

**FILED**  
APR 17 2023

MARSHALL COUNTY DRAINAGE BOARD

REGULAR MEETING

JANUARY 17, 2023

**ANGELA C. BIRCHMEIER**  
**MARSHALL COUNTY AUDITOR**

The Marshall County Drainage Board met for a regular meeting on January 17, 2023 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 Craig Cultice, County Surveyor; James Clevenger, Board Attorney; Angie Kibbe, Surveyor 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. Burroughs, 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 4-0.

**APPOINTMENT OF DRAINAGE BOARD ATTORNEY**

Mr. Burroughs moved, second by Mr. Stults, to reappoint Mr. Clevenger as Marshall County Drainage Board Attorney. Motion carried 4-0.

**APPOINTMENT OF DRAINAGE BOARD SECRETARY**

Mr. Burroughs moved, second by Mr. Stults, to appoint Mrs. Kibbe as Marshall County Drainage Board Secretary. Motion carried 4-0.

**2023 JOINT DRAINAGE BOARDS APPOINTMENTS**

Mr. Overmyer referred board members to the 2022 listing for joint drainage board appointments and asked for a motion. Mr. Klotz moved, second by Mr. Burroughs, to retain the same appointments for 2023, motion carried 4-0. The appointments for 2023 joint boards are as follows: House Ditch, Mr. Klotz and Mr. Burroughs; Zechiel-Chapman Ditch, Mr. Overmyer; Robbins 4 Cty, Mr. Glinge; G Wilson Ditch, Mr. Stults and Mr. Overmyer; S Sechrist Ditch, Mr. Burroughs and Mr. Stults; Yellow River 4 Cty, Mr. Overmyer. The appointments to the Kankakee River Basin and the Yellow River Basin Commission are made by the Marshall County Board of Commissioners. The appointments are 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.

**GABRIEL LEFFERT DITCH**

Mr. Merl Hayn, 14942 Maple Road, Argos appears before the board to discuss the proposed reroute and vacation of a portion of the Gabriel Leffert Ditch located in a part of the west half of Section 3-T32N-R2E, Green Twp. The purpose of the reroute would be to improve agriculture drainage in the vicinity. Mr. Cultice provides the board with aerial photographs depicting the proposed vacation being 935'± in length and the proposed reroute of 1,166'± in length. Mr. Hayn has completed the construction of the new ditch as illustrated in photos provided by Mr. Cultice. Mr. Hayn stated he did receive permission from the Farm Service Agency & Natural Resource Conservation Service for the construction of the new ditch. Potential slide-ins and erosion in the vicinity of the 90-degree angle in the ditch were a concern to Mr. Cultice. The board was advised to take a wait and see approach before making the drainage board responsible for future maintenance.

Mr. Burroughs moves, seconded by Mr. Klotz, to approve the reroute and accept the vacation as presented with the following stipulations.

- 1) Mr. Hayn will seed the banks of the new ditch.
- 2) Mr. Hayn will back fill that part of the proposed ditch to be vacated.

After further discussion between the board, Mr. Cultice and Mr. Hayn:

Mr. Burroughs moves, seconded by Mr. Klotz, to amend the previous motion as follows:

- 1) Mr. Hayn will backfill that part of the proposed ditch to be vacated.
- 2) Mr. Hayn will seed the banks of the newly constructed ditch.
- 3) Mr. Hayn will maintain that part of the newly constructed ditch for one year from the date of this meeting. After one year Mr. Cultice will inspect the condition of the ditch and at that time make recommendations to the board on whether or not to accept that portion of the ditch into the county regulated drain system. Motion carried 4-0.

**ROBERT MARTIN DITCH**

Mr. Craig Hawley of 9124 Hickory Road appears before the board seeking approval for the construction of a concrete bridge across the Robert Martin Ditch to be utilized for agriculture purposes. The board is presented with aerial views of the site along with pictures and a site plan prepared by Laporte Construction, contractor for the installation of the bridge. The bridge will be 24' wide and 36' long and located in the southeast quarter of Section 36-T35N-R2E in North Twp. The proposed bridge will be able to support the weight of an excavator so continued ditch maintenance should not be an issue. Mr. Hawley also stated that he will be removing an old double culvert crossing (photos provided) located upstream from the proposed bridge and once removed should improve the flow of the ditch. The board recommended that the county surveyor supervise the removal the old crossing and to make sure the banks are reconstructed properly.

Mr. Stults moves, seconded by Mr. Klotz, to approve the construction of a new bridge and the removal of an old double culvert crossing on the Robert Martin Ditch, all under the supervision of the county surveyor. Motion carried 4-0.

**SCHUH DITCH**

Mr. Dan Sharp along with his son Colton Sharp, 12111 State Road 17, Plymouth, IN appears before the drainage board today to discuss accessing his newly purchased land, located on the north side of the Schuh Ditch, in a part of the south half of Fractional Section 32-T34N-R2E, City of Plymouth. The new crossing will utilize a 6' in diameter, 40' long corrugated metal pipe located at the intersection of the Schuh Ditch and the northern terminus of Bishop Sheridan Drive. It should be noted that Mr. Sharp will be funding this project and will be installed per county standards. The county surveyor will work with Mr. Sharp to establish the invert elevation of the new culvert.

