

**KOSCIUSKO COUNTY
DRAINAGE BOARD MEETING
APRIL 27, 2023**

PRESENT:

CARY GRONINGER – CHAIRMAN
JIM SCOTT – VICE CHAIRMAN
DENNIS DARR
JOE IRWIN
STEVE METZGER

ALSO, PRESENT:

MIKE KISSINGER – SURVEYOR
MARK MONTEL – DRAINAGE SUPERVISOR
KRISTA BAKER – DRAINAGE BOARD SECRETARY
AMY HURD – GIS TECHNICIAN

CARY GRONINGER – CHAIRMAN CALLED THE MEETING TO ORDER.

CLAIMS AND MINUTES:

STEVE METZGER MADE A MOTION TO ACCEPT THE CLAIMS AND MINUTES FROM MARCH AS PRESENTED SUBJECT TO ANY AND ALL AUDITS. DENNIS DARR SECONDED THE MOTION AND ALL WERE IN FAVOR.

VARIANCE – LEFFEL DRAIN – VANESSA YENTES:

KEY #018-025-170 – 408 W SHUTT AVE SILVER LAKE

KISSINGER TOLD THE BOARD THAT THIS DRAIN WAS LOCATED ON THE EAST SIDE OF SILVER LAKE AND IT IS AN OPEN DRAIN THAT RUNS ON THE SOUTH SIDE OF COURTLAND DRIVE. VANESSA YENTES CAME BEFORE THE BOARD REQUESTING A VARIANCE TO BUILD A 24X24 GARAGE ON HER PROPERTY. THE LANDOWNER IS REQUESTING TO BUILD 24 FEET 3 INCHES FROM THE TOP OF THE BANK. THERE IS A SEAWALL ALONG THE NORTH SIDE OF HER PROPERTY. KISSINGER TOLD THE BOARD THAT WE WOULD CLEAN FROM THE NORTH SIDE AND THE SPOIL WOULD HAVE TO BE HAULED AWAY. JIM SCOTT MADE A MOTION TO APPROVE THE VARIANCE AS REQUESTED. STEVE METZGER SECONDED THE MOTION AND ALL WERE IN FAVOR.

VARIANCE – DEEDS CREEK – CHILDRESS/SCHOLAR:

KEY #010-109-019.A - TOWER STREET PIERCETON

KISSINGER INFORMED THE BOARD THAT THIS VARIANCE IS REQUESTED FOR A PROPERTY ON THE WEST SIDE OF THE TOWN OF PIERCETON. THIS IS A TILE DRAIN. IT IS BELIEVED TO BE A 10 INCH TILE. SANDRA GREEN FROM GOEGLEIN HOMES/CALLAGHAN HOMES CAME BEFORE THE BOARD REPRESENTING THE HOMEOWNERS REQUESTING A 50 FOOT VARIANCE TO BUILD A HOME. JOE IRWIN MADE A MOTION TO APPROVE THE VARIANCE FOR 50 FEET. JIM SCOTT SECONDED THE MOTION AND ALL WERE IN FAVOR.

VARIANCE – ROBBINS MAGEE – ZACHARY FULTON:**013-168-009 - 3186 S ST RD 25 WARSAW**

KISSINGER INFORMED THE BOARD THAT THIS VARIANCE IS UNIQUE AS THERE IS AN EXISTING BUILDING THAT SITS RIGHT ON THE DITCH BANK THAT WAS BUILT SOMETIME BETWEEN 1978 – 1981. THE CURRENT LANDOWNER DID NOT OWN THE PROPERTY DURING THIS TIME. THERE IS A POND ON THE ADJOINING PROPERTY AND ACROSS THE DITCH THAT IS APPROXIMATELY 35 – 40 FEET FROM THE DITCH. MR. FULTON EXPLAINED TO THE BOARD THAT HE IS REQUESTING A VARIANCE TO ADD ON TO THE EXISTING BUILDING THAT IS ON THE BANK. HE WOULD LIKE TO CONNECT HIS NEW ADDITION TO THE EXISTING BUILDING.

KISSINGER INFORMED THE LANDOWNER THAT THERE IS A FLOOD PLAIN OR FLOODWAY IN THIS AREA. IT DOES NOT SHOW ON BEACON, HOWEVER, THE DNR HAS DESIGNATED WHAT THEY SAY IS A FLOOD ZONE ASSOCIATED WITH IT BUT THERE IS NO MAP TO SHOW IT. GRONINGER SAID THE LEGISLATION HAS BEEN POSTPONED FOR 2 YEARS ON A TOPIC CONCERNING DNR FLOOD PLAINS.

