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 Kelver 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 Eisenhour 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. Glingle 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. Glingle 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. Glingle 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. Glingle. Motion carried 5-0.**

**PUBLIC COMMENT**

No public comment.

**ADJOURNMENT**

**With no further business to come before the board Mr. Glingle 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 Glingle, Board Member

Attest:

Angie Kibbe, Drainage Board Secretary