

MARSHALL COUNTY DRAINAGE BOARD

REGULAR MEETING

October 21, 2024

The Marshall County Drainage Board met for a regular meeting on October 21, 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 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

The board received bids from the following contractors and projects:

Emma Kuntz Reconstruction Project

Allsop Construction- \$5,900.00

Beaver Excavating- \$21,500.00

With the estimated cost of project to be \$25,000.00 **Mr. Burroughs motioned to take bids under advisement, seconded by Mr. Klotz. Motion carried 5-0.**

Redinger & Rohrbaugh

Allsop Construction- \$11,075.00

Beaver Excavating- \$15,190.00

Ingram Excavating- \$12,825.00

L.I. Excavating- \$15,607.50

Langfeldt Excavating- \$13,860.00

Mr. Glinge motioned, seconded by Mr. Stults to award bid to Allsop Construction. Motion carried 5-0.

Sherman Emmons

Allsop Construction- \$9,650.00

Beaver Excavating- \$10,200.00

Langfeldt Excavating- \$9,800.00

Ingram Excavating- \$13,000.00

Mr. Klotz motioned, seconded by Mr. Burroughs to award bid to Allsop Construction. Motion carried 5-0.

Elmer Seltenright

Allsop Construction- \$9,750.00

Beaver Excavating- \$9,800.00

L.I. Excavating- \$15,500.00

Langfeldt Excavating- \$17,290.00

Mr. Stults motioned, seconded by Mr. Burroughs to award bid to Allsop Construction. Motion carried 5-0.

DON GREEN PETITION FOR OBSTRUCTION OF PRIVATE MUTUAL DRAIN

In continuation from the September's Drainage Board meeting, all property owners involved in the petition per I.C. 36-9-27.4-12 were sent certified letters to appear before the board today. The Montgomery's were not able to attend the meeting today. Mrs. Montgomery of 12499 Olive Trail, called into the surveyors on October 3, 2024, and stated that they would not be able to attend the meeting and states they did have Chain of Lakes Excavating work on the pipe in the pond last year. Mr. Green of 8870 SR 17 comes before the board in pursuit of the mutual drain petition. Mr. Green believes his neighbors Calvin and Brenda Montgomery's Pond east of his property is causing flooding. Mr. Green believes the pipe in the pond needs to be lower. Mr. and Mrs. Binfet of 12501 Olive Trail. are the property owners to the east of the Montgomery's, they also came before the board today to inform the board they also have been having problems with water on the property. When they first moved to their property, they had some work done at their own expense to correct the water problem. Mr. Binfet states they still have problems and believe the pond is the root cause. Mr. Cultice does tell the board he talked to Mr. Montgomery, and he is willing to lower pipe if Mr. Green costs share the project. Mr. Green believes he shouldn't have to contribute monetarily to the cost of the project. Mr. Glinge asked Mr. Clevenger what options the County Drainage Board has in ruling on the matter. Mr. Clevenger states I.C. 36-9-27.4-15, the board can order directing the respondent to remove the obstruction at the expense of the respondent. The board looks to Mr. Cultice for his opinion and what he believes would be effective. Mr. Cultice states lowering the water level 1 foot might be beneficial. Mr. Overmyer asked Mr. Clevenger about sending a letter to the Montgomery's to lower the pipe, Mr. Clevenger agreed to send. **Mr. Klotz motioned that the board finds there is an obstruction and Mr. Clevenger is to send a letter to Mr. Montgomery ordering him to lower the pipe in the pond, seconded by Mr. Stults. Motion carried 5-0.**

GREENWAY TRAIL/ELMER SELTENRIGHT VARIANCE

Mr. Jeff Houin, Council Attorney for City of Plymouth and Mr. Mike Hite with the Plymouth's Park Department comes before the board regarding the amendment agreement on the Greenway Trail System to connect the Centennial Crossing residential housing development and Centennial Park to Price's Pond Memorial Park, including a bridge over the Elmer Seltenright ditch near the existing county bridge on Plymouth Goshen Trail agreement. **Mr. Burroughs motioned to accept the memorandum of understanding between the City of Plymouth, the Park Department, and Marshall County Drainage Board for the amendment to include Price's Pond Memorial Park. Seconded by Mr. Glinge, motion carried 5-0. Mr. Burroughs motioned, seconded by Mr. Glinge, that a 75-foot drainage easement with regard to which the Marshall County Drainage Board has responsibility and control.**

