

## **MARSHALL COUNTY DRAINAGE BOARD**

### **REGULAR MEETING**

The Marshall County Drainage Board met for a regular meeting on January 16, 2024, at 8:30am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President; Michael Burroughs, Vice President; Stanley Klotz, Board Member; David Stults, Citizen Board Member. Also present were Craig Cultice, County Surveyor; James Clevenger, 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 moved, second by Mr. Stults, to maintain the same appointments, Mr. Overmyer as President of Marshall County Drainage Board and Mr. Burroughs as Vice President of Marshall County Drainage Board. Motion carried 5-0.

#### **APPOINTMENT OF DRAINAGE BOARD ATTORNEY**

Mr. Stults moved, second by Mr. Burroughs, to reappoint Mr. Clevenger as Marshall County Drainage Board Attorney. Motion carried 5-0.

#### **APPOINTMENT OF DRAINAGE BOARD SECRETARY**

Mr. Stults moved, second by Mr. Burroughs, to reappoint Mrs. Kibbe as Marshall County Drainage Board Secretary. Motion carried 5-0.

#### **2024 JOINT DRAINAGE BOARDS APPOINTMENTS**

Mr. Klotz moved, second by Mr. Stults, to retain the same joint appointments as 2023. Motion carried 5-0. The appointments for 2024 joint boards are as follows; House Ditch, Mr. Klotz and Mr. Burroughs; Zechiel-Chapman Ditch, Mr. Overmyer; Robbins 4 County, Mr. Burroughs; G. Wilson Ditch, Mr. Stults and Mr. Overmyer; S Sechrist Ditch, Mr. Burrough and Mr. Stults; Yellow River, Mr. Overmyer. The appointments to The Kankakee River Basin and The Yellow River Basin Commission are made by the Marshall Count Board of Commissioners. The appointments are for a four-year term from July 1, 2021, through June 30, 2025. Mr. Cultice shall serve on the Commission, Mr. Overmyer shall serve on the Technical Advisory Committee.

**MAINTENANCE BIDS**

**B.F. MATTINGLY DITCH & ARM**

**Allsop Excavating- \$29,750.00**

**Ingram Excavating- \$11,000.00**

**Mr. Klotz motion, second by Mr. Stults to accept the bid by Ingram Excavating in the amount of \$11,000.00. Motion passed 5-0.**

**DANIEL SAVAGE DITCH**

**Allsop Excavating- \$35,750.00**

**Ingram Excavating- \$17,440.00**

**Mr. Klotz motion, second by Mr. Burroughs to accept the bid by Ingram Excavating in the amount of \$17,440.00. Motion passed 5-0.**

**J. BALLINGER/MYERS ASSESSMENTS**

Mr. Cultice supplied an updated Surveyor's Report on the J. Ballinger-Myers Watershed assessments. The Town of Argos has 776± acres and per agreement in 1984 with the Drainage Board the acres are multiplied by two and assessed at \$1.75. The last public hearing established a rate that was a 25% increase in 2017. Maintenance expenditures in the last 10 years totaled \$509,491.00±. The projected/estimated average yearly maintenance cost is \$50,000-\$60,000.00. Mr. Cultice provided handouts with pricing of other watersheds that have commercial pricing along with estimated assessments per acre at different price points for the J. Ballinger/Myers. Merl Hayne of 14942 Maple Rd Argos, IN, came before the board to let them know the effects of the J. Ballinger/Myers drain is having on his farmlands. He states he is happy with the work Mr. Cultice does with the drains and with the little budget with which he is working with. Mr. Hayn has done work in the ditch himself to help stop water from collecting on his lands. Mr. Hayne feels the Town of Argos should be contributing more towards the watershed funds. When it rains in Argos, he notices his grounds flood more due to the runoff from the town. He also adds that the brush and grasses are getting harder to kill and maintain in the ditches. Mr. Burroughs suggests the assessments should be raised at least \$2.75. Mr. Stults states he feels \$3.00 should be established to catch up and to have some equity in the fund. With the records showing \$50,000.00 a year in maintenance, it will take a few years to build up. **Mr. Klotz motion, seconded by Mr. Stults to advertise the assessment at \$3.00 an acre for the J. Ballinger/Myers Watershed and to have a public hearing at the April 15, 2024, Drainage Board meeting. Motion passed 5-0.**

**2024 REVIEW OF DITCH MAINTENANCE ASSESSMENT**

Mr. Cultice presented the board with assessment report with his recommendation of the ditches that should be activated and not to be activated for collection in 2024. 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 2024. Mr. Cultice suggests to the board that with the new tax software the Surveyor's office has the ability to turn on and off collections for these ditches, the

Surveyor's office can take on that responsibility. **Mr. Burroughs motion, seconded by Mr. Stults to accept the recommendation for the 2024 active and non-active collection maintenance assessments per surveyor's report and to allow Surveyor's office to turn collections on and off from their office. Motion passed 5-0.**

#### **MAINTENANCE CONTRACTS**

The board members sign the December 18, 2023, maintenance contract for the Craig Unsicker Ditch.

#### **MINUTES**

**Mr. Klotz motion, seconded by Mr. Burroughs to accept the minutes from December 18, 2023. Motion passed 5-0.**

#### **OTHER BUSINESS**

Mr. Overmyer brought attention to the board that the DNR has scheduled a time to use the commissioner room to have a public hearing on the Lake of the Woods conservancy district on January 31, 2024, from 1pm-4pm.

#### **PUBLIC COMMENT**

Kenneth Jones Jr. with JRP at 325 S. Lafayette Blvd South Bend, IN comes before the board on behalf of the Town of Bourbon. He gives the board member maps of the water waste treatment facility and their lagoons that they have on the west side of their parcel that drains into the Metheny Ditch. They are having problems with regulatory issues with IDEM, with particular regard to their NPDES discharge permit because their discharge permits allow them to discharge at a rate that's equal to 1/10<sup>th</sup> of the flow of the ditch. The flow rate of the ditch dramatically changes during the course of any given calendar year. Mr. Jones states that the ditch is full of some kind of grass, and it slows the ditch down to the point where it does not move. The town is wondering if this section of the ditch could be cleaned on a more regular maintenance schedule like every 2-3 years. Mr. Jones relays that the town is willing to partner up with the drainage board in some way to help cover the cost. Mr. Burroughs wondering if the Town of Bourbon got some estimates on cleaning the ditch and brought it before the board that would be at start. Mr. Cultice responded a cost share with the town would be great, cleaning the ditch every two years is not typically something they do. The ditch does not have the funds to support something like that so working with the town would be beneficial. Mr. Cultice will investigate the ditch and review watershed funding for future projects.

**ADJOURNMENT**

With no further business to come before the board, **Mr. Burroughs motions, second by Mr. Stults to adjourn at 9:05a.m. Motion carried 5-0.**

MARSHALL COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Michael Burroughs, Vice-President

\_\_\_\_\_  
Stanley Klotz, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Randy Glinge, Board Member

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

Angie Kibbe, Drainage Board Secretary

# MARSHALL COUNTY DRAINAGE BOARD

## REGULAR MEETING

February 19, 2024

The Marshall County Drainage Board met for a regular meeting on February 19, 2024 at 8:30am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President; Michael Burroughs, Vice President; Stanley Klotz, Board Member; Citizen Board Members were absent. Also present were Craig Cultice, County Surveyor; James Clevenger, 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).

### **J. BALLINGER/MYERS ASSESSMENTS**

Mr. Cultice readdressed the board regarding the J. Ballinger/ Myers assessment, a minimum price for assessment was not established in the January Drainage Board meeting, they set the rate per parcel at \$3.00. Currently the minimum is \$6.00, Mr. Cultice wants the Board's opinion on leaving the \$6.00 minimum or raising it. A public hearing regarding the assessments will be on April 15<sup>th</sup>, notices will go out to landowners 30 days before the meeting. **Mr. Klotz motion to leave the minimum at \$6.00, second by Mr. Burroughs. Motion carried 3-0.**

### **EMMA KUNTZ DITCH**

Mr. Cultice provided a surveyor's reconstruction report of the Emma Kuntz Ditch at the request of the board. Mr. Cultice's reports state that Emma Kuntz was originally petitioned in January of 1903. The drain consists of 2,750'± of tile and 11,900'± of open ditch, all of which outlets into The Lake of the Woods. Records indicate that there have been numerous maintenance projects on the drain throughout the years. The last time this portion of the ditch was cleaned between West Shore Drive and the shoreline of the lake was in 1990. This section of the ditch has become sediment laden and restricts waterflow to the lake. The length of the project is 560'±. The estimated cost is \$25,000.00. **Mr. Burroughs motioned to approve the reconstruction project of the Emma Kuntz Ditch, seconded by Mr. Klotz. Motion carried 3-0. A public hearing will be held at the May Drainage Board Meeting.** Mr. Marvin Houin, 7563 Plymouth-Goshen Trl. Bremen, IN came before the board with concern about the maintenance of the ditch. Mr. Houin is wondering if the sediment trap will be clean as well and how does the payments work for the reconstruction loan. Once the cost is established at the public hearing repayment will be discussed.

