

Mr. Miller made a motion to accept Mr. Fishers recommendation of the 2010 Drainage Maintenance Collection, seconded by Mr. Roose. Motion carried.

Myers Arm Public Hearing

Mr. Fisher explained that this public hearing is for the reconstruction/relocation of the Myers Arm#7. This drain is a clay tile that was installed between 1909 and 1913. The plan is to update and provide better drainage in that particular area. Due to congested areas the plan is to relocate a portion behind the Madras Plant and hook it up to the existing drain that is currently a 36" to a 30" then further to a 24" and finally an 18" pipe. There are approximately 358 acres in the watershed. The estimated cost of this project is \$114,474.00. The notices were sent out and informed the owners that this project would be classified as an Urban Drain. The difference between an Urban Drain and Agricultural is the payback rate. Agricultural is a 5 year payback and Urban can go up to 20 years.

Presently the existing tile runs down the road right of way and competes with the utilities. The plan is to relocate the new tile away from the existing in the field so they don't have the same issues with the utilities in the future. This will take the pressure off the existing tile.

During heavy rains water accumulates on both the east and west sides of the road. The east side of the road has a 10" pipe that goes under Michigan Road and ties into the existing regulated drain on the west side. The new plan will have a 24" crossover pipe to the east side which will give them an adequate outlet at that point. The area north of Dewey Street will stay the way it is. The issue seems to be that there is approximately a 60' grade decrease within one mile and causes the water to get there too fast and there is not enough of an outlet to get rid of the water.

The time now being 8:57 a.m. on Monday March 15, 2010, Mr. Roose made a motion to open for public hearing, seconded by Mr. Chamberlin. Motion carried.

- Thomas Crowel and Attorney Nick Perko – Mr. Crowel lives in Lake County at 8244 Kennedy, Highland, IN. Mr. Thomas Crowel appeared before the board to get information and ask questions about the proposed project. The following items were discussed: Current payments to the Ballinger/Myers maintenance vs. proposed reconstruction/relocation, the existing drain in right of way plugged or damaged possibly due to utilities and the responsible party, discussion of the relocation and reconstruction areas, watershed area, and the disbursement of water from Mr. Crowel's property. It was Mr. Crowel's understanding that his parcel of land is not affected as his water runs another direction because his parcel is mostly dry and the existing tile in the right of way hasn't worked since he has owned the property.
- Nick Perko, Attorney for Mr. Crowel, 3037 45th Ave., Highland –The following items were discussed: What benefit Mr. Crowel would receive from this project, the procedures followed to arrive at the existing proposal, the possibility of funding from elsewhere, the existing tile in right away and the responsible parties, and criteria for assessing properties in the watershed.

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- Connie Gardner – 17170 S. Michigan Rd. – Owns the property that gets flooded first. It takes three pumps to get water out of the basement. It takes twenty minutes to flood. Has lived at the property for twenty two years. Never sees water in the ditch because they believe it is never cleaned. The water in her front yard gets so deep it is to her knees. Her neighbor gets totally flooded and has to move out. Has talked with Joe Donnelly and they don't understand why the tax dollars they pay doesn't keep up with this problem and the property owner shouldn't have to pay for it. She pays property taxes and drainage assessments and doesn't think she should have to pay for this project. It's not that she is against the project, but would like it to be funded by someone else. The board expressed that if she can get someone to fund it more power to her. Is also unhappy about the hole that was dug on her property a couple of years ago that she has to maintain and would like for it to be maintained or filled back in. Mr. Fisher stated that this work doesn't fall under maintenance. Changing the tile size and location falls under a reconstruction.
- Delores Grossman – Has lived on Michigan Rd. for 54 years. Has had flooding problems for years and would like to see something done, but doesn't have the money to pay for this as she is on social security.
- Dale Blanch – 17585 Michigan Rd. – Wanted to know if there was a tile that runs down the east side of Michigan Road. Mr. Fisher said that they tried to do some probing, but doesn't know for sure. He also questions how people are going to get drainage if there is no tile there. Mr. Fisher said there is a ten inch crossover in front of Mrs. Grossmans. Doesn't feel this project will benefit him or the people across the road unless there is a tile that runs along the east side.
- Jeff Ewing – 9963 17th Rd. – Asked about the time frame of the project. The board said that if the project was approved today they would like to see the project completed by the fall. Questioned why his property is affected. Mr. Fisher said that he has water that drains off his property to this particular drain. Doesn't understand how this project will affect him as he has a lot of water sitting in his front yard. His second property he can see the water running from it to the ditch. He questioned alternatives such as a catch basin.
- The following remonstrators sent letters– Clara & Howard Rosebaum, Thomas Crowel, Robert & Justine Sauer, Delores Grossman, Jeff & Renee Ewing, and Pamela Dohner.