SCHUH DITCH-VARIANCE REQUEST

Rob McCellan, 564 Yellowstone Dr. comes before the board today on behalf of CMD. He is requesting a reduction in the maintenance easement from 75 feet to 18 feet from top of bank on Arrow Pest Control. They want to put in a driveway and parking lot along the south side of the Schuh Ditch. Mr. Cultice provided pictures and illustrations of the project. Mr. Glinge makes note that per the visual there is a lot of brush in the ditch. Mr. Overmyer asked if there were any plans for debrushing the Schuh Ditch, Mr. Cultice informs him there is nothing planned. Mr. Overmyer asked Mr. McCellan when he was planning on starting on the project, and his reply was in the next couple of months. The board member discussed the 18-foot variance request and did not think that was workable and after discussion the board settled on 20-feet. Mr. Cultice makes note that the ditch is shallow, and a 20-foot variance would be enough for maintenance work to be done on the ditch. Mr. Glinge would like to see a tree that is situated between the detention area and the ditch bank be taken out before project is started; Mr. Cultice agrees. **Mr. Burroughs motion to grant the 20-foot variance on the south bank of the Schuh Ditch, seconded by Mr. Stults. Motion carried 5-0.**

2025 MEETING SCHEDULE

Motion made by Mr. Glinge, seconded by Mr. Stults to approve 2025 Marshall County Drainage Board meetings as presented. Motion carried 5-0.

RECONSTRUCTION TRANSFER FUND

Discussion and review between the Surveyors' and Auditors' offices of the ditch ledger; certificate of assessment; 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 the project. The board is provided Statutes 36-9-27-85(d) and 36-9-27-73(b) (6) to support the request. **Mr. Klotz motioned to move \$618.62, \$590.92 to account (2700) Drainage Maintenance Fund and \$27.70 to the account (1158) General Drain Improvement fund. Seconded by Mr. Burroughs, motion carried 5-0.**

MAINTENANCE CONTRACTS

The board members sign the September 16, 2024, maintenance contracts for the Leo-Berger and the Gjemre.

MINUTES

Motion made by Mr. Burroughs, seconded by Mr. Glinge to approve September 16, 2024, minutes. Motion carried 5-0.

OTHER BUSINESS

Mr. Clevenger informs the board that Judge Sarber of Marshall County Superior Court III will be overseeing The Lake of the Woods Conservancy District, a status conference is scheduled for October 30, 2024, at 10:00am.

PUBLIC COMMENT

Mr. Allsop with Allsop Construction came up before the board to explain his bid. He believes with the lack of rain recently and the Emma Koontz being shallow he should be able to get in and clean out without any problems or extra work. He would like to get started on the job as soon as possible while it is so low. **Mr. Burroughs motioned; Mr. Klotz seconded to accept Allsop Construction bid for the Emma Kuntz reconstruction for \$5,900.00. Motion carried 5-0.**

Mr. Rick Keller, 3908 W Shore Dr. comes before the board to thank the board for the work that is going to be done on the Emma Kuntz ditch. Mr. Keller continues to inform the board that are two culverts on the northwest and southeast side of the Emma Kuntz ditch and with the end of the ditch so plug up due to settling silt, the two channels have started to back up. He would like the culverts to be cleaned out or removed to be added to the scope of work for the bid job. He believes that with the channels backing up, it is causing the

property value to decrease. Mr. Overmyer asked Mr. Cultice if the two culverts were part of the Emma Kuntz ditch, Mr. Cultice said they are not. Mr. Cultice asked Mr. Keller about the culverts and Mr. Keller said that he does not know much about them and wasn't sure if they are legal culverts. Mr. Overmyer states that they have just accepted the bid for the work to be done on the Emma Kuntz and the job description does not entail the two culverts. Mr. Overmyer recommends to wait and see what happens after the project is complete before discussing the work on the culverts.

ADJOURNMENT

With no further business to come before the board **Mr. Burroughs motioned, seconded by Mr. Glinge 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 Glinge, Board Member

Attest: _____

Angie Kibbe, Drainage Board Secretary