

## **MARSHALL COUNTY DRAINAGE BOARD**

### **REGULAR MEETING**

**TUESDAY, JANUARY 19, 2021**

The Marshall County Drainage Board met for a regular meeting on January 19, 2021 at 8:30 am in the Commissioner's Room of the County Building, 112 W Jefferson St., Plymouth IN. Board members present were: Kevin Overmyer, President; Stanley Klotz, Vice-President; Michael Burroughs, Board Member and David Stults, Citizen Board Member. Also present were: Craig Cultice, County Surveyor; James Clevenger, Drainage Board Attorney and Barbara Neidlinger, Drainage Board Secretary. Randy Glingie, Citizen Board Member was absent. The meeting was opened in due form and the following business was considered.

It is noted the recording system malfunctioned at today's meeting. The proceedings from this meeting are transcribed from the drainage board secretary's notations.

#### **2021 BOARD REORGANIZATION**

Mr. Overmyer called the meeting to order. The first order of business is the election of officers for 2021. Mr. Klotz moved, seconded by Mr. Burroughs to retain Mr. Overmyer as President and Mr. Klotz as Vice-President; motion passed, 4-0. Mr. Burroughs moved, seconded by Mr. Klotz to appoint Attorney James Clevenger as Drainage Board Attorney and Barbara Neidlinger as Drainage Board Secretary, motion passed, 4-0.

#### **LEMLER-BERGER DITCH TO THE DANNER-LEMLER DITCH-VARIANCE**

Mr. Cultice informed board members Mr. Jordan Shupp of J & J Quality Meats LLC has requested a variance for property located at 1009 12B Road and identified as Parcel ID 503420000025000001. The requested variance reduction is sixty-five feet. Mr. Cultice provides the board with aerial and ground photographs of said property to review. Mr. Shupp plans to tear down an older structure (not within the easement) to be able to build a 2<sup>nd</sup> "new" building structure which will partially lie within the right of way easement. It is noted Mr. Shupp appeared before the board on September 18, 2017 requesting and receiving a variance reduction to sixty-five feet for his first building addition. Mr. Jordan Shupp appears before the board presenting a site plan and profile for the board to review. Mr. Cultice informed the board the plan will also create a retention area for said improvements before discharging into the ditch. Mr. Cultice also informed the board Mr. Shupp has placed a concrete freezer structure forty nine feet ± within the right of way easement without board approval. Mr. Shupp stated the 14' x 60' freezer will be moved; it is temporarily placed for needed storage. The board informed him in the future any structure even if temporary needs board approval. Mr. Burroughs moved, seconded by Mr. Stults to approve the variance reduction to sixty-five feet for the building structure, motion passed, 4-0.

#### **HARRY COOL DITCH – NORTH ARM**

Mr. Cultice informed board members the Surveyor's office was contacted regarding construction taking place without board approval within the right of way easement of the North Arm of the Harry Cool Ditch. Mr. Cultice provided the board with aerial and ground photographs of the site along with a letter dated January 13, 2021 from property owner, Mr. John Nonemaker to review. The property located at

January 19, 2021

Page 2

11632 Sage Trail is identified as Parcel ID 503116000009000017. Mr. Nonemaker appeared before the board and stated he did not realize he needed permission from this board to work on the regulated drain on his property. Mr. Nonemaker stated he made contact with the Indiana Department of Natural Resources (DNR) and the Indiana Department of Environmental Management (IDEM). Mr. Nonemaker stated he is working within the parameters with the Army Corp of Engineers on this project. The Nonemaker project is within and outside the right of way easement. The project to date as rerouted a portion of the regulated drain; has created a by-pass ditch; created an earthen coffer dam and an earthen crossing. The pond area on the property will be drained and dredged to allow for it to be deepened. Mr. Nonemaker will be responsible at his expense for restoration of the site to pre-construction conditions once the project is completed. Mr. Stults asked when the project would be completed; Mr. Nonemaker replied it would be spring or summer of 2021. Mr. Burroughs moved, seconded by Mr. Stults to allow Mr. Nonemaker to work within the right of way easement on the conditions discussed, motion passed, 4-0.