**Mr. Burroughs moved, seconded by Mr. Stults, to approve the construction of a new crossing across the Schuh Ditch under the supervision of the county surveyor. Motion carried 4-0.**

**2023 DITCH MAINTENANCE ASSESSMENTS**

The board members are presented with the Surveyor's report recommending the ditches to be activated and not to be activated for collection in 2023 to review. The board also receives a copy of the respective ditch fund balances from the Auditor's office. The ditches recommended not to be activated have sufficient fund balances per state statute. The remaining ditches that have fund balances below the statute shall be on collection in 2023. **Mr. Burroughs moved, seconded by Mr. Klotz, to approve the ditches to be activated and those ditches not to be activated for collection in 2023. Motion passed 4-0.**

**RECONSTRUCTION ACCOUNT BALANCES**

Discussion and review between the Surveyors' and Auditors' offices of the ditch ledger; certificate of assessments; 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 each of the projects. The board is provided Statutes 36-9-27-85 (d) and 36-9-27-73 (b) (6) to support the request. **Mr. Stults moved, second by Mr. Burroughs, to allow transfers. Motion carried 4-0.**

**MAINTENANCE CONTRACTS**

The board members sign the December 19, 2022 maintenance contracts for the C. Devine Ditch and George Stephey Ditch.

**MINUTES**

**Mr. Klotz moved, second by Mr. Stults, to approve the December 19, 2022 minutes. The motion carried, 4-0.**

**YELLOW RIVER**

Due to the mild winter Mr. Cultice updated the board on the ongoing logjam removal on the Yellow River. This work is under the direction of the River Basin Commission. Photos were provided.



MISCELLANEOUS

Mr. Cultice updated the board on the increased beaver activity in county. Photos and a video of the removal of a beaver dam were provided to the board.

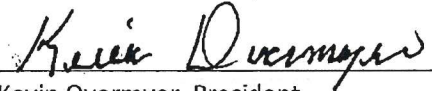
PUBLIC COMMENT

No public comment.

ADJOURNMENT

With no further business to come before the board Mr. Koltz moved, second by Mr. Burroughs, to adjourn the meeting at 9:09 am. Motion carried 4-0.

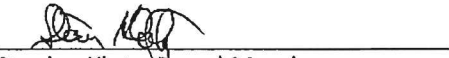
MARSHALL COUNTY DRAINAGE BOARD



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

APRIL 17, 2023

The Marshall County Drainage Board met for a regular meeting on April 17, 2023 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 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).

### **OBSTRUCTION OF MUTUAL/PRIVATE DRAIN-GREEN TOWNSHIP/MERL HAYN**

This matter is a continuation of the October, November, and December drainage meetings. Mr. Cultice started the meeting with updated pictures of the area in discussion. The picture depicted standing water on Mr. Hayn's property and Mr. Morris's control structure is hindering the flow of water away from Mr. Hayn's property. Mr. Hayn did bring a letter with signatures of neighboring property owners that feel Mr. Morris's retaining pond is affecting the drainage in their yards as well and on State Road 10. Mr. Cultice brought to attention that from the December meeting Mr. Clevenger sent a letter discussing the right of way on State Road 10 to the Indiana Department of Transportation. INDOT did receive this letter and responded with a letter saying, "Our Maintenance group has determined that cause is off site restriction of the stormwater outlet from the area. We have spoken with the adjacent property owners of both sides of the road here at this address and they have indicated they will work to resolve the Right-of-Way drainage restriction issue here." Mr. Merl Hayn, 14942 Maple Rd Argos, IN appears before the board today, he tells the board that INDOT has been traveling down State Road 10 more since the letter was sent. Mr. Overmyer explains that in this matter the Drainage Board does have the right to rule in this matter and he references Indiana statute 36-9-27.4-19. Mr. Glinge suggests that Mr. Clevenger, the board's attorney, send a letter to Mr. Morris about the structure on his property. The board also discussed that Mr. Cultice should oversee the structure and that the water levels are maintained properly. **Mr. Glinge moved, second by Mr. Stults, to let Mr. Morris know by letter from the Drainage Board attorney James Clevenger that he has created obstruction and causing retaining water to the property owners south of State Rd 10. The Drainage Board is exercising their right under the Indiana State Code 36-9-27.4-19 and Mr.**

**Cultice will be in contact with Mr. Morris regarding the control structure and maintaining the proper water level. Motion carried 5-0.**