Mr. Cultice also feels the assessments on the Emma Kuntz Ditch need to be adjusted. At the December Drainage meeting bids for maintenance work were denied due to insufficient funds for the Emma Kuntz Ditch. Mr. Cultice presented to the board an assessment review and the assessment rate is not sufficient to properly maintain the county regulated drain. In the last 10 years maintenance costs have totaled \$30,381.00. Currently assessments rate is \$2.00 per acre and \$7.50 minimum, established in 1989. Projected/Estimated average yearly maintenance cost is \$7,500.00±. Calculating \$5.00 per acre would

estimate \$5,825 annually, \$6.00 per acre estimated \$6,990 annually, and \$6.50 per acre estimated \$7,572 annually. Mr. Klotz thought 5.00 was a big jump and was wondering if it is too much to ask from the farmers. Mr. Overmyer asked Mr. Houin what he thought, knowing Mr. Houin owns a lot of land in this watershed. Mr. Houin states they will have to pay what it takes to keep the ditch clean and not have water standing on land. **Mr. Burrough motions to raise the assessments and advertise at \$6.00 per acre with a \$15.00 minimum, second by Mr. Klotz. Motion carried 3-0. A public hearing will be held at the May Drainage Board Meeting.**

#### **DORA FAIRCHILD DRAIN**

Mr. Cultice readdressed the petition the board accepted in the December meeting. Today the board will need to appoint two members to the Dora Fairchild Drain, this will be a joint drain with Fulton County. Fulton County will also appoint two members from their drainage board. Marshall County has 304 acres in this watershed and Fulton County has 233 acres. Marshall County will hold funds, having majority of the acres in watershed. Discussion between board members regarding the appointments from Marshall County, Mr. Burroughs thought Mr. Stults would be a good candidate. Mr. Overmyer volunteers to be the second appointment. **Mr. Burroughs motions to appoint Mr. Stults and Mr. Overmyer to the joint board and the fifth member being from Kosciusko County for the Dora Fairchild drain with the first meeting to be set for March 18<sup>th</sup> after the Commissioner meeting, second by Mr. Klotz. Motion carried 3-0.**

#### **MAINTENANCE CONTRACTS**

The board members sign the January 16, 2024 maintenance contracts for B.F. Mattingly Ditch/Drain & Mattingly Arm and the Daniel Savage.

#### **MINUTES**

**Mr. Klotz motions, second by Mr. Burroughs to approve the January 16<sup>th</sup> minutes, motion carried 3-0.**

#### **OTHER BUSINESS**

There will be a public hearing regarding The Lake of the Wood conservancy on March 12<sup>th</sup> 1-4pm. Mr. Cultice will be attending and would like a board member to attend as well. Mr. Burroughs volunteered to attend the meeting with Mr. Cultice.

#### **PUBLIC COMMENT**

Marvin Houin, 7563 Plymouth-Goshen Trail Bremen, IN address the board regarding their stance on The Lake of the Woods conservancy. His concern with the conservancy will affect the ditches. Mr. Clevenger states that they made it clear to DNR that whatever decision they make it should not affect the ditches/drains.

**ADJOURNMENT**

With no further business to come before the board. **Mr. Klotz motion, second by Mr. Burroughs to adjourn the meeting at 9:18am. Motion carried 3-0.**

MARSHALL COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Michael Burroughs, Vice-President

\_\_\_\_\_  
Stanley Klotz, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Randy Gling, Board Member

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

Angie Kibbe, Drainage Board Secretary

# MARSHALL/FULTON COUNTY JOINT DRAINAGE BOARD

## REGULAR MEETING

March 18, 2024

The Marshall/Fulton County Joint Drainage Board met for the first time to establish board members and assessment rate for the Dora Fairchild Drain. Meeting on March 18, 2024 at 10:45 am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President of Marshall County Drainage Board; David Sommers, Fulton County Member; Richard Ranstead, Fulton County Member, and Michael Kissinger, Kosciusko County Member. Also present were Craig Cultice, Marshall County Surveyor; Angie Kibbe, Marshall County Drainage Board Secretary, absent was David Stults; Marshall County Board Member. 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).

### Organization of the members

Per Statute 36-9-27-14(1) If land in two counties may be affected, the chair of the board of each county shall appoint two of the members of the chair's board, other than the county surveyor, to serve on the joint board. In addition, the four members of the joint board shall appoint a fifth member. The fifth member must reside in a county that is not affected by the drainage problem. Fulton county members were present in the meeting today, Mr. Sommers and Mr. Ranstead. Marshall county members are Mr. Overmyer and absent today, David Stults. Mr. Cultice suggested the fifth member to be Mr. Kissinger from Kosciusko County. All were in agreement. **Mr. Ranstead motion to nominate Mr. Overmyer to be the president of the joint board, seconded by Mr. Sommers. Motion carried 4-0.**

### Maintenance Assessments

Mr. Cultice presented a surveyor's report and a map of the Dora Fairchild watershed, with the combined Fulton County section provided by Seth White the surveyor for Fulton County. The total acreage in the watershed is 534± acres, 301± acres in Marshall County, and 233± acres in Fulton County. Fulton County has 2,200'± of open ditch, Marshall County has 0'. Fulton County has 2,200'± of tile drain and Marshall County has 5,000'±. The projected estimated average



yearly maintenance cost is \$5,000-\$10,000, this would be for ditch cleaning, bank repair, de-brushing, DNR/Army Corp. permit application fees. Marshall County will hold the land assessments collected from each county. Mr. Cultice provided a maintenance assessment work sheet with possible fee rates. At \$5.00 per acre and a \$5.00 minimum, total assessment for the year is \$2,755.00; \$10.00 per acre and \$10.00 minimum assessment the yearly would be \$5,550.00, and \$15.00 per acre and \$15.00 minimum assessment the yearly would be \$8,325.00. Mr. Cultice makes note that upstream south of 20 A Rd the tile is broken down and north of 110 there are some holes that need repair. Mr. Sommers verified that once the collection has reached the four times the annual collection it would be shut off and that was confirmed by Mr. Cultice. Mr. Kissinger asked Mr. Cultice if a reconstruction was considered. Mr. Cultice said that was a consideration, he and Mr. White discussed it and they both would prefer to do maintenance assessments with the possibility in the future they could lower assessment fees. Mr. Sommers asked Mr. Cultice with the holes that need to be repaired is the \$5,000-\$10,000 going to cover that cost. Mr. Cultice states until they open the holes and look at the repairs that need to be done, he is not sure. Mr. Kissinger states that he had asked Mr. Cultice what size of the tile could have been laid around there and Mr. Cultice did not really know the size, so they are not sure what they would be replacing. Mr. Kissinger thinks it would not be any bigger than 6-8" tile. Mr. Overmyer thinks they are probably clay tile. Mr. Cultice says the little they know about it; it is probably clay. Mr. Ranstead remarks that \$10.00 to the \$15.00 rate should be considered, because you do not want to start off in the red off the bat. Mr. White seating in the crowd today, spoke up and said that they could always start high and lower it in the future. Mr. Kissinger states that in Kosciusko County, they usually do \$50.00 minimum on assessments. Mr. White states in his county they are usually \$5.00 to \$10.00 minimum on assessments. **Mr. Kissinger motions to set assessment at \$15.00 per acre with a \$15.00 minimum, seconded by Mr. Ranstead. Motion carried 4-0. Discussion among the board members and with agreement to have public hearing about the Dora Fairchild Drain assessments to be on Monday May 20,2024 at 11:00am in the Marshall County Commissioner Room. Notices will be sent out 30 days prior to the meeting.**

#### **ADJOURNMENT**

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

MARSHALL/FULTON COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Richard Ranstead, Board Member

\_\_\_\_\_  
David Sommers, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Michael Kissinger, Board Member

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

Angie Kibbe, Marshall County Drainage Board Secretary

# MARSHALL COUNTY DRAINAGE BOARD

## REGULAR MEETING

April 15, 2024

The Marshall County Drainage Board met for a regular meeting on Monday April 15, 2024 at 8:30 am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President; Michael Burroughs, Vice President; Stanley Klotz, Board Member; David Stults and Randy Glinge, Citizen Board Members. Also present were Craig Cultice, County Surveyor; James Clevenger, 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).

