

MARSHALL COUNTY DRAINAGE BOARD
REGULAR MEETING

The Marshall County Drainage Board met for a regular meeting on September 16, 2024, at 8:30 a.m. 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.

MAINTENANCE BIDS

Mr. Cultice presented the board with maintenance projects that were sent out for bids.

Leo Berger

Allsop Construction \$34,900.00 Beaver Excavating \$13,200.00 Langfeldt Excavating \$15,580.00

Mr. Glinge motioned, seconded by Mr. Klotz to accept the bid from Beaver Excavating in the amount of \$13,200.00. Motion passed 5-0.

Carl Gjemre Ditch & Arm

Allsop Construction \$56,600.00 Beaver Excavating \$20,750.00 Langfeldt Excavating \$22,344.00

Mr. Burroughs motioned, seconded by Mr. Stults to accept the bid from Beaver Excavating in the amount of \$20,750.00. Motion passed 5-0.

EMMA KUNTZ RECONSTRUCTION PUBLIC HEARING

Mr. Cultice reminds the board they referred Emma Kuntz to the Marshall County Surveyor for a reconstruction report. Mr. Cultice reviews the surveyor report for the board and the public. **Mr. Glinge motioned, seconded by Mr. Stults to open the public hearing. Motion passed 5-0.** Mr. Overmyer addressed the public and asked if anyone wanted to come forward either for or against the reconstruction. Mr. Stan Murphy of 11019 3B Rd., came up and states that he had just attended the May 20, 2024 meeting for the increasing of the Emma Kuntz assessments. He is wondering if the assessment fund will go towards keeping the ditch clean after the reconstruction. Mr. Cultice assures him that yes it does. Mr. Murphy is wondering where the money from the fund is going. Mr. Cultice informs him that the maintenance assessments were so low that it could not keep up with the work that needs to be done in this watershed. The

assessments were raised to help with the maintenance projects and the reconstruction needs to be done to meet the Army Corp. restrictions and guidelines. Once the reconstruction project is completed the annual assessments will maintain this ditch in the future. Mr. Overmyer asked if anyone else wanted to come forward to speak. With no one coming forward, **Mr. Burroughs motions, seconded by Mr. Stults to close public hearing. Motion passed 5-0.** Mr. Glinge states that this reconstruction is needed for this portion of ditch. He has been on site with Mr. Cultice to inspect. Mr. Overmyer confirmed with Mr. Cultice the assessment price for the reconstruction is \$21.50 an acre and the property owners have a few years to pay back the loan, Mr. Clevenger agrees with that statement. **Mr. Klotz motioned, seconded by Mr. Glinge to send out the Emma Kuntz Ditch for reconstruction Bids, Motion passed 5-0.** Mr. Glinge asked Mr. Cultice what his estimated price for this reconstruction and Mr. Cultice states \$25,000.00. Mr. Glinge continues and asks what happens if the bids are over that. Mr. Cultice states if the bids are 10% over that they would have to rebid. Mr. Glinge states the reconstruction could cost up to \$30,000.00 and Mr. Cultice replied yes depending on who bids on it.

PETITION FOR OBSTRUCTION OF PRIVATE/MUTUAL DRAIN

Don Green, of 8870 SR 17, Plymouth, IN comes before the board regarding his property located on Myers Lake at 14964 Happy Acres Trail, Plymouth. He states that a natural wetland area on his property has been turned into a pond and that the water is backing up, killing mature trees. He believes his neighbor to the east, (downstream) Mr. Calvin Montgomery, may have raised the outlet pipe on the east side of his pond which is now causing the water to back up on the Green parcel. Mr. Cultice tells the board that Mr. Green came into the Surveyor's office and paid the fee to file a petition for obstruction of private/mutual drain. Mr. Cultice provides images of the area being addressed today. Mr. Cultice shows a map showing the farmland located to the South of the Green and Montgomery properties. The farmland to the south is approximately 66 feet higher and all drains toward these parcels. Mr. Cultice states that Mr. Montgomery told him he could not lower his outlet pipe because during a heavy rain event, water will back up on him from the neighbor to the east. Mr. Cultice did state that Mr. Montgomery is willing to help rectify the situation. Mr. Cultice confirms with Mr. Clevenger per state statute that the board can have a hearing and have all property owners attend to give their side of the story. Mr. Overmyer asked Mr. Cultice if he thought there was a way to resolve this issue without a hearing. Mr. Cultice responded that he has received conflicting versions on the elevation of the outlet pipe. Mr. Overmyer then recommended a hearing be set for the October 21st Drainage Board meeting and to invite all parties involved. Mr. Clevenger states per state statute only the landowners need to be notified, it does not need to be published.