**B A CURTIS/VARIANCE/KEVIN & LEIGH ANN O'NEIL**

Mr. Cultice provided the board with aerial maps, site photographs, along with a landscaping plan for Kevin and Leigh Ann O'Neil's property located at 1718 E Shore Drive, Culver, IN. Mrs. O'Neil appears before the board to request approval to plant shrubs, trees, and grass up to the variance. In August 2019 Drainage Board meeting a request to reduce variance to 35ft from the previous property owner was granted. Mr. Cultice addresses that the ditch is shallow with a rock bottom, does not get sediment build up and has traps at the end of the road. Mr. Burroughs asked Mr. Cultice his thoughts on the trees being placed along the variance. Mr. Cultice is concerned the trees would be a hindrance later in the future for any maintenance work to be done on the ditch. Mr. Overmyer explained to Mrs. O'Neil that if work needs to be done on the ditch, then any trees in the way of machinery getting access to ditch will be removed at the homeowners' expense. Mrs. O'Neil states that they will comply with the board's decision. **Mr. Burroughs moved, second by Mr. Stults, to approve up to four trees, grass, and shrubs to be planted, with the understanding that if maintenance is needed on B A Curtis Ditch any trees/shrubs blocking access, will be at the homeowner's expense to remove. Motion carried 4-1.**

**HOOLEY-AKER TILE/PROPOSED REROUTE-VACATION/PAUL & BARBARA TROYER**

Andrew Miller, the contractor for Mr. and Mrs. Troyer of 2781 7<sup>th</sup> Rd Bourbon, IN came before the board to request a reroute of the Hooley-Aker tile with a vacation of the old route. This request is to insure space for the construction of a home. Mr. Cultice supplied pictures of the requested reroute of the tile. Mr. Cultice further recommends concrete structures to be placed where the old tile meets the new tile and to use dual-wall pipe bedded with #8 stone. Mr. Overmyer recommended Mr. Miller to get in contact with Mr. Cultice about the construction of the reroute. Mr. Miller states he would appreciate Mr. Cultice overview at the start of project and throughout the project. **Mr. Burroughs moves, seconded by Mr. Klotz, to approve the reroute of 475'+- and accept the vacation as presented with the following stipulations.**

- 1) Concrete structures are to be added at both ends to tie in the new tile with the old tile.**
- 2) Mr. Miller will use dual-wall pipe bedded with #8 stone.**
- 3) All construction expenditure will be paid for by Paul & Barbara Troyer.**
- 4) Existing lateral lines will be connected to new tile.**
- 5) M.C. Drainage Board will not be responsible for maintenance on the vacated portion of drain.**

**Motion carried 5-0.**

**MATTINGLY ARM OPEN DITCH/VARIANCE/BRIAN BORKHOLDER**

Brian Borkholder of 7869 Plymouth-Goshen Trl, Bremen, IN appears before the drainage board today asking to reduce the 75ft right-of-way easement on the Mattingly Arm to a variance of 30ft on his property for fencing. Mr. Cultice provided pictures of the area in question. A letter was given to the board from Marvin and Diane Houin, landowners on the opposite side of the Mattingly Arm ditch. Mr. Cultice read the letter; Mr. and Mrs. Houin state they are concerned that the ditch needs to be accessible for maintenance on both sides and on the southwest end. Mr. Houin reports he has two 8 inch working tiles going into this ditch to drain their fields. Mr. Houin continues to say the mucky ground in that area is unstable for livestock to walk on and livestock would further break down the bank's edge. A fence close to the ditch bank restricts their property rights by limiting the use of the property on the opposite side. If drainage equipment cannot navigate on the AMMF property, that means his property must be left open to be able handle repairs to clean ditch. Mr. Houin asked for his property rights to be respected. Mr. Cultice asked Mr. Houin when the last time maintenance was performed on this ditch, Mr. Houin said, he believed 3-5 years ago, and he thought it was about time to have it cleaned again. Mr. Borkholder says they would make the fencing easily removable so machinery would be able to access the ditch for cleaning. The discussion continued with Mr. Borkholder and the board members about the variance distance. **Mr. Burroughs moved, second by Mr. Stults, to allow the variance reduction to 50ft on the Mattingly Arm Ditch. Motion carried 5-0.**

**SCOTT PELATH-YELLOW RIVER UPDATE**

Mr. Pelath, Executive Director of Kankakee River Basin Commission (KRBC) came in today to discuss possible placement of a private water gauge in Bremen. Mr. Pelath says the national weather forecast of Plymouth has not been accurate, the last four high water events have not come close to what the forecast was. Mr. Pelath would like to have knowledge of the flow of water from Bremen to Plymouth. Placement of a water gauge would help gather that information. Mr. Pelath says the vendor they used in the past was not adequate and he has found a new vendor who seems more up to date with more accurate devices. He has been looking at State Rd 106 to Bremen bridge and 1<sup>st</sup> Rd bridge to apply a water gauge, Mr. Pelath would prefer the bridge on 1<sup>st</sup> Rd. He would like to use a county bridge. He goes on to say state bridges need a lot of permits to get approval to drill into the bridge. Dealing with county bridges you would only deal with the County Commissioners. Mr. Pelath would like the Marshall County