### **J. Ballinger/ Myers Public Hearing**

Mr. Cultice started the meeting reviewing the surveyor's report for the J. Ballinger/Myers Watershed. The watershed has 22,048± acres and includes the Town of Argos 776± acres. There are 934 parcels within Center, Green, and Walnut Township, the watershed is currently in debt \$69,076.84. The current assessment rate is \$1.75 an acre with a \$6.00 minimum. The board is proposing assessments be raised to \$3.00 an acre with a \$6.00 minimum. Collection would stop when the balance equals four times the annual collection amount (\$66,825± x 4= \$267,300±). Mr. Overmyer asked the board if they had any questions for Mr. Cultice, no one had questions.

#### **Mr. Burroughs motions to open the public hearing, second by Mr. Klotz. Motion passed 5-0.**

Mr. Overmyer addressed the crowd that if anyone wanted to come up to address the board regarding if they are in favor or against the raising of the assessments. Don Nunemaker, 14375 Nutmeg Rd Plymouth, IN came up, he is not in favor of the increase. He believes there are enough funds in the Marshall County's surplus and tax funds, he states the county has 180 million dollars in funds. He also states he has talked to the County Council regarding these funds, and he feels this money should be used to help offset the costs. Merl Hayn, 14942 Maple Rd Argos, IN came up before the board and he agrees with Mr. Nunemaker regarding the funds, but he doesn't know if transferring the funds is allowed. If transferring of the funds is not an option, then he is in favor of raising the assessments. He owns a lot of land in the middle of this watershed and his fields are being affected by flooding. Mr. Hayn states the water level has risen in the past 20 years that he has been farming his lands and the tile is now above water level. Mr. Hayn notes the grasses are getting more aggressive and that just spraying them is not effective anymore and believes dredging should be considered. Mr. Hayne continues that he and some other farmers have personally cleaned some of ditches on the farmlands due to not enough funds in the watershed to do maintenance work on them. He does not believe it should be the farmers responsibility to maintain ditches. Mr. Overmyer wanted to state that the way the drain funds are set up by the Indiana Statue you cannot move money from one ditch to another. Mike

Heckaman 12928 18B Rd Argos, IN, comes to the front in favor to raise the assessment. Mr. Heckaman brings up the fact that the cost of equipment, labor, and supplies have increased. Mr. Heckaman states that we need to get it set at the right assessment, he believes he has a second or third generation of farmers coming up and how this is going to affect their farming. William Vories of 12630 SR 10, Argos, IN steps up to state he is in favor. He does not believe you should rob Peter to pay Paul. He states he has a farm near Mr. Hayn's, and he has never had problems farming his land for the last twenty years and now with the continuing battle with the grass in the ditches, it is keeping everything too wet. He also said it might get to a point where they might have to start pumping and that is something he does not want to do. With no one else coming up to the board Mr. Overmyer asked Mr. Cultice if he had any letters that were sent in. Mr. Cultice states he has two, one was from Mr. Nunemaker, but he was present today and spoke. The other letter was from Chad Kaylor from Linden Rd in Argos. Mr. Cultice reads Mr. Kaylor letter, it states he doesn't understand why these meetings are on a Monday morning at 8:30am, he cannot miss work to come to the meeting. He goes on to state that his property taxes have increased 54% in 2 years and does not understand why they want to increase taxes on him again. Mr. Kaylor reports he has looked at Marshall County's annual financial report and does not understand why some of the surplus tax, rainy day fund, drainage improvement, and drain maintenance funds could not be used to lighten the tax burden. Mr. Overmyer asked if there was anyone else that wanted to speak, no one came forth. **Mr. Burroughs Motions to close public hearing, seconded by Mr. Glinge. Motion passed 5-0.** Mr. Overmyer asked the board members if they had any concerns. Mr. Klotz responds with he thinks there is some confusion about the funds. He states he is against tax increase and voted not to increase taxes in the Commissioner meeting last week, but this something different with the State Statute you have a choice to raise assessments and fix the ditch or have no maintenance to fix the ditch and take a chance of losing the opportunity to farm the lands. The \$42 million that the county has, half is tied up and the State has restrictions on what the county can and cannot do with it. Mr. Klotz states he wishes there was another option but there is not. **Mr. Klotz motions, seconded by Mr. Stults to raise the J. Ballinger/Myers assessments to \$3.00 an acre with a \$6.00 minimum. Motion passed 5-0.**

#### **Proposed Reroute of the Milner Tile**

Mr. Cultice presents the members with a map of the Leo Berger Watershed and within the watershed is the Frank Milner Tile. Sever years ago, a reconstruction came before the board to replace the tile. It was denied due to the cost of replacing the tile. Mr. Cultice has been working with Craig Hawley from Farmers Drainage regarding this project and possibly rerouting the tile around the woods. Mr. Cultice has been in talks with property owners James Berger, representing Patricia Shell property Mike Large, and the County Highway Department due to the road floods there on Juniper. Mr. Cultice presents an estimated cost of the reroute which totals \$13,462.03 and will be divided 4 ways by the Shell property, the Berger property, the Highway

Department, and the Drainage Board. James Berger at 6500 Jarrah Rd Plymouth, IN, was present at the meeting and was asked to come up and speak on this matter. Mr. Berger states he has been working on this tile for 50 years. He is in favor of taking care this matter and knows that Mr. Large is too. They are all ok with splitting the cost of the work. Mr. Overmyer asked James Clevenger about whether an agreement should be drawn up. Mr. Clevenger agrees an agreement should be drawn up and all parties sign an agreement to pay their portion of the cost. **Mr. Glinge motions, seconded by Mr. Burroughs to accept the proposal from Farmers Drainage in the amount of \$13,462.03, for the reroute of the Milner Tile. The cost will be split between James Berger, Mike Large, Marshall County Drainage Board, and Marshall County Highway Department. The Board will have Mr. Clevenger draw up an agreement for cost sharing and have all parties sign and work could be done this spring. Motion passed 5-0.**

### Lake of the Woods Conservancy

Mr. Cultice presented his power point that he presented in front of the DNR Public Hearing regarding the Lake of the Woods Conservancy. This entailed the judgment by Marshall Circuit Court on the 11<sup>th</sup> day of August 1986. "The average normal water level of the Lake of the Woods in Marshall County Indiana shall remain and is hereby reestablished at 803.85 feet (elevation, mean sea level datum) for the time period between May 15 and September 15 of each year. From September 15 to May 15 of each year the control structure gates should be opened and lower sill elevation of 802.85 feet (elevation, mean sea level datum) shall serve as the low water control." September 28, 1999, a petition by owners of the Lake of the Woods requesting that the lake level be maintained year around at the elevation of 803.85 feet mean sea level datum. February 2, 2000, the Marshall County Circuit Court appointed 5 individuals, which included a representative of the I.D.N.R, to inspect the lake level control structure, tributary ditches, and several tile inlets. Marshall County has 5 different regulated drains that go into Lake of the Woods. Based on the findings of this study a permanent water level of 803.85 would be injurious to farmers and others who have drain tiles discharging into the drains that feed into the lake. The study also concluded that a high level could have a detrimental effect on the roads around the lake due to the accompanying high-water table it would bring. The main interest of the Marshall County Drainage Board is to ensure that the board retains full jurisdiction of county drains flowing into and out of the Lake of the Woods and the Lake of the Woods itself, which are part of the Drainage Board's drainage system, said Board is opposed to any part of the petition granting drainage powers or duties to any other entity. Mr. Clevenger informs the board that there is a follow up public hearing on May 2, 2024 regarding this matter and Mr. Clevenger and Mr. Cultice will be attending and if conservancy is approved, it will be hopefully conditioned that it will not take away any of the authority of the Drainage Board regarding control of the drains.

**Minutes**

**Mr. Klotz motion, seconded by Mr. Burroughs to approve the minutes from February 16, 2024 Drainage Board meeting. Motion passes 5-0.**

**Public Comments**

No public comment.

**Adjournment**

With no further business to come before the board, **Mr. Burroughs motions, seconded by Mr. Glinge to adjourn the meeting. Motion passes 5-0.**

MARSHALL COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Michael Burroughs, Vice-President

\_\_\_\_\_  
Stanley Klotz, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Randy Glinge, Board Member

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

Angie Kibbe, Drainage Board Secretary

## MARSHALL COUNTY DRAINAGE BOARD

### REGULAR MEETING

Monday May 20, 2024

The Marshall County Drainage Board met for a regular meeting on May 20, 2024 at 8:30 am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President; Michael Burroughs, Vice President; Stanley Klotz, Board Member; David Stults, Citizen Board Members. Also present were James Clevenger, Board Attorney; Angie Kibbe, Drainage Board Secretary. Absent was Craig Cultice, Marshall County Surveyor; and Randy Glingie, Citizen Board Member. 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).