Greenways Trail Proposal

Mike Reese, landscaping architect with the Troyer Group, comes before the board to discuss a trail project in Price Memorial Park that will cross and run adjacent to the Elmer Seltenright Ditch. The Troyer group is working with DNR and are completing permits to do construction in a flood way with IDEM and Army Corp. He is here to request approval for a bridge and board walk variance. Mr. Reese is working alongside the city and parks department on this project. The bridge will be a precast concrete boardwalk, which will be on piers and will be set on the outside of the high-water mark of the ditch. Mr. Overmyer asked if the walking path would be asphalt; Mr. Reese states it will be an 8ft wide asphalt trail. Mr. Overmyer continues to ask how far the path will be from the ditch, 20 feet from the trail to the high-water mark of the ditch is Mr. Reese's response. Mr. Clevenger asked if there would be any fencing along the path and Mr. Reese stated, no there would not be. Mr. Clevenger wanted to verify that if maintenance needed to be done on the ditch if there would be enough room on the West side of the ditch. Mr. Reese believes with the 6-inch aggregated base and about 4.5-inch asphalt the pathway should be able to handle some vehicle traffic if needed. Mr. Glinge asked the last time this part of the ditch was cleaned, and Mr. Cultice replies not since he has been in office. Mr. Cultice continues that he walked the ditch and noticed a lot of deadfall and trees in the ditch. Mr. Glinge recommends the ditch be cleaned out before the project is started. Mr. Cultice informs the board that this is another ditch with low assessment and the funds are low in the watershed. Mr. Reese speaks up and states that the bids for this project will go out this winter and work will hopefully start this coming spring. They are working with a grant and the project will have to be completed by the end of next year. Mr. Clevenger asked if grant money would be able to extend helping maintain the area and the cost. Mr. Reese was unsure and would investigate it. Mr. Glinge is wondering if the parks department needs to come in and talk to the board. Mr. Clevenger recommends that they talk to them and come up with a new agreement, and have it drawn up. Mr. Overmyer addressed Mr. Cultice and asked him to go look at the area and see what it might take and how much it will take to clean the area up. Mr. Overmyer thought that maybe the parks department can help cover the cost, but with the way the area is now the board doesn't feel comfortable giving a 20-foot variance. Mr. Overmyer suggests that Mr. Reese comes back on October 21, 2024 to the Drainage Board meeting along with the park department to discuss their option. Mr. Clevenger will be in contact with the City Council attorney Mr. Jeff Houin.

MINUTES

Mr. Klotz motioned to approve the minutes from the August 19th meeting, seconded by Mr. Burroughs. Motion carried 3-0.

OTHER BUSINESS

Mr. Clevenger wanted to inform the board that Judge Bowen filed an order of recusal and transferred the Lake of the Woods conservancy case due to Judge having familiarity with a number of residents and to avoid the appearance of impropriety. The Lake of the Woods conservancy district is to be heard now in the Marshall County Circuit Court.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

With no further business to come before the board, **Mr. Burroughs motion to adjourn and seconded by Mr. Gingle. Motion passed 5-0.**

MARSHALL COUNTY DRAINAGE BOARD

Kevin Overmyer, President

Michael Burroughs, Vice-President

Stanley Klotz, Board Member

David Stults, Board Member

Randy Gingle, Board Member

Attest: _____

Angie Kibbe, Drainage Board Secretary