Drainage board to take it to the Commissioners to request the private water gauge to be placed in Bremen. The initial cost of the device is \$5,500.00 and he would like the Commissioners to invest in that cost. Annual maintenance costs would be split with KRBC and Marshall County Drainage Board. Mr. Overmyer would like KRBC to cover the cost of the device and the Drainage Board would cover the annual maintenance cost. Mr. Overmyer further remarks on KRBC doing a lot of work with log jams in the area and he has seen the improvements in the water levels. **Mr. Glinge moves, second by Mr. Klotz, to approve to give recommendation to the KRBC to have them invest \$5,500.00 for the purchase of a river gauge that would be placed on 1<sup>st</sup> Rd Bridge at the Yellow River in Marshall County. Motion carried 5-0. Mr. Glinge moves, second by Mr. Klotz, that the maintenance fee should be taken out of the Yellow River maintenance fund to cover the annual cost of \$400.00. Motion carried 5-0. Mr. Klotz asked Mr. Pelath about where the information is stored that the water gauge gathers. Mr. Pelath says the vendor will house the data and make it accessible on their website to view. Discussion was continued about the water gauge and Mr. Pelath discuss that there is an option to add a camera onto the gauge, and he recommends getting so when the river crests there would be video of when it happens, then they can go back and look at the gauge to see were the level was at. He also believes it would also help discourage vandalism.**

Mr. Pelath gives an update on the Yellow River project; he reports they are about to approve phase three. They are working on phase two currently. Phase one included sections of Marshall County and Starke County. This year they permitted and bid out two separate areas in Starke County to start in June on 500 E 1100 E. Mr. Pelath believes some more work still needs to be done in areas of Marshall County that would benefit the watershed. Stan-Tec picked out a section on the Vermillion property that is a half mile long and they did a log jam management back in January. Mr. Pelath describes a horseshoe along Yellow River upstream near County Line Road, on that section the property owns has not consented to the work being done on the banks yet. The Vermillion family are on board with the stream bank reconstruction to be done. The work at Vermillion would be next year's work, along with a Starke County section. Mr. Pelath is hoping to have phase three adapted by the April 27, 2023 meeting.

#### MINUTES

**Mr. Klotz moves, seconded by Mr. Stults, to approve the January 17, 2023 minutes. Motion carried 5-0.**

#### OTHER BUSINESS

**Mr. Glinge moves, second by Mr. Klotz, to appoint Mike Burrough as the Robbins 4 County board member. Motion carried 4-1.**



**PUBLIC COMMENT**

No public comment.

**ADJOURNMENT**

With no further business to come before the board **Mr. Glinge moved, second by Mr. Klotz, to adjourn the meeting at 9:24am. Motion carried 5-0**

MARSHALL COUNTY DRAINAGE BOARD

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Kevin Overmyer, President

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Michael Burroughs, Vice-President

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Stanley Klotz, Board Member

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

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

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

Angie Kibbe, Drainage Board Secretary

## MARSHALL COUNTY DRAINAGE BOARD

### REGULAR MEETING

June 19, 2023

The Marshall County Drainage Board met for a regular meeting on June 19, 2023 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; Stanley Klotz, Board Member; David Stults, Citizen Board Members; Randy Glinge, Citizen Board Member. Also present were Craig Cultice, County Surveyor; James Clevenger, Board Attorney; Angie Kibbe, Drainage Board Secretary. Michael Burroughs, Vice President was absent. 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).

#### **REQUEST APPROVAL OF NEW CROSSING ACROSS THE SCHUH TILE**

Dan Sharp of 12111 State Rd 17 in Plymouth came before the board today to request approval for a new crossing to his property on North Oak Drive. Mr. Sharp did request to add a crossing over the Schuh Ditch off Bishop Sheridan Dr. in January's Drainage Board meeting and the request was approved by board. Mr. Cultice took photos of the constructed crossing from January's approval and said he thought they did a respectable job constructing that crossing. Pictures of today's requested site for the crossing were provided by Mr. Cultice. Mr. Overmyer asked Mr. Cultice if he felt there would be any problems with this crossing. Mr. Cultice states if Mr. Sharp has the correct grade there shouldn't be any problems.

**Mr. Stults moves, second by Mr. Klotz to approve Hunter Transits request for construction of a 6'x 60" CMP crossing over the Schuh Ditch. Motion carried 4-0.**

#### **PROPOSED BOWEN CENTER SITE**

A variance request along the Newcomb Eisenhower County Ditch and Schuh County Tile was on today's agenda, in the preparation of the construction of a Bowen Center at Miller and Pioneer Drive. A representative for this request was not in attendance. Mr. Cultice did present the request with photos and the variances before the board today, action was not taken on this matter.

#### **LAKE OF THE WOODS/GEORGE STEPHEY DITCH**

Mr. Cultice gives an update on EutroSORB filter bags that Pamela Dugan of EutroPHIX brought before the Drainage Board at the end of last year to help with the quality of the water. Photos of the placement of the bags were shown by Mr. Cultice along with the EutroSORB phosphorus filtration technology brochure.