FULTON TOLD THE BOARD HE HAS PLANS TO RESIDE THE EXISTING BUILDING AND CLEAN IT UP AND ATTACH THE NEW STRUCTURE TO THE EXISTING ONE. KISSINGER INFORMED THE LANDOWNER THAT HE CANNOT INCREASE THE VALUE OF THE EXISTING STRUCTURE BY MORE THAN 50% IF IT IS IN A FLOOD PLAIN. IF IT IS IN A FLOOD WAY, KISSINGER BELIEVES THAT THE RULES ARE EVEN MORE RESTRICTIVE. AT THIS POINT, WE DO NOT KNOW IF THIS STRUCTURE IS IN A FLOOD PLAIN OR A FLOOD WAY.

KISSINGER WANTS HIMSELF AND THE LANDOWNER TO HAVE A CONVERSATION WITH MATT SANDY IN THE AREA PLAN COMMISSION TO GET ANSWERS TO THE ABOVE QUESTIONS. JOE IRWIN MADE A MOTION TO TABLE THE VARIANCE FOR ADDITIONAL INFORMATION FROM THE AREA PLAN COMMISSION. JIM SCOTT SECONDED THE MOTION AND ALL WERE IN FAVOR.

AFTER SOME ADDITIONAL DISCUSSION, JOE IRWIN MADE AN AMENDED MOTION TO APPROVE THE VARIANCE PER AREA PLAN COMMISSION CRITERIA (NO FLOOD PLAIN OR FLOOD WAY ISSUES) FOR THIS ADDITION. THIS IS A ONE TIME ONLY IMPROVEMENT VARIANCE AND THERE WILL BE NO ADDITIONAL ADD-ONS OR VARIANCES ALLOWED FOR THIS STRUCTURE. THE DRAINAGE BOARD WILL HOLD NO LIABILITY WITH THE CURRENT STRUCTURE ON THE DITCH BANK. JIM SCOTT SECONDED THE MOTION AND ALL WERE IN FAVOR. **THE VARIANCE WILL BE HELD IN THE OFFICE UNTIL AREA PLAN COMMISSION CRITERIA ARE MET AND THEN IT WILL BE RECORDED. MR. FULTON PAID THE \$25.00 RECORDING FEE. IT IS BEING HELD IN THE SURVEYOR'S OFFICE.**

BURKHOLDER DRAIN – JOINT BOARD:

KISSINGER INFORMED THE BOARD THAT KOSCIUSKO COUNTY NEEDS TO APPOINT 2 MEMBERS FROM THE DRAINAGE BOARD TO SERVE ON THE JOINT BOARD FOR THE BURKHOLDER DRAIN RECONSTRUCTION. ELKHART COUNTY WILL APPOINT 2 BOARD MEMBERS AND THE 5TH BOARD MEMBER WILL BE FROM AN ADJOINING COUNTY. THE FIRST MEETING WILL BE HELD IN JUNE OR JULY. CARY GRONINGER APPOINTED HIMSELF AND JOE IRWIN TO REPRESENT KOSCIUSKO COUNTY ON THE JOINT BOARD.

TURKEY CREEK – FELKNER ARM – JOINT BOARD:

KISSINGER INFORMED THE BOARD THAT KOSCIUSKO COUNTY NEEDS TO APPOINT 2 MEMBERS FROM THE DRAINAGE BOARD TO SERVE ON A JOINT BOARD FOR THE FELKNER ARM OF TURKEY CREEK WITH NOBLE COUNTY. CARY GRONINGER APPOINTED HIMSELF AND STEVE METZGER TO REPRESENT KOSCIUSKO COUNTY ON THE JOINT BOARD. NOBLE COUNTY WILL APPOINT 2 MEMBERS AND THE 5TH MEMBER WILL BE

FROM AN ADJOINING COUNTY. THIS IS EXPECTED TO BE ONLY 1 MEETING FOR THIS JOINT BOARD.