### **EMMA KUNTZ- PUBLIC HEARING**

Mr. Overmyer begins by reading the Surveyor's Report regarding the consideration to increase the maintenance assessment on the Emma Kuntz. **Mr. Burroughs motions to open the public hearing, seconded by Mr. Klotz. Motion carried 4-0.** Mr. Overmyer asked the public if anyone wanted to come forward to speak on the matter. Mrs. Connie Murphy- Danforth of Autumn Woods Farm at 11019 3 B Rd Plymouth, IN comes before the board. She states she comes to get information regarding the drain, the farm was passed down from her brother to his 3 children. In 2000 she remembers installing a pump in the marsh area in the one field. Mrs. Murphy-Danforth states she wants to be responsible caretaker regarding the farmland and that Jon Langfeldt has been farming this land for several years. Mr. Overmyer replies that the watershed has spent over \$30,381.00 in the last 10 years in maintenance cost. The Surveyor's office did have the maintenance expenditure sheet, map, and the surveyor's report at the back of the room. Mrs. Murphy-Danforth wanted to look at that before continuing the talk. Mr. Overmyer informs her that the work that needs to be done on the drain, the assessment is insufficient. Mr. Cultice brought before the board the consideration to increase maintenance assessment to be able to maintain the county regulated drain properly. The assessment will stop collecting once the balance is above the 4-year collection which would be \$28,000.00±. Mr. Scott Murphy from Autumn Woods Farm came up asking about the last time the ditch was cleaned and who would do the work. Mr. Overmyer informs him that the maintenance work gets bid out and they wouldn't know who until then. He continues that the last bid job for the Emma Kuntz, they only had 2 bidders. Looking back on February 19<sup>th</sup> board minutes the last time portion of the ditch was cleaned was in 1990. Mr. Overmyer asked if there were any letters sent in regarding the

assessment. Mrs. Kibbe verifies that there was and read the letter from Joan and Timothy Bemish. Their letter addresses the issue of a settling pond that was established on W. Shore Dr. They would like something to be done regarding this settling pond that has not been cleaned since it was put in. Mr. Stan Murphy, also from Autumn Woods Farm, comes up asking if this fund is for just maintenance or will it help if the culvert under King Rd or 4 A Rd gives out. Mr. Overmyer tells him if that was to happen the County Highway Department would be responsible for that. **Mr. Burroughs motion to close the public hearing and seconded by Mr. Stults. Motion carried 4-0. Mr. Klotz motion and seconded by Mr. Stults to increase the Emma Kuntz maintenance assessment from \$2.00 an acre with a \$7.50 minimum to \$6.00 an acre with a \$15.00 minimum. Motion carried 4-0. The board now signs the finding and order.**

#### **JOHN KLINE TILE- PROPOSED TILE PROJECT**

Mr. Overmyer goes over the request by Mervin Ramer for a 1,900'± tile project. The John Kline Drain has \$5,400.00± in its fund. The assessment on this regulated drain is \$2.25 an acre with a \$5.00 minimum and annual assessment is \$1,019.08. Mr. Overmyer states he did talk to Mr. Cultice regarding this matter and that the effected area that Mr. Ramer is having flooding issues with is 2.3± acres on the Northwest side of his property. The work that would be needed to do the project would be estimated at \$33,000.00± with the cost of new pipe, permits, and the Army Corps Of Engineer to do a wetland delineation report. Mr. Overmyer asked Mr. Ramer to come up to the front and explain his take on the project. Mr. Ramer of 880 W 700 N Argos, IN states he purchased the property in 2021 and believes a lot of tile work is going to be need done and there is no real good outlet for it. He continues questioning how a wetland developed over the county tile and could the tile go around the wetland. The wetland in question is on Al Collins property, Mr. Overmyer states that he discussed this matter with Mr. Cultice and Mr. Cultice stated that Al Collin and Chris Kline were opposed to tile work being done. Mr. Ramer asked if he could build a berm and get a pump and pump the water out of his field. Mr. Overmyer asked where he would pump the water then and Mr. Ramer said to the wetlands. Mr. Overmyer assures him he cannot pump water into someone else's property. Mr. Ramer does say that he would be willing to do some cost sharing regarding the project. Mr. Burroughs lets Mr. Ramer know that the definition of a wetland has changed over the years. They have become stricter on the definition of a wetland and regulations on it. Mr. Overmyer explains that with all the option that Mr. Ramer is suggesting the board would like Mr. Cultice input and opinions on the matter. This matter will be tabled.



#### **WILLIAM TROUP DTICH- VARIENCE REQUEST**

Mr. Kauffman comes before the board on behalf of landowner Bryan Bellman. Mr. Kauffman is Mr. Bellman's contractor; they are requesting a variance for a kidney-shaped pond on Mr. Bellman's land. On the east side of the pond there would be a variance of 59'± from the William Troup Ditch. Mr. Kauffman makes note that he believes that there is enough space for equipment to get through to maintain the ditch. Mr. Klotz asked if there was a way they could shift the pond over some. Mr. Kauffman states that other things are going on the other side and Mr. Bellman wanted enough room to move around his property. **Mr. Burroughs motions, seconded by Mr. Stults to grant the variance reduction from 75 feet to 59 feet for Mr. Bellman's Pond. Motion carried 4-0.**

#### **MILNER TILE- AGREEMENT**

**Mr. Burroughs motions to accept the agreement between Marshall County Highway Department, The Marshall County Drainage Board, James Berger, and Mikel Large; representative of Patricia Shell to cost share the project of the Milner tile with a new arm referred to as the Shell-Berger Arm. The material, labor, and equipment for the completion of the above-described work is agreed that they equally split and be responsible for one-fourth or twenty five percent of project cost. Seconded by Mr. Klotz, motion carried 4-0. Mr. Overmyer recommends that once work is completed that the board should vacate the old portion of the tile.**

#### **MINUTES- APRIL 15, 2024**

**Mr. Klotz motioned, seconded by Mr. Burroughs to approve the minutes from the Drainage Board meeting on April 15, 2024. Motion carried 4-0.**

#### **OTHER BUSINESS**

Mr. Clevenger wants to let the board know that the Department of Natural Resources Commission concluded their second meeting regarding The Lake of the Wood conservancy district petition. They are now in the stage of making their report and will report back to the court. Mr. Clevenger stated that the Department of Natural Resources are very clear about how the Lake of the Woods is part of the drainage system and the effects it could have on the drainage system. Once the court receives the report, they will conduct another hearing to decide on whether to approve the district and the conditions on it.

Mr. Klotz brings before the board that he has received phone calls regarding First Rd in Bremen East of the solar field. Properties and fields flood across the road from solar field when it rains. Mr. Klotz is unsure about the board's responsibility regarding this. Mr. Clevenger spoke up stating the Town of Bremen should have had a drainage plan when putting up the solar panels. Mr. Klotz doesn't believe there was one. Mr. Klotz would like to speak with Mr. Cultice regarding this matter and wanted to make the board aware of this situation.

**ADJOURNMENT**

**Mr. Burroughs motions, seconded by Mr. Stults to adjourn the meeting. Motion carried 4-0.**

MARSHALL COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Michael Burroughs, Vice-President

\_\_\_\_\_  
Stanley Klotz, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Randy Gingle, Board Member

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

Angie Kibbe, Drainage Board Secretary

## MARSHALL COUNTY DRAINAGE BOARD

### REGULAR MEETING

Monday, June 17, 2024

The Marshall County Drainage Board met for a regular meeting on June 17, 2024 at 8:30am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President; Michael Burroughs, Vice President; Stanley Klotz, Board Member; David Stults and Randy Glingle, Citizen Board Members. Also present were Craig Cultice, County Surveyor; James Clevenger, 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).