#### **MINUTES**

**Mr. Glinge moves, seconded by Mr. Klotz, to approve the April 17, 2023 minutes. Motion carried 4-0.**

#### **OTHER BUSINESS**

Drainage Board Meeting  
June 19, 2023

Mr. Clevenger wanted to confirm he mailed a letter to Mr. Morris about the decision made in April's Drainage Board meeting. Mr. Cultice follows with an update that Mr. Hayn did receive a call from Mr. Morris after the April meeting and Mr. Morris will remove boards from the control structure and that he will keep a lower water level in his pond. Mr. Stults confirms he drove by pond and the levels were down.


PUBLIC COMMENT

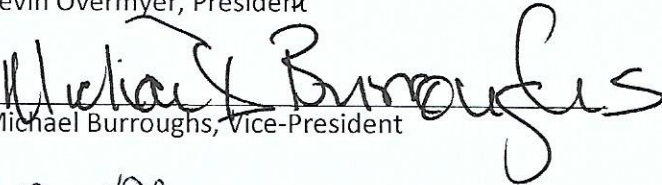
No public comment.

ADJOURNMENT

With no further business to come before the board Mr. Glinge moved, second by Mr. Stults, to adjourn the meeting at 8:42am. Motion carried 4-0.


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MARSHALL COUNTY DRAINAGE BOARD

  
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Kevin Overmyer, President

  
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Michael Burroughs, Vice-President

  
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Stanley Klotz, Board Member

  
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David Stults, Board Member

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

Attest:   
\_\_\_\_\_  
Angie Kibbe, Drainage Board Secretary

# MARSHALL COUNTY DRAINAGE BOARD

## REGULAR MEETING

July 17, 2023

The Marshall County Drainage Board met for a regular meeting on July 17, 2023 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 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).

### **NEWCOMB EISENHOUR DITCH AND SCHUH TILE- PROPOSED BOWEN CENTER SITE REQUEST OF VARIANCE**

Bowen Center's representative Mike Vodie, 1324 Henry Ave. Fort Wayne, IN project engineer with Anderson Surveying and Troy Wilcox from Columbus, IN the general contractor with W J Carey Construction was before the board today. Mr. Cultice provided the board with pictures of the site and plans about the variance request. Mr. Vodie informs the board the sidewalk variance on the east side of property was also discussed and approved by INDOT. The Bowen Center site will be combining the original local Bowen Center and their medical site that they have in Plymouth. Mr. Vodie believes the variance they are requesting is enough allowance for machinery to have access to maintain and repair the ditch and tile on the south side of the lot. Mr. Cultice states maintenance work on the ditch and tile would be hard with the variance from the north side of the lot and most of the work would have been on the south side and it would be a tight squeeze. Mr. Wilcox conveys the Bowen Center would be in the understanding and agreement if any work needed to be done on the tile or ditch and sidewalk or parking lot needed to be torn up to do the maintenance work that the Bowen Center would accrue the fees. **Mr. Klotz motions, Mr. Stults second to approve the plan as presented for variances for the Newcomb Eisenhower Ditch and Schuh Tile. If any damage to the parking lot and or sidewalk from the maintenance and upkeep of the Ditch/Tile along US 30 will be the responsibility of the Bowen Center. Motion passed 5-0. Mr. Overmyer requested Mr. Clevenger, Board Attorney, to draft a letter to send to the Bowen Center about the decision made today.**

## MAINTENANCE OF A PRIVATE/MUTUAL DRAIN-ARROWHEAD SUBDIVISION, LAKE LATONKA

Carlos Bastardo, 12520 Miramichi Trl Culver, IN comes before the board today after trying to work with the members of the Arrowhead Subdivision Committee regarding the water and orange foamy discharge run off onto his property from a private drain tile. Mr. Bastardo did fill out a petition for removal of obstruction from mutual drain or natural watercourse and paid the fee to file it with the Drainage Board Committee. Mr. Cultice provided pictures of the site with an aerial view showing the drainage riser 1,000 feet south of the property. Mr. Bastardo explains he would like the Arrowhead Subdivision Association to properly complete the drain to the lake so he can use his lot. Kathleen Sheely, a representative for her parents Jim and Linda Shay of 12464 Spear Trl Culver, IN came in to support Mr. Bastardo due to her parents' property is next to Mr. Bastardo's and they are having similar problems with the runoff. Ms. Sheely explains how they have tried to keep the drain clear and free of debris, but the standing water and sogginess is just a mosquito haven. Mr. Cultice further notes that he is not sure where the property line is, when and if the sewer system gets set up around the lakes the property would not be buildable in the condition it is in now with the runoff. **Mr. Klotz motion, Mr. Stults second to accept petition from Mr. Bastardo, motion passed 5-0. Mr. Overmyer recommends the POA finds property line and moves tile to the center of property line and complete tile to lake for future sales of lots. Mr. Bastardo is to be in contact with the Surveyor's office on the outcome of the Arrowhead Subdivision Committee meeting.**

## MINUTES

**Mr. Klotz moves, seconded by Mr. Gingle, to approve the June 19, 2023 minutes. Motion carried 5-0.**

## PUBLIC COMMENT

No public comment.