Mr. Roose made a motion to close the public hearing, seconded by Mr. Glinge. Motion carried.

Mr. Miller asked if and when this project is completed will it alleviate the problems that everybody is experiencing regardless of issues on private drains. Mr. Fisher said that he cannot guarantee but should go a long way to relieve it. The design is based upon a reasonable amount of rain with run off. We cannot afford to plan for a 100 year storm. What is presented will go a long way to help the situation.

Mr. Overmyer stated, "If you look back over the number of years that this drain has been there, it took them four years to complete this. I think everyone has benefited from earlier

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generations on using this system. Like everything else, at some point in time things need to be fixed.”

Mr. Roose said that a lot of things have changed over the past hundred years. The existing ten and fifteen inch tiles are not large enough to handle the water.

Mr. Roose moved that the schedule of costs, damages, and expenses of the proposed reconstruction/relocation will be less than the benefits accruing and to approve the reconstruction/relocation of Arm #7 of the Myers Drain, seconded by Mr. Chamberlin. Motion carried.

The board discussed the procedures for payment in that: once a bid is approved the amount is spread out over the amount of years provided by the board, the owner has one year to pay the balance in full without interest, if the payment plan is preferred they will be charged 10% interest as state statute requires on the unpaid balance.

For a project of this size the majority of the balance would probably be paid back within five years.

Mr. Miller made a motion to establish a twenty year (20) payback on the Myers Arm #7 to allow the property owners more flexibility, seconded by Mr. Glinge. Motion carried.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

MARSHALL COUNTY DRAINAGE BOARD
Monday, April 19, 2010

The Marshall County Drainage Board met in regular session on the 19th day of April, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Kevin Overmyer, Jack Roose and Tom Chamberlin and citizen members Randy Glinge and Dave Miller. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. The meeting was opened in due form and the following business was considered.

Jeff Gustafson-Monroe Johnson Ditch

Jeff Gustafson appeared before the board to discuss his property that lies on both sides of the Monroe Johnson Ditch. He has approximately 118 acres. Currently, this open ditch needs be cleaned along with 2' trees removed which has caused his property to be very wet. After discussing the options with Larry Fisher he would like to put a tile in and fill that portion in with gravel from his own pit. His proposal is to install 770' of 15" tile with the county paying for the tile and he would install the tile at his own expense. There is approximately \$11,000 in the fund and material should run approximately \$7,100. The cost to clean it would be approximately \$2,500.

Mr. Fisher's opinion was the installation of the tile would be better than just doing maintenance. As far as future work on this ditch he knows of nothing.

The board agreed that an agreement needs to be drawn up between them and Mr. Gustafson of the plans along with a timeline. The Surveyor's Office will draw the plans and will oversee the project.

Mr. Chamberlin made a motion to accept Mr. Gustafson's proposal to install a 15" tile as required by the Surveyors Office with the county purchasing the material and Mr. Gustafson installing and doing the work at his own expense along with an agreement prepared by the Drainage Board Attorney and to be signed by the board and Mr. Gustafson, seconded by Mr. Roose. Motion carried by acclamation.

Mr. Gustafson will look into getting a contractor's price on the tile to then be reimbursed by the county.

JB Brown – German Twsp. Drainage - Petition

Mr. John Pfifer, Contractor and Marvin Houin appeared before the board representing Mr. JB Brown. Mr. Brown needs an outlet to the Bellman Tile as there is a house being built that needs a perimeter drain. He is having trouble getting access to that ditch. Therefore, that is why he is initiating a petition.

The petitioner would like to start this process immediately as they are in a time crunch with crops. The board advised the applicant that filing a petition is not a quick process. It could take several months for this process to work. It was their suggestion to contact the owner of the parcel that they need to cross and try to work out an agreement.

Mr. Roose made a motion to accept the Petition for a new regulated arm to the Bellman Tile, seconded by Mr. Chamberlin. Motion carried by acclamation.

Mr. Fisher informed everyone that the tile that will connect to the Bellman Tile cannot be any larger than an 8 inch tile.

Mr. Fisher did agree to contact the adjoining parcel owner and explain to them possible options. Mr. Roose also agreed to join Mr. Fisher at that visit.

Minutes

Mr. Roose moved to approve the March 15, 2010, Drainage Board Meeting minutes as written. Motion seconded by Mr. Miller. Motion carried.

Elmer Seltenright & McComber Maintenance Contract

Maintenance Contracts for the Elmer Seltenright and McComber Ditch were presented to the board for their signatures.

Comcast – William Meyer Ditch – Cross Regulated Drain

This contract to cross a regulated drain of the William Meyer Ditch is retroactive as the line is already in. The applicant went through the Marshall County Highway Department and assumed that was the only permission they needed. Mr. Fisher suggested to the board that it would be more convenient to streamline both applications as one to eliminate this from happening.

