

## MARSHALL COUNTY DRAINAGE BOARD

### REGULAR MEETING

January 21, 2025

The Marshall County Drainage Board met for a regular meeting on Tuesday January 21, 2025 at 8:30am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Stanley Klotz, Vice President; Jesse Bohannon, Adam Faulstich, and David Stults. Also present were Craig Cultice, County Surveyor; Sean Surrisi, Board Attorney; Angie Kibbe, Drainage Board Secretary. The meeting was opened in due form and the following business was considered. The Drainage Board meeting is streaming live and is available for live view at: [www.co.marshall.in.us](http://www.co.marshall.in.us).

### REORGANIZATION OF THE BOARD MEMBERS

Mr. Klotz starts by stating that this being a new year and with new members on the board, they need to establish a temporary chairperson to start the meeting. **Mr. Stults motion to make Mr. Klotz chairperson to start the meeting seconded by Mr. Bohannon, motion carried 4-0.** Mr. Klotz addresses the board telling them that they need to appoint a member as the president. Mr. Glinge who is absent today has been on the board a few years. Mr. Klotz spoke with Mr. Glinge and Mr. Glinge volunteered to take on the presidency, along with that the representative for the Kankakee River-Yellow Basin Development Commission. **Mr. Stults motion that Mr. Glinge be president of the drainage board with Mr. Klotz being vice president and that in Mr. Glinge absence Mr. Klotz can sign and represent the Drainage Board, seconded by Mr. Bohannon. Motion carried 4-0.**

### APPOINTMENT OF THE DRAINAGE BOARD ATTORNEY

**Mr. Bohannon motioned to appoint Mr. Surrisi as the Drainage Board attorney, seconded by Mr. Stults. Motion carried 4-0.**

### APPOINTMENT OF THE DRAINAGE BOARD SECRETARY

**Mr. Stults motion to appoint Angie Kibbe as the Drainage Board secretary, seconded by Mr. Faulstich. Motion carried 4-0.**

### APPOINTMENT FOR JOINT BOARDS

Board members were given a list of joint drainage boards from 2024 and with discussion, the boards and appointments are as follows;

Starke-Marshall Joint Board: **House Ditch:** Two representatives; Bohannon and Klotz.

Marshall-Pluaski-Starke Joint Board: **Zechiel-Chapman Ditch:** One representative; Bohannon.

Starke-Marshall- St. Joseph- LaPorte Joint Board: **Robbins 4 County**: One representative; Faulstich.

Fulton-Marshall Joint Board: **G. Wilson Ditch**: Two representatives; Stults and Bohannon.

Kosciusko-Marshall Joint Board: **S Sechrist**: Two representatives; Stults and Faulstich.

Marshall -St. Joseph- Elkhart Joint Board: **Yellow River**: One representative; Klotz.

Marshall-Fulton Joint Board: **Dora Fairchild**: Two representatives; Stults and Bohannon.

Kankakee River- Yellow River Basin Development Commission: The appointments are made by the Marshall County Board of Commissioners. The recent appointments were made for a four-year term from July 1, 2021 through June 30, 2025. Mr. Cultice shall serve on the Commission, Mr. Glingie shall serve on the Technical Advisory Committee. **Mr. Stults motions to approve appointed members to joint drainage boards as presented, seconded by Mr. Bohannon. Motion carried 4-0.**