## ADJOURNMENT

With no further business to come before the board **Mr. Gingle moved, second by Mr. Stults, to adjourn the meeting at 9:10am. Motion carried 5-0**



MARSHALL COUNTY DRAINAGE BOARD

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

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

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Stanley Klotz, Board Member

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David Stults, Board Member

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

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

Angie Kibbe, Drainage Board Secretary

## MARSHALL COUNTY DRAINAGE BOARD

### REGULAR MEETING

August 21, 2023

The Marshall County Drainage Board met for a regular meeting on August 21, 2023 at 8:30 am in the Commissioner's Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: 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).

#### **Proposed Re-Route of the Heckaman Tile**

Mr. Cultice provides photos of the site with the measurements of variances and the re-route plan. Mr. Cultice reminds the board Mr. Mullet did go before the board in November of 2022 to request a variance for an addition to his building, the Drainage Board approved this request. Today Mr. Mullet wants to enlarge his addition from 76'x100' to 100'x154' on the southwest of the building. This addition would then put it over the Heckaman Tile. This re-route would put the addition within 90'± from the proposed tile. Mr. Mullet would also like to request a no more than 60' variance from the new construction of his detention basin. This re-route would be at Mr. Mullet's expense. Mr. Mullet, 4463 Beech Rd Bremen, IN express he would like the tile to be 24-inch pipe instead of the 16-inch pipe for the re-route. Mr. Mullet states they do have some drainage problems around the catch basin. Mr. Cultice suggests to the board that the Surveyor's office oversees the re-route and that Mr. Mullet uses a contractor that is approved by the County. Mr. Glinge asked Mr. Mullet who he was planning to use as the contractor. Mr. Mullet will be using Koontz and King, he states he has worked with them before and thought they did a good job, they are approved of by the county. Mr. Klotz asked Mr. Cultice if there was any downside to these plans, Mr. Cultice states he doesn't believe there is. Mr. Cultice also noted the board should allow the vacation of the old route of the Heckaman Tile between the two manholes if plans are approved. **Mr. Koltz motions, Mr. Stults seconds, to approve the plans as presented for variances and the re-route of the Heckaman Tile. Motion passed 4-0.**

### MINUTES

**Mr. Glinge moves, seconded by Mr. Klotz, to approve the July 17, 2023 minutes. Motion carried 4-0.**

### OTHER BUSINESS

Mr. Cultice informs the board that at the Plan Commission meeting on solar farm ordinance was discussed. Mr. Cultice reminds the board of the regulated drains ordinance, it states 75ft from top of bank and 75ft from center line of tile. Mr. Cultice is wanting the boards thoughts on who will be responsible for maintaining what could be 150' strip around the ditch and tiles, the Drainage Board usually is the one to maintain ditch and side slopes. This could add a new cost, should the responsibility lie with the solar company, the farmers, or the Drainage. Mr. Burroughs replies that he feels it would be the solar company's responsibility. Mr. Clevenger states the last lease he saw on solar farms is that farmers can still use the vacant areas to farm, and it would be the farmers responsibility based on a lease that Mr. Clevenger has read. Mr. Cultice states using filter strip would be a good option to use regarding the vacant areas. Mr. Glinge states that the farmers would have to get in contact with FSA office if they wanted to go that route. Mr. Clevenger asked if the grass would have to be maintained, Mr. Cultice replies yes.

**Mr. Glinge moves, second by Mr. Stults that Mr. Cultice goes before the Plan Commission and informs them that the Drainage Board approved that the landowner will be responsible for the maintenance work that could be accrued on said ditches and tiles. If the landowner does not maintain areas the Drainage Board would send notices out and possible bills if the Drainage Board must go in and maintain. Motion passed 4-0.**

Mr. Clevenger informs the board that he has the document prepared from the approval of variances for Bowen Center site. Bowen Center is re-platting the site so there will be a new legal description. Mr. Clevenger office is just waiting for the new legal description to complete the document and have it signed.

### PUBLIC COMMENT

No public comment.

### ADJOURNMENT

With no further business to come before the board **Mr. Glinge moved, second by Mr. Stults, to adjourn the meeting at 8:47am. Motion carried 4-0.**

MARSHALL COUNTY DRAINAGE BOARD

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

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

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Stanley Klotz, Board Member

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

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Randy Glinge, Board Member

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

Angie Kibbe, Drainage Board Secretary

# MARSHALL COUNTY DRAINAGE BOARD

## REGULAR MEETING

September 18, 2023

The Marshall County Drainage Board met for a regular meeting on September 18, 2023 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 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-

The board received bids from the following contractors:

No. 2 Arm to Berkey Ditch/Buels, Weissert Arm to Berkey Ditch

Beaver Excavating \$10,200.00 LI Excavating \$10,600.00 Langfeldt Excavating \$7,440.00