Mr. Chamberlin moved to approve the Application to Cross the Regulated Drain from Comcast, seconded by Mr. Roose. Motion carried by acclamation.

Alfred Mechling – Petition

Mr. Fisher presented a petition for the Reconstruction and Periodic Maintenance of the Alfred Mechling Drain in Tippecanoe Twsp.

Mr. Chamberlin moved to accept the Petition for Reconstruction and Periodic Maintenance of the Alfred Mechling Drain, seconded by Mr. Miller. Motion carried by acclamation.

Petition for Removal of Obstruction

The applicant for the petition is John Benedict. We are involved as a quasi judicial board. The adjoining parcel owner is Bryce Bigley. The existing 8” tile runs through the pond and was done in the late 1960’s. After inspection the water level of the pond backs water up on the Benedict pond. Mr. Benedict would like to fix the water problems on his property and to do so he needs an outlet. Their best option would be to bypass around the pond on the north

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side and get this outlet reestablished. The only other option would be very expensive. The process is similar to a normal public hearing.

Mr. Chamberlin moved to accept the Petition for Removal of Obstruction from a mutual drain or natural watercourse from John Benedict, seconded by Mr. Roose. Motion carried by acclamation.

Per Diem and Mileage

The Drainage Board Secretary brought before the board questions regarding per diem and mileage. This procedure was unclear as to who gets paid per diem when there is a site visit and mileage. After a discussion the board came to a consensus that there should be no per diem and mileage paid to Drainage Board members when taken place within Marshall County.

Mr. Roose moved to not pay the Drainage Board members per diem or mileage during site visits within Marshall County, seconded by Mr. Miller. Motion carried by acclamation.

All commissioners were in agreement that they don't believe they should accept per diem on site visits nor collect mileage.

It was agreed by the board that as far as joint drainage board meetings it is up to each respective board to decide per diem and mileage.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

MARSHALL COUNTY DRAINAGE BOARD
Monday, July 19, 2010

The Marshall County Drainage Board met in regular session on the 19th day of July, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Kevin Overmyer, Jack Roose and Tom Chamberlin and citizen member Randy Glinge. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. Citizen member Dave Miller was absent. The meeting was opened in due form and the following business was considered.

Yellow River – German Twsp. Maintenance Bids

Two bids were received for the maintenance of the Yellow River German Twsp. There will be debrushing on the Yellow River from 3rd Road north about a ¼ of a mile on the north side.

Sawyer Excavating	\$	12,000.00
Koontz & King	\$	9,749.00

Mr. Roose made a motion to accept the bid from Koontz and King in the amount of \$9,749.00, seconded by Mr. Chamberlin. Motion carried.

Petition by John Benedict

Mr. John Benedict filed a petition with the board in the spring of 2010 along with a fee of \$250.00. Since then the two property owners have mutually come to an agreement. Therefore, Mr. Benedict would like to request a reimbursement of the \$250.00. Mr. Chamberlin made a motion to sign the claim for Mr. John Benedict for reimbursement of a filing fee that was not transacted, seconded by Mr. Roose. Motion carried.

2011 Drainage Board Budget

The 2011 Drainage Board Budget was presented to the board for them to review. All figures remained the same as the approved 2010 budget. Mr. Roose made a motion to approve the proposed 2011 Drainage Board Budget, seconded by Mr. Chamberlin. Motion carried.

Jeff Gustafson-Monroe Johnson Ditch

Mr. Gustafson has the pipe put in. The only thing left to do is to hook up the very upper end of the old tile to the new tile which will be done within the week. Mr. Fisher is very happy with the work and a better price was received on the pipe that was expected. The contract was presented to the board for their signatures.

April 19, 2010 Minutes

The proposed minutes of the April 19, 2010 meeting was presented to the board for review. Mr. Roose made a motion to approve the minutes as presented, seconded by Mr. Chamberlin. Motion carried.

Other

The control structure is going to be installed on the DNR property this week.

The spray program is completed and has been a good year for spraying brush.

Attorney

There was a status conference on the Crowel matter. After Mr. Fisher explained his intentions the Crowel's seemed satisfied. A written agreement should be ready within a week.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

MARSHALL COUNTY DRAINAGE BOARD
Monday, August 16, 2010

The Marshall County Drainage Board met in regular session on the 16th day of August, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Kevin Overmyer, Jack Roose and Tom Chamberlin and citizen member Randy Glingle. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. Citizen member absent was Dave Miller. The meeting was opened in due form and the following business was considered.

Railroad Blanket Drains

Mrs. Debra Vandemark, Marshall County Treasurer, came before the board to discuss a delinquent blanket drain that has been on the tax roll since 2005 pay 2006 and asked the board for their assistance in cleaning up this delinquency. A blanket drain has no real property; it is only a way in which to assess an entity drainage over a large area. US Railroad Vest is the old Vandalia railroad. It goes from Culver all the way north through Marshall County. This specific assessments location is in the Hibbard area.