#### **GARRETT THARP/VARIANCE ON THE EMMA MISHLER DITCH**

Mr. Garrett Tharp of 5981 Quince Rd, Plymouth came before the board to discuss a request for a variance. Mr. Tharp is requesting a variance of 68 feet to install a Presby Mound System for his new home build. Mr. Cultice provided visual diagrams of the layout of Presby Mound System to the Emma Mishler Ditch. Mr. Cultice also showed a video of the land's layout. Mr. Cultice continues that Mr. Tharp is also requesting a driveway along the ditch that is within the drainage maintenance easement. Mr. Cultice feels that the driveway would not cause any problems but recommends to the board that in future, if maintenance is done on the ditch, the drainage board will not be liable for damages to the driveway. **Mr. Stults motions to allow a variance reduction to 68 feet to allow the septic system to be put in, seconded by Mr. Bohannon. Motion carried 4-0. Mr. Stults adds to motion that any damage to the septic system if maintenance work is done on the ditch, will be at the property owner's expense. Mr. Bohannon seconds, motion carried 4-0.** Mr. Klotz asked Mr. Tharp about the driveway. Mr. Tharp states that the driveway was already there, his family has owned the property for 50 years and thinks it might have been grandfathered in. Mr. Tharp was planning on just using the stone driveway for the future build instead of making a new driveway. Mr. Tharp explains that he understands that if the county needs to access the ditch and any damage done to the driveway is at his expense. **Mr. Bohannon motioned to allow the driveway within the easement with the stipulation that the drainage board will not be liable if damage occurs during maintenance on the ditch. Mr. Faulstich second the motion, motion carried 4-0.**

#### **STEVEN MILLER/ FENCE VARIANCE ON THE HARLEY BROCK DITCH**

Mr. Miller of 7781 Elm Rd. Bourbon comes before the board to request a variance on the Harley Brock Ditch. Mr. Cultice reminds members that this is a continuation from the Drainage Board meeting in November 2024. Mr. Miller constructed a fence within the maintenance easement

of the ditch without approval from the Drainage Board. Mr. Cultice shows pictures of the fence and the proximity to the Harley Brock ditch. Mr. Cultice also shows pictures of maintenance work being currently done on the Dausman ditch as an example of the need for variances. The spoils from cleaning this ditch, is approximately 3-4 feet in depth and from top of bank to edge of spoil is about 40 feet wide and once the spoil is level it will take up 50 feet. Mr. Miller informs the board that he removed the fence after the November meeting per the board. He also states that the other side of the ditch is open for access to do maintenance and he would like to put the fence back up where he had it. Mr. Miller stated it is frustrating to give up that much of his pasture. Mr. Klotz asked Mr. Cultice for his opinion on this, Mr. Cultice reports he did some research and the last time there was a request for a variance on a ditch, it was on the Mattingly Ditch. The board granted a variance of 50 feet in that case. Mr. Klotz states that it's been the board's policy not to go less than 50 feet, they have but on rare occasions. Mr. Klotz states to the board that decisions made will possibly set a precedent for the next guy. Mr. Miller suggests he put a gate within the fence to help with maintenance if needs to be done. Mr. Miller also brings up that at the last meeting a 40-foot variance was brought up and if that was still an option. Mr. Klotz states that the last meeting a lot was said and he is sticking with 50-feet. Mr. Bohannon agrees with Mr. Klotz. **Mr. Bohannon motions to allow the reduction in the maintenance from 75 feet to 50 feet, seconded by Mr. Faulstich. Motion carried 4-0.**

**ROBERT GOO/EMMA KUNTZ**

Mr. Robert Goo of 4152 West Shore Dr. Bremen comes before the board to request that the board investigate a culvert that is on his property. Mr. Cultice presents pictures of the Emma Kuntz ditch, the culverts and the channel that Mr. Goo's property is on. Mr. Goo apologizes to the board for missing the November meeting. Mr. Goo continues to tell the board he bought the property 3 years ago and the vegetation in the picture that Mr. Cultice provided was not there at that time. He was cleaning some of his property and stepped close to the channel and his feet sank 3 feet in the sediment of the channel. He was not aware of how shallow the channel was. He says the channel is nothing but mud for 25 feet out. He has seen sand and sediment coming out of the culvert from the Emma Kuntz ditch to the channel. He states he feels that the channel should be taking the ditch water directly to the lake and not into the channels. He doesn't know when the culvert was put in or by who. He thought the county put the culvert in but heard last year that it was not the county's culvert, and he doesn't know what to do or if the board could help him get it cleaned out. Mr. Klotz asked Mr. Cultice about the culverts and if the culverts are private, if they are private then there is nothing the County can do. Mr. Cultice replies that he did talk to some of the property owners to see if they knew anything about the culverts and no one knows the origin. A Research of records in the surveyor's office did not yield any relevant information. Someone from the Lake of Woods was attending one of the meetings and thought the culverts were put in to help the water flow from the channel to the lake. Mr. Cultice continues to state the waters from the fields are having to get through and pass a 48" and a 24" pipe before it is getting to the lake. He believes that these culverts are creating an obstruction and disrupting the flow to the lake. Mr. Klotz asked Mr.