#### **HENRY KELVER TILE- REQUEST TO RE-ROUTE TILE**

A request from Graber Commercial Properties LLC to re-route a portion of the Henry Kelter Tile in preparation for future development on a 10-acre tract. Mr. Cultice provided a visual of the property with where the tile runs through it, along with the proposed re-route. Loren Graber, with Graber Commercial Properties LLC from County Line Rd Nappanee, IN and the current property owner, Thomas Read, 1404 Redspire Pear Dr. Plymouth, IN came before the board. Mr. Graber purchased the property not knowing that there was a county tile that went through it. He knows that you cannot build on top of a tile and the county has 75ft maintenance easement on both sides of the tile center line. Mr. Graber brought in his rendering of the property with the layout of the building and where he is requesting new tile would run. He informs the board the elevations of the land and that the tile now is 9 to 10 ft deep due to the hill on the side of the property. Mr. Graber also suggested that the 75 ft variance not be altered on the south side of the tile to allow maintenance work to be done. Mr. Overmyer asked who would be responsible for paying for the work and supplies for the re-route. Mr. Graber states that he and Mr. Read would be splitting the cost. Mr. Graber understands talking with Mr. Cultice that he would have to put in a 12' dual wall tile. Mr. Graber does ask for assistance from the county to cover the cost of the gravel if it is needed. He also recommends that the rest of the tile south of property be worked on down towards the open ditch, he has seen portions of the tile that are broken down. Mr. Klotz asked Mr. Cultice what watershed this tile was in and if there were funds in this watershed. Mr. Cultice tells him it is in the Newcomb Eisenhower watershed, and it is \$5,000.00± in debt right now. Mr. Cultice confirms with Mr. Graber his request for a variance to reduce the maintenance easement from 75ft to 20ft. The variance will be located between the center line of the proposed tile and the south line of the newly created 10-acre parcel. The maintenance easement located south of the center line of the proposed tile will remain at 75ft. Mr. Klotz asked how far the new building is going to be from the property line. Mr. Graber ballparks 20ft, Mr. Klotz states then it would be a 40ft variance from the structure he is requesting. Mr. Cultice asked Mr. Graber if he was going to add a private tile and have it go to his retention pond or contact to the county tile. Mr. Graber thought he would go to the retention pond. Mr. Cultice informs the board that the contractor Mr. Graber lined up to do the work does not meet the requirements of the county. Mr. Overmyer asked Mr. Clevenger if that would be a problem for the county. Mr. Clevenger states if we

put any money into this project then yes, it would be a problem with that contractor. Mr. Glingie suggests that whoever Mr. Graber gets to do construction of the reroute that the county piggyback and have the contractor add new tile to the south of property towards the open ditch. Mr. Glingie states that the county should get a quote on how much the contractor will charge for the part of the tile that the county will be paying for. Mr. Cultice states that the watershed brings in about \$12,000.00± in annual settlement and after covering the \$5,000.00± debt the watershed will be \$7,000.00± ahead. Mr. Klotz recommended to Mr. Read that if this property is getting a 20ft variance, the property to the south is ever sold there must be a stipulation that the new property owner is required to uphold the 75ft variance from tile for maintenance work. Mr. Read agrees to these terms. **Mr. Stults motioned allowing a 20ft variance from Mr. Graber's property line and a 75ft variance to be kept on the south side of the proposed tile on Mr. Read's property. Mr. Klotz adds to the motion that with the 20ft variance Mr. Graber is taking responsibility for any damage that might occur to his property if maintenance is required on the tile. Mr. Burroughs seconded the motion. Motion carried 5-0. Mr. Graber is to come before the board at the next drainage meeting with a drainage plan and quotes for the construction of the reroute.**

#### **J. BALLINGER DITCH**

Merl Hayn, 14942 Maple Rd Argos, IN came before the board regarding maintenance on the J. Ballinger Ditch and he is requesting to work on the ditch. He states that the grasses in the ditch are causing problems and spraying them is just not cutting it. Mr. Hayn did attend the public meeting that raised the ditch assessment, but he knows that it will take a year or two before there is enough money to do work on the ditch. He has talked to some of his neighbors and Mr. Hayn is wanting to dredge the ditch from Muckshaw Rd. upstream to Lilac Rd. Mr. Hayn reports the water has gone down but it is still eight inches above his tile. He has an excavator, and his neighbor is willing to rent an extension hoe to do the work. He goes on to say that if he is allowed to do the work, he would like to see the county continue the work from Muckshaw Rd. down to Nutmeg Rd to help the flow of the water when money is available. Mr. Overmyer asked Mr. Cultice his opinion on this, Mr. Cultice states that the Ballinger needs to be dredged and is one of reasons for the increasing of the assessment on it. The fund is \$88,000.00± in the red and this year 2024 assessments will bring in \$37,000.00± and next year it will bring in \$67,000.00±. Mr. Cultice continues that he has seen Mr. Hayn's work, and the ditch is wide and has a lot of sediment. Mr. Hayn states that he, his brother, and Bill Vories are willing to do the work. Mr. Overmyer asked Mr. Hayn how much he is thinking about taking out of the ditch. A foot is what Mr. Hayn thought and he thinks the grass is what he wants to take out. Mr. Cultice addressed Mr. Clevenger regarding if Mr. Hayn does damage to neighbors' property and the liability. Mr. Hayn interjects that the only property he would be working on is his and his brothers. Mr. Glingie suggests that Mr. Hayn's brother signs a waiver. Mr. Clevenger will draw up the consent form to have Mr. Hayn and his brother Loren Hayn sign. **Mr. Stults motions to allow Mr. Hayn to dredge the J. Ballinger ditch from Muckshaw to Maple and the side arm towards Bill Vories property under Mr. Cultice supervision. Mr. Hayn and his brother will sign a consent that the County Drainage Board are not responsible for any damage. Motion carried 5-0.**

#### **MINUTES**

**Mr. Burroughs motioned to approve the May 20, 2024, minutes, seconded by Mr. Glinge.  
Motion carried 5-0.**

**PUBLIC COMMENT**

No public comment.

**ADJOURNMENT**

**With no further business to come before the board Mr. Glinge motions, seconded by Mr. Klotz, to adjourn the meeting. Motion carried 5-0.**

MARSHALL COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Michael Burroughs, Vice-President

\_\_\_\_\_  
Stanley Klotz, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Randy Glinge, Board Member

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

Angie Kibbe, Drainage Board Secretary

Marshall County Drainage Board Minutes  
June 17, 2024

## MARSHALL COUNTY DRAINAGE BOARD

### REGULAR MEETING

The Marshall County Drainage Board met for a regular meeting on August 19, 2024 at 8:30am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President; Michael Burroughs, Vice President; Stanley Klotz, Board Member. Also present were Craig Cultice, County Surveyor; James Clevenger, 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).

#### **HENRY KELVER TILE**

Mr. Graber came before the board to confirm the tile re-route plan and the quote from Ingram Excavating for the installation of 370'± of 15" Dual Wall tile that would be the Drainage Board's responsibility to pay, it was \$7,344.54. Mr. Cultice goes over the visual of the tile's re-route, it is to be located 20 feet South of the South line of the 10-acre tract. Mr. Overmyer confirmed with Mr. Cultice that Ingram Excavating is a county approved contractor, Mr. Cultice assures him he is and has done a lot of work for the county's ditches and tiles. **Mr. Burrough motions, second by Mr. Klotz to approve the contract with Ingram Excavating in the amount of \$7,344.54 for the County's portion of the re-route of the Henry Kelter Tile. Motion carried 3-0.**

#### **FRANK MILNER TILE**

In the April 15, 2024 Drainage Board meeting Mr. Cultice informed the board he was working with Craig Hawley from Farmers Drainage regarding a project for rerouting of the Frank Milner Tile around a wooded area located North of 6B Rd and West of Juniper Rd. He continues to tell the board that property owners James Berger, a representative for Patricia Shell property, Mike Large, and the County Highway Department have agreed to split the cost of the work with the Drainage Board. On May 20, 2024 the Drainage Board accepted the draft agreement that Mr. Clevenger prepared between the Marshall County Highway Department, Marshall County Drainage Board, James Berger, and Mike Large; representative for Patricia Shell to cost share the project. Today Mr. Cultice informs the board the work is complete, and everything is working great and would like to request the board vacate the old portion of the tile. **A Motion by Mr. Burroughs to vacate the old portion of the Frank Milner tile that was replaced by the new tile, seconded by Mr. Klotz. Motion carried 3-0.**

### **J. BALLINGER DITCH**

In continuous from the June 17, 2024 Drainage Board meeting where Merl Hayn came before the board regarding maintenance on the J. Ballinger. Mr. Hayn requested that he be allowed to dredge a portion of the ditch. A motion was made to allow Mr. Hayn to dredge a portion of the ditch with stipulations, the motion was passed. Mr. Cultice tells the board today, with further consideration from Mr. Hayn family he was not permitted to dredge by himself. Mr. Hayn and Bill Vories came together and hired Beaver Excavating to do the dredging and Mr. Hayn and Mr. Vories split the cost for the work that was done. Mr. Cultice has inspected the work, and everyone seems happy.

### **EMMA KUNTZ DITCH**

Mr. Cultice reminds the board that in the December 18, 2023 Drainage Board meeting a maintenance project was put together for the Emma Kuntz Ditch and with the bids being high they were denied by the board due to insufficient funds in the Emma Kuntz Ditch fund. It was motioned and passed to prepare a reconstruction project on the Emma Kuntz. Mr. Cultice presented recent pictures of the ditch at the Lake of the Woods and informed the board that notices were sent out for a public hearing, the hearing is set for the September 16<sup>th</sup> Drainage Board meeting.

### **MINUTES**

**Mr. Klotz motioned to approve the June 17, 2024 minutes, seconded by Mr. Burroughs.  
Motion carried 3-0.**

### **OTHER BUSINESS**

Mr. Clevenger wanted to inform the board and the public about where the Lake of the Woods conservancy is right now. The Natural Resource Division submitted their report, the court should be scheduling a hearing. This case did start in the Marshall County Circuit Court; it is now being transferred to Marshall County Superior Court I due to Judge Palmer retiring.