LEVI EATON RECONSTRUCTION DISCUSSION:

IN 1991 KRALIS BROTHERS RECEIVED A VIOLATION OF DISCHARGING FROM THEIR LAGOON INTO LEVI EATON DRAIN AND HAD TO REROUTE THE TILE AND NOT TAP INTO THE COUNTY TILE. THIS TILE IS 12 FEET DEEP IN SOME SPOTS AND THE TILE HAS COLLAPSED. THE MINUTES FROM 2007 WHEN WE FIRST DISCOVERED THAT IT HAD COLLAPSED SAID WE WOULD RECONSTRUCT THIS DRAIN. THIS DRAIN INADVERTANTLY DID NOT MAKE THE RECONSTRUCTION LIST. THE RECONSTRUCTION ESTIMATE IS \$45,000.00. KISSINGER ASKED THE BOARD IF THEY WANTED TO PROCEED WITH THE PREVIOUS BOARD'S RECOMMENDATION TO PLACE THIS ON THE RECONSTRUCTION LIST AND MOVE IT UP DUE TO THE FACT THAT IT WAS LEFT OFF. JOE IRWIN MADE A MOTION TO MOVE THIS RECONSTRUCTION UP THE LIST. JIM SCOTT SECONDED THE MOTION AND ALL WERE IN FAVOR.

LOUIE DAVIS – ALLEN RUPLE DRAIN DISCUSSION:

KISSINGER INFORMED THE BOARD THAT AS HE WAS OUT DRIVING LOOKING AT DRAINS, HE SAW SOME LANDOWNERS DEBRUSHING THE RUPLE DRAIN AND OFFERED THE COUNTIES HELP AS IT IS A COUNTY DRAIN. HE SAW LOUIE DAVIS WORKING ON HIS PART OF THE DRAIN AND KISSINGER ASKED HIM IF HE HAD INSURANCE. DAVIS SAID HE DID AND KISSINGER TOLD HIM WE SHOULD BE ABLE TO HELP FINANCIALLY. HE WOULD NEED TO GET A WORKMAN'S COMP WAIVER FROM THE STATE. DAVIS APPLIED FOR THE WORKMAN'S COMP WAIVER, HOWEVER AFTER TALKING TO DAVIS INSURANCE CARRIER, HE DID NOT HAVE THE LIABILITY REQUIRED BY THE DRAINAGE BOARD. THE WORK HAS ALREADY BEEN COMPLETED. JIM SCOTT SAID HE WOULD RATHER NOT SET THE PRECEDENT OF PAYING WITHOUT THE REQUIRED INSURANCE. KISSINGER ADMITTED HIS ERROR BY NOT CHECKING THE INSURANCE BEFORE OFFERING THE FINANCIAL HELP FROM THE COUNTY. GRONINGER TOLD KISSINGER THAT THIS CAN NOT HAPPEN IN THE FUTURE. HE NEEDS TO MAKE SURE THE INSURANCE IS CORRECT AS TO WHAT IS REQUIRED BY THE BOARD AND THE DOCUMENTS NEED TO BE IN THE OFFICE BEFORE PROCEEDING WITH THE LANDOWNER. DENNIS DARR SAID HE BELIEVES THE BOARD SHOULD HAVE THE SURVEYOR'S BACK AND PROCEED WITH PAYING THE LANDOWNER AND MADE A MOTION TO APPROVE THE CLAIM. JOE IRWIN SECONDED THE MOTION. CARY GRONINGER AND STEVE METZGER WERE IN FAVOR. JIM SCOTT VOTED AGAINST.

OTHER BUSINESS:

DANNER RECONSTRUCTION – STATE ROAD 19:

KISSINGER INFORMED THE BOARD THAT HE MET WITH THE STATE AND THEY WILL BE REPLACING THE CULVERT UNDER STATE ROAD 19 SOON. AS SOON AS THIS IS COMPLETED, THE SURVEYOR'S OFFICE WILL PROCEED WITH THE HEARING.

NEVIN McCONNELL – WETLAND DETERMINATION:

THE WETLAND WETLAND DETERMINATION COMPANY SHOULD BE STARTING THIS PROCESS SOON.

WELCH DRAIN – STATE ROAD 19:

JOE IRWIN AND DENNIS DARR TOLD THE BOARD THAT THEY WERE NOTIFIED BY A LANDOWNER AND CONTRACTOR ABOUT A PROBLEM ON THE WELCH DRAIN ALONG STATE ROAD 19. THEY WERE TOLD NOT TO DO ANY WORK UNTIL THEY TALK TO THE STATE. IRWIN QUESTIONED IF THE COUNTY OR STATE WOULD BE MAKING THE REPAIRS. KISSINGER INFORMED THE BOARD THAT THE STATE WOULD MAKE THE REPAIRS AS IT IS IN THEIR RIGHT OF WAY. HE ASKED WHY THE LANDOWNERS PAY A DRAINAGE ASSESSMENT FOR THIS PART OF THE DRAIN. KISSINGER TOLD THE BOARD AS LONG AS IT IS A COUNTY REGULATED DRAIN, WE HAVE THE AUTHORITY TO MAKE THE STATE DO THE REPAIRS IN THEIR RIGHT OF WAY AT THEIR EXPENSE, HOWEVER IT IS IN THEIR TIME FRAME.