Surrisi that by law the county can't touch anything private. Mr. Surrisi states the county cannot without the property owner's approval and he further asks who the culverts belong to. Mr. Goo states that the 24" culvert is on his property and the 48" culvert is on his neighbor's property. Mr. Faulstich suggests closing off the culverts. Mr. Goo would like to be able to fish on the lake, but he cannot access the lake from his property. Marvin Houin of 7563 Plymouth Goshen Trail Bremen is in attendance, and he comes up before the board. Mr. Houin states that with the county having 75 feet easements on the county ditches, that with these culverts in the easements that the county has the right to move the culverts. Mr. Surrisi replies that he believes the easement intent is to be able to access the ditch not to be excavating for other reasons. Mr. Houin replies that if this was a tree obstructing the ditch they would remove it, these culverts are hindering the ditch flow. Mr. Houin tells Mr. Cultice that the board just spent a lot of money clearing the ditch out and if the culverts are hindering the flow, it can't keep the sediment from building back up again. Mr. Houin believes the culverts were installed back in the 60s. Mr. Houin also believes the culverts were put in for the driveways of the property to the northeast of Mr. Goo's home. Mr. Houin states if that is the fact that the culverts belong to those property owners, if he must maintain his culverts in his fields then the driveway owners should have to maintain the culverts. Mr. Klotz asked Mr. Cultice what he thinks the DNR would say in this situation, Mr. Cultice replies he is not sure what they would say. Mr. Cultice continues that he knows under the drainage code that if the board feels there is an obstruction to the county ditch the board has the right to remove the obstruction or in this case cap it off. Mr. Stults makes a motion to cap off the culverts or remove culverts, due to the effects they are having on the ditch. Mr. Klotz asked Mr. Cultice if there was money in that fund to do the work. Mr. Cultice responded by asking for the removal or the cap. Mr. Bohannon suggested trying to cap it since it would probably be the less expensive approach. Mr. Klotz in return states that maybe he has Mr. Cultice investigate both options first and bring it back before the board. **Mr. Stults changes motion to have Mr. Cultice look at options and prices to take care of both culverts and bring them before the board, seconded by Mr. Bohannon. Motion carried 4-0.**

#### **DRAINS TO BE ACTIVE AND NON-ACTIVE FOR 2025**

Mr. Cultice presented the board with an assessment report with his recommendation of the ditches that should be activated and not to be activated for collection in 2025. The ditches that are recommended not to be activated have sufficient fund balances per state statute. The remaining ditches that have funds balance below the statute shall be on collection in 2025. **Mr. Bohannon motion to approve the assessment report as presented to the board, seconded by Mr. Faulstich. Motion carried 4-0.**

**ALAN YOUNG/PETITION FOR MAINTENANCE ON THE GALL UNSICKER**

Board members were given a petition to increase assessment for maintenance on the Gall-Unsicker Watershed by Mr. Alan Young. Mr. Cultice tells the board that this watershed has struggled to keep a balance, and the watershed is in need of maintenance work. This watershed is a joint drain with Kosciusko County. If the board accepts the petition, Mr. Cultice will put together a surveyor report and bring it back before the board for review. If the board finds a raise in assessment is required, the board will set a public hearing. **Mr. Bohannon motions to accept the petition, seconded by Mr. Faulstich. Motion carried 4-0.**

**MINUTES**

**Mr. Stults moved, seconded by Mr. Klotz, to approve November 18, 2024 minutes. Motion carried 4-0.**

**PUBLIC COMMENT**

No public comment.

**ADJOURNMENT**

With no further business to come before the board, **Mr. Stults motions to adjourn the meeting, seconded by Mr. Bohannon. Motion carried 4-0.**

MARSHALL COUNTY DRAINAGE BOARD

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Randy Glingie, President

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Stanley Klotz, Vice-President

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Jesse Bohannon, Board Member

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David Stults, Board Member

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Adam Faulstich, Board Member

Attest: \_\_\_\_\_

Angie Kibbe, Drainage Board Secretary