Mr. Overmyer addresses Mr. Clevenger regarding a call he received regarding Lake Latonka. Mr. Overmyer believes Lake Latonka is over 200-300± acres and has a couple of wake boats on the lake and the caller asked if the county can pass an ordinance that if any lake in the county is under 500± acres to disallow those kinds of boats on the lake. Mr. Overmyer thought that the lake was under the control of Natural Resources and the lake is privately owned. Mr. Clevenger believes that Mr. Overmyer thinking is correct, and he believes that the lake is a shallower lake and those boats may cause problems and stir things up in lake. Mr. Clevenger believes that is not in county jurisdiction but may investigate.



**PUBLIC COMMENT**

Mr. Micael Delp, of 3746 W Shore Dr. came up to the board and asked Mr. Clevenger if he knew if a date was set for the hearing on the Lake of the Woods Conservancy. Mr. Clevenger did not have an anticipated date but believes that there will be a pretrial conference with the attorneys to set the hearing maybe this fall.

**ADJOURNMENT**

With no further business to come before the board, **Mr. Klotz motioned to adjourn and seconded by Mr. Burroughs. Motion carried 3-0.**

MARSHALL COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Michael Burroughs, Vice-President

\_\_\_\_\_  
Stanley Klotz, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Randy Glinge, Board Member

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

Angie Kibbe, Drainage Board Secretary

## MARSHALL COUNTY DRAINAGE BOARD

### REGULAR MEETING

The Marshall County Drainage Board met for a regular meeting on September 16, 2024, at 8:30 a.m. in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer; President, Michael Burroughs, Vice President; Stanley Klotz, Board Member; David Stults and Randy Glinge, Citizen Board Members. Also present were Craig Cultice, County Surveyor; James Clevenger, 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).

#### **MAINTENANCE BIDS**

Mr. Cultice presented the board with maintenance projects that were sent out for bids.

Leo Berger

Allsop Construction \$34,900.00 Beaver Excavating \$13,200.00 Langfeldt Excavating \$15,580.00

**Mr. Glinge motioned, seconded by Mr. Klotz to accept the bid from Beaver Excavating in the amount of \$13,200.00. Motion passed 5-0.**

Carl Gjemre Ditch & Arm

Allsop Construction \$56,600.00 Beaver Excavating \$20,750.00 Langfeldt Excavating \$22,344.00

**Mr. Burroughs motioned, seconded by Mr. Stults to accept the bid from Beaver Excavating in the amount of \$20,750.00. Motion passed 5-0.**

#### **EMMA KUNTZ RECONSTRUCTION PUBLIC HEARING**

Mr. Cultice reminds the board they referred Emma Kuntz to the Marshall County Surveyor for a reconstruction report. Mr. Cultice reviews the surveyor report for the board and the public. **Mr. Glinge motioned, seconded by Mr. Stults to open the public hearing. Motion passed 5-0.** Mr. Overmyer addressed the public and asked if anyone wanted to come forward either for or against the reconstruction. Mr. Stan Murphy of 11019 3B Rd., came up and states that he had just attended the May 20, 2024 meeting for the increasing of the Emma Kuntz assessments. He is wondering if the assessment fund will go towards keeping the ditch clean after the reconstruction. Mr. Cultice assures him that yes it does. Mr. Murphy is wondering where the money from the fund is going. Mr. Cultice informs him that the maintenance assessments were so low that it could not keep up with the work that needs to be done in this watershed. The

assessments were raised to help with the maintenance projects and the reconstruction needs to be done to meet the Army Corp. restrictions and guidelines. Once the reconstruction project is completed the annual assessments will maintain this ditch in the future. Mr. Overmyer asked if anyone else wanted to come forward to speak. With no one coming forward, **Mr. Burroughs motions, seconded by Mr. Stults to close public hearing. Motion passed 5-0.** Mr. Gling states that this reconstruction is needed for this portion of ditch. He has been on site with Mr. Cultice to inspect. Mr. Overmyer confirmed with Mr. Cultice the assessment price for the reconstruction is \$21.50 an acre and the property owners have a few years to pay back the loan, Mr. Clevenger agrees with that statement. **Mr. Klotz motioned, seconded by Mr. Gling to send out the Emma Kuntz Ditch for reconstruction Bids, Motion passed 5-0.** Mr. Gling asked Mr. Cultice what his estimated price for this reconstruction and Mr. Cultice states \$25,000.00. Mr. Gling continues and asks what happens if the bids are over that. Mr. Cultice states if the bids are 10% over that they would have to rebid. Mr. Gling states the reconstruction could cost up to \$30,000.00 and Mr. Cultice replied yes depending on who bids on it.

#### **PETITION FOR OBSTRUCTION OF PRIVATE/MUTUAL DRAIN**

Don Green, of 8870 SR 17, Plymouth, IN comes before the board regarding his property located on Myers Lake at 14964 Happy Acres Trail, Plymouth. He states that a natural wetland area on his property has been turned into a pond and that the water is backing up, killing mature trees. He believes his neighbor to the east, (downstream) Mr. Calvin Montgomery, may have raised the outlet pipe on the east side of his pond which is now causing the water to back up on the Green parcel. Mr. Cultice tells the board that Mr. Green came into the Surveyor's office and paid the fee to file a petition for obstruction of private/mutual drain. Mr. Cultice provides images of the area being addressed today. Mr. Cultice shows a map showing the farmland located to the South of the Green and Montgomery properties. The farmland to the south is approximately 66 feet higher and all drains toward these parcels. Mr. Cultice states that Mr. Montgomery told him he could not lower his outlet pipe because during a heavy rain event, water will back up on him from the neighbor to the east. Mr. Cultice did state that Mr. Montgomery is willing to help rectify the situation. Mr. Cultice confirms with Mr. Clevenger per state statute that the board can have a hearing and have all property owners attend to give their side of the story. Mr. Overmyer asked Mr. Cultice if he thought there was a way to resolve this issue without a hearing. Mr. Cultice responded that he has received conflicting versions on the elevation of the outlet pipe. Mr. Overmyer then recommended a hearing be set for the October 21<sup>st</sup> Drainage Board meeting and to invite all parties involved. Mr. Clevenger states per state statute only the landowners need to be notified, it does not need to be published.

### **Greenways Trail Proposal**

Mike Reese, landscaping architect with the Troyer Group, comes before the board to discuss a trail project in Price Memorial Park that will cross and run adjacent to the Elmer Seldenright Ditch. The Troyer group is working with DNR and are completing permits to do construction in a flood way with IDEM and Army Corp. He is here to request approval for a bridge and board walk variance. Mr. Reese is working alongside the city and parks department on this project. The bridge will be a precast concrete boardwalk, which will be on piers and will be set on the outside of the high-water mark of the ditch. Mr. Overmyer asked if the walking path would be asphalt; Mr. Reese states it will be an 8ft wide asphalt trail. Mr. Overmyer continues to ask how far the path will be from the ditch, 20 feet from the trail to the high-water mark of the ditch is Mr. Reese's response. Mr. Clevenger asked if there would be any fencing along the path and Mr. Reese stated, no there would not be. Mr. Clevenger wanted to verify that if maintenance needed to be done on the ditch if there would be enough room on the West side of the ditch. Mr. Reese believes with the 6-inch aggregated base and about 4.5-inch asphalt the pathway should be able to handle some vehicle traffic if needed. Mr. Glingie asked the last time this part of the ditch was cleaned, and Mr. Cultice replies not since he has been in office. Mr. Cultice continues that he walked the ditch and noticed a lot of deadfall and trees in the ditch. Mr. Glingie recommends the ditch be cleaned out before the project is started. Mr. Cultice informs the board that this is another ditch with low assessment and the funds are low in the watershed. Mr. Reese speaks up and states that the bids for this project will go out this winter and work will hopefully start this coming spring. They are working with a grant and the project will have to be completed by the end of next year. Mr. Clevenger asked if grant money would be able to extend helping maintain the area and the cost. Mr. Reese was unsure and would investigate it. Mr. Glingie is wondering if the parks department needs to come in and talk to the board. Mr. Clevenger recommends that they talk to them and come up with a new agreement, and have it drawn up. Mr. Overmyer addressed Mr. Cultice and asked him to go look at the area and see what it might take and how much it will take to clean the area up. Mr. Overmyer thought that maybe the parks department can help cover the cost, but with the way the area is now the board doesn't feel comfortable giving a 20-foot variance. Mr. Overmyer suggests that Mr. Reese comes back on October 21, 2024 to the Drainage Board meeting along with the park department to discuss their option. Mr. Clevenger will be in contact with the City Council attorney Mr. Jeff Houin.

