

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 Glinge, 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.

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 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 19th 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 Glinge, Board Member

Attest: _____

Angie Kibbe, Drainage Board Secretary