**Mr. Glinge moved, seconded by Mr. Stults to accept the bid from Langfeldt Excavating in the amount of \$7,440.00. Motion passed, 5-0.**

Newcomb-Eisenhour Ditch/ Kelter Arm Ditch

Beaver Excavating \$8,600.00 Langfeldt Excavating \$6,276.00 LI Excavating \$7,220.00

**Mr. Kolz moved, seconded by Mr. Burroughs to accept the bid from Langfeldt Excavating in the amount of \$6,276.00. Motion passed, 5-0.**

### Variance Request/Gunnard Anderson Ditch- Cheryl Rush

Mr. Derek Dodson, 14750 State Rd 10 Argos, IN comes before the board as the contractor for Cheryl Rush. Mr. Dodson is asking for a variance for the new construction of a building that is 18ft north of an already existing building. Mr. Cultice presents pictures of the site with measurements of where the new building will go and shot measurements from the top of the bank to the new building site, in which will leave a variance of 52ft. Mr. Cultice feels that will leave plenty of space for the new building and plenty of room for maintenance work in future. **Mr. Klotz moves, second by Mr. Burrough to approve the 52ft variance from top of the Gunnard Anderson Ditch bank for the new construction, it is noted that any future work that is to be done, and any damage occurs during maintenance is not the Marshall County Drainage Board's responsibility. Motion passed 5-0.**



**Variance Request/Oran Martin Ditch- G. Kent Freed II**

Faith Freed, 7774 Fir Road Bourbon, IN wife of G. Kent Freed comes before the board to request a variance for a new construction of a mound septic system. Mr. Cultice provides pictures and the site plan he received. They would like the mound to be 35ft from the top of ditch bank. Mrs. Freed states her system is on its last leg and they are being proactive and start setting up the new mound system. Mr. Burrough asked if this new mound was far enough away from the well, Mrs. Freed states it was. **Mr. Burroughs moves, second by Mr. Stults to approve the reduction of setback to a 35ft variance on the Oran Martin Ditch. Motion passed 5-0.**

**Proposed Vacation- Heckaman Tile**

Mr. Cultice brings before the board a proposed vacation for the Heckaman Tille. In the last drainage meeting a proposed re-route of the Heckaman Tile was approved by the board, the matter of the vacation Mr. Cultice suggested was not in the motion. Mr. Cultice is wanting the board's opinion on approving the vacation in this meeting or waiting till the re-route is completed to approve the vacation. The board members were in agreement that it is best to wait till the new route is complete and is satisfactory, then it should be brought back to board to approve the vacation.

**MINUTES**

**Mr. Klotz moves, seconded by Mr. Glinge, to approve the August 21, 2023 minutes, Motion passed 5-0.**

**OTHER BUSINESS**

**PUBLIC COMMENT**

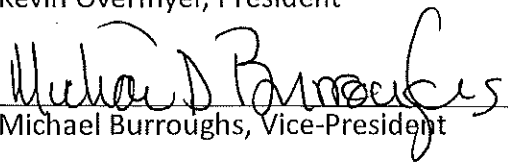
No public comment.

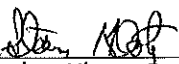
**ADJOURNMENT**

With no further business to come before the board. **Mr. Klotz moved, seconded by Mr. Burroughs, to adjourn the meeting at 8:43am. Motion carried 5-0.**

MARSHALL COUNTY DRAINAGE BOARD

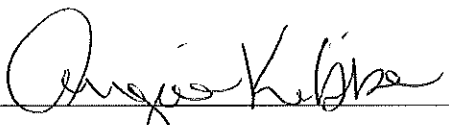
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Kevin Overmyer, President

  
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Michael Burroughs, Vice-President

  
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Stanley Klotz, Board Member

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

  
\_\_\_\_\_  
Kandy Glingie, 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 December 18, 2023 at 8:30am in the Commissioner’s Room of the Marshall County Building, 112 W Jefferson St. Plymouth, IN. Board members present were: 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 brings before the board images of today’s bids locations and the scope of work. Mr. Cultice advice the board that the George Seltenright and Emma Kuntz Ditches are in wetlands. This is Mr. Cultice first time working with in wetlands and the restriction that goes along with it. Not having experience with it he is not sure how high the cost will be.