#### 2B ROAD DRAIN – FINDING AND ORDER & MEMORANDUM OF UNDERSTANDING

The Drainage Board at their November 16, 2020 meeting requested to be furnished with a copy of the Memorandum of Understanding between the Waidners and the Marshall County Highway Department; that copy signed by Christopher and Lauri Waidner is presented for their review. The finding and order of the Marshall County Drainage Board for the establishment of a legal drain to be known 2B Road Drain and the finding and order for the establishment of periodic maintenance for the 2B Road Drain are presented to the board for their review and signature. Mr. Klotz moved, seconded by Mr. Burroughs to accept the memorandum of understanding and to approve the finding and order(s), motion passed, 4-0. The board now signs the finding and order(s).

#### YELLOW RIVER – MAINTENANCE

Mr. Cultice presented the board with aerial and ground photographs depicting a pending maintenance project. The project will remove log jams and deadfall from the channel of the Yellow River. Severe leaning and dead trees will also be cut along the river banks located between 7B and 8<sup>th</sup> Road; west of Hawthorne. The length of the project is 6250'±. The project will be paid from the Yellow River maintenance fund account.

#### 2021 MEETING SCHEDULE

Mr. Overmyer stated the 2021 drainage board meetings will be scheduled at 8:30 am on the third Monday of each month with the exception of January (third Tuesday). If no business is scheduled, the meeting will be cancelled. Mr. Klotz moved, seconded by Mr. Burroughs to approve the schedule, motion passed, 4-0.

#### 2021 JOINT DRAINAGE BOARD APPOINTMENTS

Mr. Overmyer referred board members to the 2020 listing for joint drainage board appointments and asked if changes were needed. Mr. Burroughs moved, seconded by Mr. Klotz to retain the same

January 19, 2021

Page 3

appointees for 2021. The appointments for 2021 joint boards are as follows: House Board, Mr. Klotz and Mr. Burroughs; Zechiel-Chapman Board, Mr. Overmyer; Robbins 4-Cty Board; Mr. Glingie; G Wilson Board; Mr. Stults and Mr. Overmyer; S Sechrist Board, Mr. Stults and Mr. Burroughs; Yellow River 4 Cty Board, Mr. Overmyer. The two appointments to the Kankakee River Basin and Yellow River Basin Commission are made by the Marshall County Board of Commissioners. Those appointments are: Mr. Craig Cultice (Marshall County Surveyor) to serve on the Commission and Mr. Overmyer (Drainage Board President) to serve on the Technical Advisory Committee.

#### MAINTENANCE CONTRACTS

The board members sign the November 16, 2020 maintenance contracts with Beaver Excavating for the following projects: Wm Myers Ditch; Fletcher Ditch and the Pfiefer et al Ditch.

#### MINUTES

Mr. Burroughs moved, seconded by Mr. Stults to approve the November 16, 2020 drainage board minutes, motion passed, 4-0.

#### KANKAKEE RIVER BASIN – YELLOW RIVER BASIN COMMISSION – DRAINAGE ASSESSMENTS

The drainage assessments rates established by the Kankakee River and Yellow River Basin Commission were discussed by the Board Members and the Surveyor. The basin commissions projected annual collection due from Marshall County and the estimated annual collection Marshall County has projected to collect do not agree; there is a substantial “shortfall” difference with the Marshall County estimate. Marshall County has been in contact with Mr. Scott Pelath, Executive Director for the Basin Commission regarding our County’s concern with this matter.

#### ADJOURNMENT

Mr. Burroughs moved seconded by Mr. Klotz to adjourn the meeting, motion passed, 4-0.

#### MARSHALL COUNTY DRAINAGE BOARD

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Kevin Overmyer, President

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Stanley Klotz, Vice-President

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Michael Burroughs, Board Member

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David Stults, Board Member

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Randy Glingie, Board Member

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

Barbara Neidlinger,  
Drainage Board Secretary