

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.

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 11th 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