### **MINUTES**

**Mr. Klotz motioned to approve the minutes from the August 19<sup>th</sup> meeting, seconded by Mr. Burroughs. Motion carried 3-0.**

**OTHER BUSINESS**

Mr. Clevenger wanted to inform the board that Judge Bowen filed an order of recusal and transferred the Lake of the Woods conservancy case due to Judge having familiarity with a number of residents and to avoid the appearance of impropriety. The Lake of the Woods conservancy district is to be heard now in the Marshall County Circuit Court.

**PUBLIC COMMENT**

No public comment.

**ADJOURNMENT**

With no further business to come before the board, **Mr. Burroughs motion to adjourn and seconded by Mr. Glinge. Motion passed 5-0.**

MARSHALL COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Michael Burroughs, Vice-President

\_\_\_\_\_  
Stanley Klotz, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Randy Glinge, Board Member

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

Angie Kibbe, Drainage Board Secretary

# MARSHALL COUNTY DRAINAGE BOARD

## REGULAR MEETING

October 21, 2024

The Marshall County Drainage Board met for a regular meeting on October 21, 2024 at 8:30am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President; Michael Burroughs, Vice President; Stanley Klotz, Board Member; David Stults and Randy Gling, Citizen Board Members. Also present were Craig Cultice, County Surveyor; James Clevenger, 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).

### MAINTENANCE BIDS

The board received bids from the following contractors and projects:

#### Emma Kuntz Reconstruction Project

Allsop Construction- \$5,900.00

Beaver Excavating- \$21,500.00

With the estimated cost of project to be \$25,000.00 **Mr. Burroughs motioned to take bids under advisement, seconded by Mr. Klotz. Motion carried 5-0.**

#### Redinger & Rohrbaugh

Allsop Construction- \$11,075.00

Beaver Excavating- \$15,190.00

Ingram Excavating- \$12,825.00

L.I. Excavating- \$15,607.50

Langfeldt Excavating- \$13,860.00

**Mr. Gling motioned, seconded by Mr. Stults to award bid to Allsop Construction. Motion carried 5-0.**

#### Sherman Emmons

Allsop Construction- \$9,650.00

Beaver Excavating- \$10,200.00

Langfeldt Excavating- \$9,800.00

Ingram Excavating- \$13,000.00

**Mr. Klotz motioned, seconded by Mr. Burroughs to award bid to Allsop Construction. Motion carried 5-0.**

#### Elmer Seltenright

Allsop Construction- \$9,750.00

Beaver Excavating- \$9,800.00

L.I. Excavating- \$15,500.00

Langfeldt Excavating- \$17,290.00

**Mr. Stults motioned, seconded by Mr. Burroughs to award bid to Allsop Construction. Motion carried 5-0.**

### **DON GREEN PETITION FOR OBSTRUCTION OF PRIVATE MUTUAL DRAIN**

In continuation from the September's Drainage Board meeting, all property owners involved in the petition per I.C. 36-9-27.4-12 were sent certified letters to appear before the board today. The Montgomery's were not able to attend the meeting today. Mrs. Montgomery of 12499 Olive Trail, called into the surveyors on October 3, 2024, and stated that they would not be able to attend the meeting and states they did have Chain of Lakes Excavating work on the pipe in the pond last year. Mr. Green of 8870 SR 17 comes before the board in pursuit of the mutual drain petition. Mr. Green believes his neighbors Calvin and Brenda Montgomery's Pond east of his property is causing flooding. Mr. Green believes the pipe in the pond needs to be lower. Mr. and Mrs. Binfet of 12501 Olive Trail. are the property owners to the east of the Montgomery's, they also came before the board today to inform the board they also have been having problems with water on the property. When they first moved to their property, they had some work done at their own expense to correct the water problem. Mr. Binfet states they still have problems and believe the pond is the root cause. Mr. Cultice does tell the board he talked to Mr. Montgomery, and he is willing to lower pipe if Mr. Green costs share the project. Mr. Green believes he shouldn't have to contribute monetarily to the cost of the project. Mr. Glingie asked Mr. Clevenger what options the County Drainage Board has in ruling on the matter. Mr. Clevenger states I.C. 36-9-27.4-15, the board can order directing the respondent to remove the obstruction at the expense of the respondent. The board looks to Mr. Cultice for his opinion and what he believes would be effective. Mr. Cultice states lowering the water level 1 foot might be beneficial. Mr. Overmyer asked Mr. Clevenger about sending a letter to the Montgomery's to lower the pipe, Mr. Clevenger agreed to send. **Mr. Klotz motioned that the board finds there is an obstruction and Mr. Clevenger is to send a letter to Mr. Montgomery ordering him to lower the pipe in the pond, seconded by Mr. Stults. Motion carried 5-0.**

### **GREENWAY TRAIL/ELMER SELTENRIGHT VARIANCE**

Mr. Jeff Houin, Council Attorney for City of Plymouth and Mr. Mike Hite with the Plymouth's Park Department comes before the board regarding the amendment agreement on the Greenway Trail System to connect the Centennial Crossing residential housing development and Centennial Park to Price's Pond Memorial Park, including a bridge over the Elmer Seltenright ditch near the existing county bridge on Plymouth Goshen Trail agreement. **Mr. Burroughs motioned to accept the memorandum of understanding between the City of Plymouth, the Park Department, and Marshall County Drainage Board for the amendment to include Price's Pond Memorial Park. Seconded by Mr. Glingie, motion carried 5-0. Mr. Burroughs motioned, seconded by Mr. Glingie, that a 75-foot drainage easement with regard to which the Marshall County Drainage Board has responsibility and control.**

### **SCHUH DITCH-VARIANCE REQUEST**

Rob McCellan, 564 Yellowstone Dr. comes before the board today on behalf of CMD. He is requesting a reduction in the maintenance easement from 75 feet to 18 feet from top of bank on Arrow Pest Control. They want to put in a driveway and parking lot along the south side of the Schuh Ditch. Mr. Cultice provided pictures and illustrations of the project. Mr. Glingie makes note that per the visual there is a lot of brush in the ditch. Mr. Overmyer asked if there were any plans for debrushing the Schuh Ditch, Mr. Cultice informs him there is nothing planned. Mr. Overmyer asked Mr. McCellan when he was planning on starting on the project, and his reply was in the next couple of months. The board member discussed the 18-foot variance request and did not think that was workable and after discussion the board settled on 20-feet. Mr. Cultice makes note that the ditch is shallow, and a 20-foot variance would be enough for maintenance work to be done on the ditch. Mr. Glingie would like to see a tree that is situated between the detention area and the ditch bank be taken out before project is started; Mr. Cultice agrees. **Mr. Burroughs motion to grant the 20-foot variance on the south bank of the Schuh Ditch, seconded by Mr. Stults. Motion carried 5-0.**

### 2025 MEETING SCHEDULE

**Motion made by Mr. Gling, seconded by Mr. Stults to approve 2025 Marshall County Drainage Board meetings as presented. Motion carried 5-0.**

### RECONSTRUCTION TRANSFER FUND

Discussion and review between the Surveyors' and Auditors' offices of the ditch ledger; certificate of assessment; change orders and invoices, the board's approval is requested to allow the Auditor to transfer the unexpended contingency balances to each of the respective drainage maintenance accounts (Account #2700 Drainage Maintenance). It is also requested to transfer the interest and penalties collected to the general drain improvement fund (Account #1158 General Drain Improvement); which financed the project. The board is provided Statutes 36-9-27-85(d) and 36-9-27-73(b) (6) to support the request. **Mr. Klotz motioned to move \$618.62, \$590.92 to account (2700) Drainage Maintenance Fund and \$27.70 to the account (1158) General Drain Improvement fund. Seconded by Mr. Burroughs, motion carried 5-0.**

### MAINTENANCE CONTRACTS

The board members sign the September 16, 2024, maintenance contracts for the Leo-Berger and the Gjemre.

### MINUTES

**Motion made by Mr. Burroughs, seconded by Mr. Gling to approve September 16, 2024, minutes. Motion carried 5-0.**

### OTHER BUSINESS

Mr. Clevenger informs the board that Judge Sarber of Marshall County Superior Court III will be overseeing The Lake of the Woods Conservancy District, a status conference is scheduled for October 30, 2024, at 10:00am.