Since this blanket drain is only a means for drainage assessment the delinquent balance, therefore, cannot go to tax sale as it would be invalidated. The current balance on this is \$305.00 and has had no payment since 2004 pay 2005. After numerous attempts to correct this delinquency the State Board of Accounts opinion was the only one with authority to remove and/or correct this delinquency is the Drainage Board.

The courts previously decided on these abandoned railroad parcels to revert all rights of way back to neighboring property owners as long as they were purchased as such. After a discussion between Mrs. Vandemark and Mr. Fisher on the abandoned railroad parcels; it was their opinion that a letter be sent to neighboring property owners to purchase this land in order to clean these abandoned parcels up and then issue drainage assessments accordingly.

Mr. Clevenger, Drainage Board Attorney, clarified that there are two different issues being talked about. The issue at hand today is the Treasurer is asking to eliminate this blanket drain parcel as an assessment forgiving the back drainage assessments of \$305.00 and don't assess it further as far as a separate blanket drain. The second issue is the land as discussed above; which can be discussed at another time.

Mrs. Penny Lukenbill, Marshall County Auditor, explained to the board that the invention of blanket drains came from the change of computer companies.

Mr. Glingle made a motion to do away with this blanket drain assessment on the railroad vest property and forgive the back taxes, seconded by Mr. Chamberlin. Motion carried by acclamation.

Combining Tax Parcels for single statement

Recently, Mr. Fisher became aware when a taxpayer requests a combination of tax parcels for the purpose of a single statement many drainage assessments are being dropped. Shortly after a meeting was held between the Auditor's Office, Assessor's Office and Surveyor to discuss the process of combining, the law, and what could be done to correct this.

Two counties were contacted as to how they handle the same situation. One county said that their minimum assessment was \$25; therefore, they don't worry too much about some of the losses. The second county does not waive any drainage assessment and if they want to combine into one single tax statement it has to be done legally.

After a discussion the board agreed to continued discussions on combining tax parcels for a single statement and to include Mr. Clevenger, Drainage Board Attorney.

Alfred Mechling Tile

A Petition was received in April, 2010, for re-construction/maintenance of the Alfred Mechling Tile in Tippecanoe Township. The Brockey and the Alfred Mechling Tile share the common outlet. The Brockey Tile only has an 80 acre watershed and collects less than \$200.00 per year. If any work has to be done there will not be enough money to cover it. Mr. Fisher suggested that the Brockey and the Alfred Mechling Tile be combined to alleviate possible future issues. The suggested cost per acre of assessment was \$8.00. The reason for the higher assessment is because the majority of the project will be tile with very little open ditch.

Mr. Glinge made a motion to schedule the public hearing for the re-construction/maintenance of the Mechling and the combination with the Brockey for September 20, 2010, at 8:45 a.m., seconded by Mr. Chamberlin. Motion carried by acclamation.

2 Stage Ditches Discussion

The Nature Conservancy is looking to construct some 2 stage ditches. It sounds like they have funds coming to them. We possibly have one ditch that could be a candidate for a 2 stage ditch which is the Metheny Ditch, south of SR 10 and east of SR 331 on Neal Young's property. They are asking for a contribution of \$1.50 per linear foot of ditch for construction and seeding. Mr. Roose made a motion to apply for funding from the nature conservancy district for a two stage ditch with the understanding that \$1.50 per linear foot coming out of the Metheny Ditch fund, seconded by Mr. Chamberlin. Motion carried by acclamation.

Ron Clausser – Request for a Wetland Project

This request affects one of the counties regulated ditches. Mr. Fisher doesn't have a problem with creating the wetlands, but has an issue with building this over top of our tile. He prefers it being outside the levy so we can access it. The Clausser's would like to back water up on their own property. The tile is a solid and the idea is to T into the tile to maintain the water level. The Surveyors Office will locate the tile for them and make sure they stay outside the

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levy at least fifteen feet. Randy Glinge made a motion to ask Mr. Clausser not to build closer than 15' away from the present tile for this wetland project, seconded by Mr. Chamberlin. Motion carried by acclamation.

Minutes

Mr. Roose moved to approve the July 19, 2010, Drainage Board Meeting minutes as written. Motion seconded by Mr. Chamberlin. Motion carried by acclamation.

Yellow River Maintenance Contract

The maintenance contract for the Yellow River was presented for signatures.

Ursay

The board asked Mr. Clevenger to send another letter to the Ursay's regarding the Marchertas property. There was a letter sent approximately a couple of months ago and there has been no reply to date. There needs to be a discussion about the tile they put in that is still not working properly and backing up water on the neighbor's property.