**George Seltenright Ditch Bids**

**Allsop Excavating- \$39,725.00**

**Beaver Excavating- \$43,200.00**

Mr. Cultice informs the board after seeing the bids that this watershed does not have sufficient funds to cover this project currently. **Mr. Glinge motions and Mr. Stults seconds that bids are dismissed due to insufficient funds in watershed. Motion passes 4-0.**

**Emma Kuntz Ditch Bids**

**Allsop Excavating- \$19,350.00**

**Beaver Excavating- \$19,200.00**

Mr. Cultice informs the board that the Emma Kuntz watershed does not have sufficient funds to cover this project. Mr. Cultice recommends the board dismisses these bids too. Mr. Klotz asked Mr. Cultice why we sent out bids for these jobs if watershed’s accounts were low. Mr. Cultice states that these are the first projects within wetlands and was not sure how much the bids would be. Mr. Glinge wonders if the assessment in these watersheds should be increased. He personally went and looked at the Emma Kuntz project and feels maintenance is absolutely needed there. Mr. Cultice asked the board if this one could be considered for reconstruction. Mr. Burroughs does think a reconstruction of both ditches should be done. Mr. Cultice will have to work on numbers and the board will have to hold a public hearing on this. **Mr. Koltz makes a motion, seconded by Mr. Stults to deny bids due to insufficient funds. Mr. Glinge makes a motion, seconded by Mr. Koltz to do a reconstruction on the Emma Kuntz Ditch. Motion passes 4-0.**

**Craig Unsicker Ditch Bid**

**L.I. Excavating- \$24,500.00      Beaver Excavating- \$18,900.00      Allsop Excavating- \$42,500.00**

**Mr. Klotz makes a motion, seconded by Mr. Glinge to award bid to Beaver Excavating, if they meet the County requirements. Motion passes 4-0.**

**J. Ballinger/Myers Assessments-**

Mr. Cultice would like the Board to consider an increase on the J. Ballinger/Myers watershed assessments. If the board agrees, a public hearing will be held in the February Drainage Board meeting. The annual assessment is \$40,000.00± there is a debt of \$69,000.00± in this watershed. The last public hearing to establish a was in 2013 at \$1.75 an acre and a \$6.00 minimum. The drain will stop collection once it has hit its 4xs the collection amount which would be \$159,668.00±. In the last 10 years annual watershed work totaled \$509,491.00± or about \$51,000.00± annually. Mr. Glinge asked Mr. Cultice what his recommendation on what the assessment should be per acre. Mr. Cultice calculated some options, \$2.50 an acre would bring \$56,000.00± annually, \$2.75 an acre would be \$61,000.00±, and \$3.00 an acre would be \$67,000.00±. The parcels that are within the town of Argos Corporation pay one sum, surveyors office is still collecting numbers on the town's assessments. Mr. Clevenger recommends having a different price for the commercial lots that are within the town of Argos. **Mr. Glinge motions, seconded by Mr. Klotz to delay the action on the assessment fee till next board meeting. Motion passes 4-0.**

**Dora Fairchild Petition**

Mr. Cultice brought to the board a petition for the Dora Fairchild to be put on periodic maintenance. The Dora Fairchild is a county drain but is not under maintenance. The board can accept the petition at this time and further discussion will follow in the next meeting. Mr. Cultice is working with Fulton County Surveyor to come up with watershed lines and that this could become a joint drain. Once Mr. Cultice has gathered all the information, the board will receive a surveyor's report. Once the report is given to the board, a public hearing can be scheduled. **Mr. Klotz motions, second by Mr. Stults to accept the petition on the Dora Fairchild County drain that drains into Fulton County. Motion passes 4-0.**

**Marshall County Drainage Board Meeting Schedule**

The board was given a schedule for Drainage meetings in 2024. **Mr. Klotz motions, seconded by Mr. Glinge to approve the meetings schedule for the 3<sup>rd</sup> Monday of each month at 8:30am with the exception of Tuesday, January 16, 2024. Motion passes 4-0.**

**Maintenance Contracts**

The board members sign the September 18, 2023 maintenance contracts with Langfeldt Excavating for the Buels/Weissert to Berkey & NO. 2 Arm to Berkey Ditch/Drain and Kever Arm & Newcomb Eisenhower Ditch/Drain.

**MINUTES**

**Mr. Stults motions, seconded by Mr. Gingle to approve the September 18, 2023 minutes.  
Motion passes 4-0.**

**OTHER BUSINESS**

Mr. Clevenger informed the board that the courts accepted the petition by the landowner around the Lake of the Woods for the Conservancy District to the Natural Resource Commission. Mr. Clevenger made a request that the Natural Resource Commission conduct a hearing in Marshall County, and this is to be scheduled. This will allow folks to say what they are feeling about the establishment of that Conservancy District. Mr. Clevenger states that he and Mr. Cultice made it clear to the court that Lake of the Woods is part of the drainage system, and that they should be in contact with them so that the outcome does not negatively impact the Drainage Board. There are five ditches that drain into the Lake of the Woods. Mr. Cultice and Mr. Burroughs attended the Four County Meeting meeting and they are considering rerouting the ditch, so it does not go into Koontz Lake.

**PUBLIC COMMENT**

No public comment.

**ADJOURNMENT**

With no further business to come before the board, **Mr. Klotz motions, second by Mr. Gingle to adjourn meeting at 8:57am. Motion passes 4-0.**



MARSHALL COUNTY DRAINAGE BOARD

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Kevin Overmyer, President

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Michael Burroughs, Vice-President

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Stanley Klotz, Board Member

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David Stults, Board Member

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Randy Glinge, Board Member

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

Angie Kibbe, Drainage Board Secretary