### PUBLIC COMMENT

Mr. Allsop with Allsop Construction came up before the board to explain his bid. He believes with the lack of rain recently and the Emma Koontz being shallow he should be able to get in and clean out without any problems or extra work. He would like to get started on the job as soon as possible while it is so low. **Mr. Burroughs motioned; Mr. Klotz seconded to accept Allsop Construction bid for the Emma Kuntz reconstruction for \$5,900.00. Motion carried 5-0.**

Mr. Rick Keller, 3908 W Shore Dr. comes before the board to thank the board for the work that is going to be done on the Emma Kuntz ditch. Mr. Keller continues to inform the board that are two culverts on the northwest and southeast side of the Emma Kuntz ditch and with the end of the ditch so plug up due to settling silt, the two channels have started to back up. He would like the culverts to be cleaned out or removed to be added to the scope of work for the bid job. He believes that with the channels backing up, it is causing the



property value to decrease. Mr. Overmyer asked Mr. Cultice if the two culverts were part of the Emma Kuntz ditch, Mr. Cultice said they are not. Mr. Cultice asked Mr. Keller about the culverts and Mr. Keller said that he does not know much about them and wasn't sure if they are legal culverts. Mr. Overmyer states that they have just accepted the bid for the work to be done on the Emma Kuntz and the job description does not entail the two culverts. Mr. Overmyer recommends to wait and see what happens after the project is complete before discussing the work on the culverts.

#### **ADJOURNMENT**

With no further business to come before the board **Mr. Burroughs motioned, seconded by Mr. Glinge to adjourn the meeting. Motion carried 5-0.**

MARSHALL COUNTY DRAINAGE BOARD

\_\_\_\_\_  
Kevin Overmyer, President

\_\_\_\_\_  
Michael Burroughs, Vice-President

\_\_\_\_\_  
Stanley Klotz, Board Member

\_\_\_\_\_  
David Stults, Board Member

\_\_\_\_\_  
Randy Glinge, Board Member

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

Angie Kibbe, Drainage Board Secretary

## MARSHALL COUNTY DRAINAGE BOARD

### REGULAR MEETING

November 18, 2024

The Marshall County Drainage Board met for a regular meeting on November 18, 2024 at 8:30 a.m. in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: Kevin Overmyer, President; Michael Burroughs, Vice President; Stanley Klotz, Board Member; David Stults and Randy Gling, Citizen Board Members. Also present were Craig Cultice, County Surveyor; James Clevenger, 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).

#### **GREEN PETITION/ CHASE PETERS- CHAIN OF LAKES**

In continuation of Don Green's petition, Chase Peters of 12745 Queen Rd Plymouth, IN came before the board regarding the work he did for culvert replacement for the outlet for Montgomery's Pond. Mr. Peters tells the board that he put a new culvert in to replace the broken down one. When placing the new culvert, Mr. Montgomery asked Mr. Peters to lower the pipe, they tried to lower it, but some kind of concrete structure was there, and they were not able to remove it or lower the culvert. Mr. Cultice asked Mr. Peters the time frame when he did this work, Mr. Peters said about a year ago. Mr. Peters remembers a couple of years ago getting a call that the water was rising and flooding the area around there. He remembers that year having 3-weeks straight of rain and the culvert was backed up due to a tree limb and debris blocking the pipe. He cleared the debris, and the water started to flow out of the outlet. Mr. Montgomery did contact Mr. Peters about the petition on the pipe and Mr. Peters said he would come before the board and would do what he could to help him. Mr. Green was in attendance and Mr. Overmyer asked if he wanted to address the board. Mr. Green did come up and inform the board that the water is below the pipe, but his property is still flooded. Mr. Green believes the pipe is higher than it was before. Mr. Overmyer asked Mr. Peters to come back up to answer some questions. Mr. Peters wanted to state that he is willing to help to fix the problem if he can, but he has his own pond, and it has been dry for 3 months and his pond is now 3ft lower. He continues and says now looking at the pipe on Mr. Montgomery's property there is no way the pipe was moved higher. Mr. Green reiterates that Mr. Montgomery asked him to cost share the work on the pipe, and he told him he was not going to pay for the problem that he caused. Mr. Klotz asked Mr. Clevenger about their options on settling this matter. Mr. Clevenger states that the board must decide if this was done intentionally or unintentionally. If they cannot make a termination, then it will have to be addressed privately. Mr. Peters states that if they go back and dig out the concrete obstruction and lower the pipe, the water is so low enough now it's

not even reaching the pipe, there must be another reason for Mr. Green's property to be still flooded. **Mr. Glingle motioned, seconded by Mr. Klotz that the board cannot make a definite determination on the obstruction. Motion carried 5-0.**

#### **EMMA KUNTZ DITCH PROJECT & ROBERT GOO**

Mr. Cultice updated the board on the Emma Kuntz Ditch project, he presented pictures of the ditch before and after the cleaning was done. Mr. Cultice is satisfied with the results. Mr. Goo a property owner on the Emma Kuntz called the Surveyor's office and wanted to come before the board to discuss the culverts that are northwest and southeast of the ditch to be cleaned, Mr. Goo was not in attendances today.

#### **HARLEY BROCK DITCH/STEVEN MILLER- CONSTRUCTION OF FENCE**

Steve Miller of 7781 Elm Rd Bourbon, IN came before the board regarding a fence he put up on the Harley Brock Ditch. Mr. Overmyer states he received a call that Mr. Miller installed a fence on top of the bank. Mr. Overmyer continues to explain that there is a 75-foot maintenance easement measured from the top of bank on both sides of the ditch. A variance from the board is required if construction takes place within this easement. Mr. Cultice provided the board with pictures of the ditch and the fence that Mr. Miller installed. Mr. Miller asked what if a property owner owns both sides of the ditch, Mr. Overmyer confirms that the 75-foot easement is on both sides of the ditch. Mr. Glingle noticed the fence during construction and informed Mr. Miller of the maintenance easement. Mr. Miller told Mr. Glingle he would move the fences if work needed to be done on the ditch and that he would call the Surveyor's office to verify. Mr. Miller admits to the board he did not call the surveyor's office to confirm. Mr. Overmyer tells Mr. Miller when people come in for a variance, the board has granted up to a 40ft. Mr. Overmyer continues that the options are he leaves the fence and will have to move it if work needs to be done, or he needs to take it down. Mr. Glingle notes it's an inconvenience for the contractors to get in contact with the property owner and then to get them to remove the fence, then contractors are left waiting instead of continuing their work. Mr. Stults believes that if Mr. Miller understands that he will have to move the fence when work needs to be done on the ditch, he could leave it up. Mr. Klotz makes note that if property is sold and it is not recorded that the fence must be removed if work needs to be done on the ditch, it is just asking for future problems. Mr. Burroughs asked Mr. Miller if he felt comfortable moving the fence to 40 feet from top of bank. Mr. Miller replies that if he could not put the fence along the ditch, he would just remove the fence all together or put in a hot wire for the horses. Mr. Miller states that he has 5 acres, and he can't use some of those acres and if he moved the fence to 75ft then he only left with 3.62 acres. Mr. Overmyer asked the board what they think, and Mr. Klotz believes he needs to move the fence because it sets a precedent for the future. **Mr. Burroughs motioned to have Mr. Miller remove the fence, in the future, if he wants to put up a fence he**

**will need to contact the Surveyor's office and come before the board and request a variance. Motion was seconded by Mr. Gling. Motion carried 4-1, Mr. Stults opposed.**

#### **HENRY KEVLER/REQUEST TO VACATE OLD ROUTE**

Mr. Cultice presented pictures of the reroute tile work on the Henry Kelter tile that Ingram Excavating did. The reroute is now completed and Mr. Cultice is recommending to the board to vacate 1,500± of the old tile as shown on the visual. **Motion made by Mr. Klotz to vacate a portion of the old route of the Henry Kelter tile, seconded by Mr. Burroughs. Motion carried 5-0.**

#### **MAINTENANCE CONTRACTS**

The board members sign the October 21, 2024, maintenance contracts for Emma Kuntz, Redinger & Rohrbaugh, Sherman Emmons, and Elmer Seltenright.

#### **MINUTES**

**Motion made by Mr. Gling, seconded by Mr. Stults to approve October 21, 2024 minutes. Motion carried 5-0.**

#### **OTHER BUSINESS**

Mr. Clevenger lets the board know that Judge Sarber set the hearing for December 13<sup>th</sup> at 10:00am for the petition to establish the Lake of the Woods Conservancy. This hearing will be held in Marshall Superior Court III. Mr. Clevenger and Mr. Cultice will be attending the hearing to make sure if it is established it's not going to negatively impact the Marshall County Drains.

#### **PUBLIC COMMENT**

No public comment.

#### **ADJOURNMENT**

With no further business to come before the board **Mr. Burroughs motioned to adjourn the meeting, seconded by Mr. Gling. Motion carried 5-0.**

MARSHALL COUNTY DRAINAGE BOARD

~~Kevin Overmyer~~  
Jesse Bohannon

~~Michael Burroughs~~  
Adam Faulstich

Stanley Klotz

David Stults

Randy Glinge

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

Angie Kibbe, Drainage Board Secretary