Crowel-Myers Arm

The discussions with Mr. Crowel did not go as planned in regards to the proposed agreement. It has been scheduled for hearing on September 9th in the afternoon. At that time the record will be reviewed and the court will determine whether the board did the correct thing and make a ruling.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

MARSHALL COUNTY DRAINAGE BOARD
Monday, September 20, 2010

The Marshall County Drainage Board met in regular session on the 20th day of September, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Kevin Overmyer, Jack Roose, Tom Chamberlin and citizen member Dave Miller. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. Citizen member absent was Randy Glinge. The meeting was opened in due form and the following business was considered.

Tony DeRosa – Troup Ditch

Mr. Tony DeRosa, 827 Greenmont Ct., South Bend, IN appeared before the board as the Vice President and Safety Director of the Bremen Sky Nights Radio Control Club. They operate and maintain a flying site on Mr. Bob Unsicker's property on 6th and Fir in German Township. This parcel is bordered on the south by the Troup Ditch. Occasionally, the members need to cross the ditch to retrieve downed aircraft. Their request is to build a simple footbridge across about three to four feet wide that would enhance safety.

The board asked if the bridge will be tall enough that it won't cause any problems in the spring with increased water. Mr. Fisher stated that where they are planning to build it is high enough on the bank and shouldn't cause any problems.

Mr. Miller asked if there are any liability issues for the county. Mr. Clevenger stated, "no more than usual." Mr. DeRosa stated that the club has secondary insurance to Mr. Unsicker.

Mr. Unsicker contacted the property owner to the south, Mr. Smith and they have no problem with their plans as long as they didn't encroach on their farm. The plan is to build this bridge in the fall when the crops are out.

Mr. Roose made a motion to allow Bremen Sky Nights to put a foot bridge over the Troup Ditch for retrieval of their lost aircraft pending the receipt of their Certificate of Insurance and letters from property owners, Mr. Unsicker and Mr. Smith, agreeing to the request, seconded by Mr. Miller. Motion carried by acclamation.

Logan Drain Reconstruction

The Logan Drain is in the southwest part of Plymouth partly the city and mostly the county. This is strictly an Urban Drain now; initially it was an agricultural drain that has changed to developed ground. The areas involved are Fairfield Farms, Tall Oaks, and Deer Trail which empties out at Dixon Lake.

This agricultural drain needs to be upgraded to a storm drain. It will have to be deeper and bigger and also cross Hwy. 17. It will be a complicated drain for assessment purposes. Mr. Fisher, Mr. Overmyer, and Mr. Miller all agreed to meet and discuss a plan and bring back a proposal to the board.

Marshall County Drainage Board
September 20, 2010

The projected estimate for this project is over \$208,000.00 for this drain. Both Ed Demont of Fairfield and C & T are both aware this needs to be done.

Alfred Mechling/Simon Brockey Public Hearing

This is a request to put this ditch on maintenance. There are approximately 637 acres in the watershed and is located south and west of Tippecanoe and is south of 18B Road in Tippecanoe Township. Since it all shares the same outlet and the Brockey ditch has been on maintenance for many years both watersheds were combined all in one. The proposed assessment is \$8.00 per acre. If this is approved the Brockey maintenance funds will be joined with the Mechling in 2010 pay 2011.

The time now being 8:54 a.m. Mr. Roose made a motion to open for public hearing, seconded by Mr. Chamberlin. Motion carried by acclamation.

- Carl Bost's son Lamar – 19th Rd. – Wanted to see how their property fits in with the plan. Their 81 acre parcel has 20.50 acres benefited.
- Dennis Bailey – 5099 17th Rd. – Representing mother who has the majority of acres in the watershed this ditch crosses. For many years his family has paid to fix the problems with this ditch. Now every time a ditch is fixed another problem arises. Is in support of the request.
- Remonstrance letters from Carl Bost and Karen Carswell

Mr. Roose made a motion to close the public hearing, seconded by Mr. Chamberlin. Motion carried by acclamation.

Mr. Roose didn't hear any strong objections and believes the benefits are worthwhile in improving the watershed.

Mr. Roose made a motion to combine both Alfred Mechling and Simon Brockey into one watershed, finds the schedule of costs, damages, and expenses of the proposed maintenance will be less than the benefits accruing to the owners; therefore, adopts said maintenance and assesses said watershed at \$8.00 per acre with a minimum assessment of \$5.00, seconded by Mr. Chamberlin. Motion carried by acclamation.

The Finding and Order was presented to the board for the signatures.

Both watersheds were notified of the intent to combine.

August Mentzel Petition

Mr. Roose made a motion to accept the August Mentzel Petition and to hold a public hearing for maintenance, seconded by Mr. Chamberlin. Motion carried by acclamation.

Minutes

Mr. Roose made a motion to approve the August 16, 2010, minutes as written, seconded by Mr. Miller. Motion carried by acclamation.

Attorney Business

Last month a concern about incorrect drainage assessments pertaining to property combinations for tax purposes only was brought before the board. The board asked that Mr. Clevenger meet with the parties involved and come back with a resolution. As a result of the meeting, changes were made in the process and will be resolved and as a result proper drainage assessment will take place.

Mr. Crowel's Petition for Judicial Review concerning Arm #7 of the Myers Ditch south of Argos was held on September 17th. Their two issues were: uniform assessment and their parcel did not have any benefit. The judge will take the case under review and should have a decision in three weeks or so.

A letter was sent to the Irsay property per the request of the board about their non-compliance of their drainage issues. Mr. Jack Lucas called Mr. Clevenger's office and said that he would call back and hasn't to this date.

Mr. Fisher had a discussion with Mr. Lucas about them hiring a firm out of Indianapolis to run a camera up the tile to find the problem. They assured Mr. Fisher's office that he will be notified when it is to take place so he can be present.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

MARSHALL COUNTY DRAINAGE BOARD
Monday, October 18, 2010

The Marshall County Drainage Board met in regular session on the 18th day of October, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Kevin Overmyer, Jack Roose, Tom Chamberlin and citizen members Randy Glinge and Dave Miller. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. The meeting was opened in due form and the following business was considered.

IDA WORSHAM MAINTENANCE BID

Four bids were received for the maintenance of the Ida Worsham Ditch located in Tippecanoe Twsp.

1. Koontz & King	\$	6,499
2. Langfeldt Exc.	\$	15,000
3. LDP Exc.	\$	7,800
4. Heise Exc.	\$	7,400

Mr. Glinge made a motion to approve Koontz & King's bid in the amount of \$6,499 for maintenance of the Ida Worsham Ditch, seconded by Mr. Roose. Motion carried.

LEFFERT DITCH

Mr. Merle Hayn came before the board to request the Leffert Ditch course be altered as there are crooks in the ditch that are having erosion problems. There is also a crossing that would benefit by having a culvert. The course wouldn't be altered a great deal, but will be running near an electric tower.

Mr. Hayn is willing to cover the cost of altering the ditch, but would ask that the county cover the cost of the culvert. Along with the altering of the ditch he plans to push the fill over the old ditch and fill it in. Mr. Fisher commented that this area should be seeded before the winter.

With the board's concern of the electric tower and any possible easements, they asked Mr. Hayn to get approval from the electric company before they were to start any work.

Mr. Roose made a motion to allow Mr. Merle Hayn to alter the Leffert Ditch on Maple Road at Mr. Hayn's expense with the understanding that he will communicate with Mr. Fisher the easement of the utility lines and that the Marshall County Highway Department will install the culvert at the MCHD cost, seconded by Mr. Chamberlin. Motion carried.

NEWCOMB EISENHOWER

Ms. Erica Rowe, operator of Stepping Stones Day Dare, of 1825 North Michigan Street Suite 1, Plymouth, IN appeared before the board as a tenant of the previously known Plymouth Veterinary Clinic. The previous tenant had an agreement drawn up to allow her to put a fence up for her daycare. To this date the agreement was not fully executed nor did they follow up with the maintenance as requested. Now the area has brush grown above six feet. Part of the fence was removed when the previous tenant left. Ms. Rowe is requesting to re-install a four foot fence to meet the state's guidelines to run her daycare.

The board's concern is the overgrown brush. The affects of spraying the brush are not as good in the fall as in the spring, but Mr. Fisher said that he could spray on a weekend to take care of the smaller brush.

Mr. Roose made a motion to allow Stepping Stones Daycare to erect a 4' high chain link fence as per plan submitted with the stipulation that an agreement be made between Marshall County Drainage Board and Stepping Stones Daycare which is to be signed by the tenant and property owner, seconded by Mr. Chamberlin. Motion carried.

MINUTES

Mr. Miller made a motion to approve the minutes as corrected for the September 20, 2010, meeting, seconded by Mr. Chamberlin. Motion carried.

OTHER BUSINESS

Mr. Clevenger reported that Judge Palmer ruled in favor of the Judicial Review that was filed by Mr. & Mrs. Crowel on the reconstruction of the Myers Arm south of Argos.

Mr. Fisher was out to the Irsay property last week. The tile was videoed in three different areas and was unsuccessful as it was full of mud. The property manager has agreed that they will replace the tile and abandon the old one. Once Mr. Fisher gets the information to the Irsay's they will start this project. Mr. Overmyer and Mr. Fisher agreed to discuss this information with the Marchertas'.

The assessment of the Logan Tile project is currently being worked on as it is complicated.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Marshall County Drainage Board
October 18, 2010

Tom Chamberlin, Member

Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

MARSHALL COUNTY DRAINAGE BOARD
Monday, November 15, 2010

The Marshall County Drainage Board met in regular session on the 15th day of November, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Kevin Overmyer, Jack Roose, Tom Chamberlin and citizen member and Dave Miller. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. The meeting was opened in due form and the following business was considered. Member absent was Randy Glinge.

Myers Arm #7 Bid

Four bids were received for the reconstruction/maintenance of the Myers Arm #7 located in Argos, IN.

- JD Excavating \$ 105,450
- Thomas Excavating \$ 115,270
- Haskins Inc. \$ 130,000
- Haskins Underground \$ 148,372

Mr. Clevenger reviewed JD Excavating's bid and bond and find that to his knowledge all requirements are met.

Mr. Roose made a motion to approve JD Excavating's bid in the amount of \$105,450 for reconstruction/maintenance of the Myers Arm #7, seconded by Mr. Chamberlin. Motion carried.

Mr. Clevenger stated that the attorney for Mr. Crowel filed a Motion to Correct Errors and the judge denied the motion without hearing. Mr. Crowel has another thirty days from that date to appeal further.

MINUTES

Mr. Roose made a motion to approve the minutes as corrected for the October 18, 2010, meeting, seconded by Mr. Chamberlin. Motion carried.

KYLE REESE/THORNBURG DITCH

Mr. Reese, 15861 14 B Road, Plymouth, Indiana appeared before the board to request permission to put a culvert bridge over the Thornburg Ditch. Mr. Fisher stated that it would need to be the same size as under the road and to his knowledge it is a 5 foot. This is located between Peach and 14 B.

Mr. Roose made a motion to allow Kyle Reese to put a culvert bridge over the Thornburg Ditch with Mr. Fisher's supervision, seconded by Mr. Chamberlin. Motion carried.

Mr. Fisher reminded everyone that this ditch is not on maintenance; therefore, no help will be given from the county. Mr. Reese agreed that they would take care of it.

Other

A Petition for Reconstruction/Maintenance was received on the Henry Snyder Ditch. This ditch is in Walnut Township and should be the last ditch on maintenance that will go into the Deep Outlet Main. In the past there have been discussions on combining this whole watershed. Mr. Fisher commented to the board that he is still in favor of combining the whole Deep Creek Outlet under one assessment instead of taxpayers paying three or four separate assessments.

Mr. Chamberlin made a motion to accept the Henry Snyder Petition for Reconstruction/Maintenance, seconded by Mr. Roose. Motion carried.

Mr. Dave Stults, 18509 Gumwood Rd., Argos, IN explained to the board that he initiated the petition and would like both re-construction and maintenance of the Henry Snyder Ditch.

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

Randy Glinge, Member

Dave Miller, Member

Attest: _____ Drainage Board Secretary

MARSHALL COUNTY DRAINAGE BOARD
Monday, December 20, 2010

The Marshall County Drainage Board met in regular session on the 20th day of December, 2010 at 8:30 a.m. in the Commissioners' Room of the County Building, 112 W. Jefferson, Plymouth, Indiana. Board members present were: Kevin Overmyer, Jack Roose, Tom Chamberlin and citizen members Randy Glinge and Dave Miller. Also present were County Attorney James Clevenger, County Surveyor Larry Fisher and Lori Lowry, Drainage Board Secretary. The meeting was opened in due form and the following business was considered.

Arney Maintenance Bid

Two bids were received for the maintenance of the Arney Ditch located in German Township. The bids were as follows:

- LDP No bond was included therefore the bid was invalid
- Sawyer Excavating \$ 29,928.00

Mr. Glinge made a motion to approve the bid by Sawyer Excavating for \$29,928.00, seconded by Mr. Chamberlin. Motion carried.

Danner Maintenance Bid

Two bids were received for the maintenance of the Danner Ditch located in Marshall and Kosciusko County. Kosciusko County requested that Marshall County bid the project out and they will pay for the work. The bids were as follows:

- LDP No bond was included therefore the bid was invalid
- Sawyer Excavating \$ 23,182.00

Jack Roose made a motion to approve the bid by Sawyer Excavating for \$23,182.00 with a contingency that there are funds available in Kosciusko County, seconded by Mr. Miller. Motion carried by acclamation.

Town of Lapaz – Stormwater system

Mr. Michael Strang, GAI Consultants, appeared before the board to discuss the proposed storm water system for the Town of Lapaz. They have received a One Million Dollar grant to improve the storm water system within the town.

The first priority will be to put in main lines starting on each side of US 31 and extending to existing ditches on either side of town. These main lines are being sized for future branches of storm sewer to be connected as budgets allow. Sizing is based on the Marshall County Drainage Ordinance. Parameters used in completing the preliminary sizing of the system are as follows: 10 year storm of 1 hour duration and run off coefficients from the ordinance.

Marshall County Drainage Board
December 20, 2010

West of US 31, the West Side Main Line will be installed under Walnut Street from just west of US 31 to the Emmons Ditch where it will outlet. The pipe size at the outlet is proposed to be 24" diameter. An end section will be provided.

East of US 31, the East Side Main Line will be installed from south of the fire station, just east of US 31, and will outlet at the Lloyd Lehman Ditch on the north side of County Road 1 B. Three optional routes were explored. At this time we are proceeding with Option #3. The pipe size at the outlet is proposed to be 36" and may be placed under the road or in an easement on either the north or south side of the road. The possibility of an equivalent open ditch on either the north or south side of the road is also being explored.

Figures 1 & 2 illustrate the main lines proposed and possible branch storm sewers for future installation as budgets allow. (See Attached Figures 1 & 2)

The board asked if there was going to be a match. Mr. Strang explained that all fees, easements, right of ways, construction and pipe have to come out of this One Million Dollar grant.

Mr. Strang said that they have until the middle of January to get the plans completed and bids started. Bids will have to be received by the end of February. There is a possibility that Options 1, 2, or 3 won't be used and they will have to go all the way down Vandalia Street. Then when the funds are gone they are gone. Going with option 3 allows them to not have to use moneys for pavement repairs which will allow more money for pipe installation.

Mr. Chamberlin made a motion to allow the Town of Lapaz to install a 24" pipe at the outlet of the Emmons ditch on the west side of US 31 and a 36" pipe at the outlet of the Lloyd Lehman Ditch on the east side of US 31 to improve storm water drainage, seconded by Mr. Roose. Motion carried by acclamation.

Minutes

Mr. Roose made a motion to approve the minutes of the November 15, 2010, meeting as written, seconded by Mr. Glinge. Motion carried by acclamation.

Myers Arm #7

The contract with JD Excavating for the reconstruction of the Myers Arm #7 was distributed for signatures.

2011 Drainage Board Meeting Schedule

Mr. Glinge made a motion to approve the proposed 2011 Drainage Board Meeting Schedule, seconded by Mr. Roose. Motion carried by acclamation.

2011 Citizen Member Appointments

Mr. Chamberlin made a motion to nominate and elect Mr. Glinge as a citizen member of the Marshall County Drainage Board for 2011 for a one (1) year term, seconded by Mr. Roose. Motion carried by acclamation.

Mr. Miller thanked the board for the opportunity to serve on this Drainage Board over the past year. It was his opinion that Mr. David VanVactor would better serve the Marshall County Drainage Board because of his extensive knowledge in agriculture. **Mr. Roose made a motion to nominate and elect Mr. David VanVactor as a citizen member of the Marshall County Drainage Board for 2011 for a one (1) year term, seconded by Mr. Chamberlin. Motion carried by acclamation.**

Attorney Business

Mr. Crowel has hired a different attorney to file an appeal of Judge Palmer's affirmation of the Drainage Board's decision concerning the new drain, Myers Arm #7. This process could take several months before we hear anything. There is no stay; therefore, the Drainage Board can proceed.

Once the contractor's bid was accepted the assessments were disbursed and filed with the Treasurer's Office for billing. JD Excavating has already purchased the material, submitted his claim for the material, and is ready to start construction as he has a contract deadline to fulfill. Mr. Fisher commented that due to the early freezing he is going to wait till the spring for the road cut as there are utilities and its frozen solid. They will start by putting a manhole on the south side of the road and continue from there with the road cut to be saved till the very last.

Interest & Penalties from General Drain Improvement

Mr. Fisher brought before the board his concern about interest and penalties collected on reconstruction projects. When interest and penalties are paid they come back to the ditch fund itself rather than the GDI fund. It is his opinion that the interest and penalties should be applied to the GDI fund because that is the fund that is loaning the money to the individual ditch fund to do the project. Why should the ditch fund benefit from the interest and penalties when it didn't contribute to the original source of funding.

The board was all in agreement and Mr. Overmyer directed Mr. Clevenger to draw up an Ordinance for the January, 2011 meeting.

Ursay Property

The Ursay's are going to replace the incorrectly installed 18" pipe through their property. Due to there being a new site manager he is requesting additional time to look over the plans. Mr. Fisher heard that they were looking at putting in a pump station. He informed them that there cannot be a pump station on a regulated drain. Mr. Fisher understood from their last conversation that the Ursay's were going to have their attorney review the agreement and will then contact Mr. Clevenger.

Other

Mr. Overmyer thanked Mr. Miller for his time served on the Drainage Board and Mr. Chamberlin as he has served the past 6 years on this board as well.

Marshall County Drainage Board
December 20, 2010

There being no further business before the Board they do now adjourn on a motion duly made, seconded and carried.

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Jack Roose, Vice-President

Tom Chamberlin, Member

Randy Glinge, Member

Dave VanVactor, Member

Attest: _____ Drainage Board Secretary