ADJOURN:

BEING OF NO FURTHER BUSINESS, DENNIS DARR MADE A MOTION TO ADJOURN. STEVE METZGER SECONDED THE MOTION AND ALL WERE IN FAVOR.

CLAIMS:

4/11/2023

ARMEY	M KOLESIAK CONST	\$24620.00	2700
FUNK	L I EXCAVATING	\$577.50	2700
KEEFER EVANS	TIMBER VALLEY CLEARING	\$5062.50	2700
LECKRONE NELSON	GARY DANT	\$240.00	2700
LEFFEL	L I EXCAVATING	\$330.00	2700
McCLEARY GOCHENOUR	GARY DANT	\$210.00	2700
PETERSON	KLINE TRUCKING & EXC	\$4195.24	1158
PETERSON	SHANKSTER BROS	\$27.29	1158
PETERSON	TIMBER VALLEY CLEARING	\$405.00	1158
PETERSON	TIMBER VALLEY CLEARING	\$2632.50	1158
SLOAN ADAMS	GARY DANT	\$210.00	1158
SLOAN ADAMS	GARY DANT	\$540.00	1158
SWICK MEREDITH	TIMBER VALLEY CLEARING	\$2025.00	2700
SWICK MEREDITH	GARY DANT	\$120.00	2700
WALNUT CREEK	WERTENBERGER TILING	\$1698.26	2700
WYLAND	GARY DANT	\$300.00	2700
WYLAND	TIMBER VALLEY CLEARING	\$4302.50	2700
WYLAND	TIMBER VALLEY CLEARING	\$1467.50	2700
WYLAND	WARSAW WHOLESALE	\$446.22	2700

MAINTENANCE: \$41,399.48

GENERAL DRAIN: \$8,010.03

4/25/2023

DANNER	BEECHY EXCAVATING	\$8009.25	2700
DANNER	BEECHY EXCAVATING	\$2175.00	2700
DORSEY MILTON	TIMBER VALLEY CLEARING	\$657.50	1158
EATON LEVI	KLINE TRUCKING & EXC	\$1196.50	1158
FLEUGLE	M KOLESIAK CONST	\$747.00	2700
GAY EASTERDAY	DRAINAGE SOLUTIONS	\$2059.72	2700
GAY EASTERDAY	TIMBER VALLEY CLEARING	\$4687.50	2700
GAY EASTERDAY	GOOD EXCAVATING	\$1500.00	2700

GILLIAM WM	TIMBER VALLEY CLEARING	\$405.00	2700
GRAHAM	JJC EXCAVATING	\$10848.02	2700
GRAHAM	JJC EXCAVATING	\$13451.98	1158
HALL ISAAC	TIMBER VALLEY CLEARING	\$2480.00	2700
JONES AP	DONS EXCAVATING	\$6000.00	1158
KEEFER EVANS	TIMBER VALLEY CLEARING	\$1872.50	2700
KEEFER EVANS	TIMBER VALLEY CLEARING	\$607.50	2700
KOONTZ MARY	KLINE TRUCKING & EXC	\$1435.50	2700
KOONTZ MARY	M KOLESIAK CONST	\$2525.00	2700
KOONTZ MARY	L I EXCAVATING	\$3555.00	2700
NEFF OMAR PLAIN	DRAINAGE SOLUTIONS	\$188.89	2700
NEFF OMAR PLAIN	TIMBER VALLEY CLEARING	\$2480.00	2700
PETERSON	TIMBER VALLEY CLEARING	\$1245.00	1158
POLE RUN	M KOLESIAK CONST	\$957.00	2700
POLK GEORGE	TIMBER VALLEY CLEARING	\$450.00	2700
SHATTO CATTELL	TIMBER VALLEY CLEARING	\$450.00	1158
SHATTO CATTELL	TIMBER VALLEY CLEARING	\$1282.50	1158
SHATTO CATTELL	TIMBER VALLEY CLEARING	\$225.00	1158
SHILLING WM	TIMBER VALLEY CLEARING	\$675.00	2700
SHOEMAKER ISAAC	TIMBER VALLEY CLEARING	\$1822.50	1158
SILVEUS	TIMBER VALLEY CLEARING	\$1062.50	1158
SLOAN ADAMS	TIMBER VALLEY CLEARING	\$225.00	1158
SOLOMON SECHRIST	M KOLESIAK CONST	\$4675.00	2700
SWICK MEREDITH	TIMBER VALLEY CLEARING	\$900.00	2700
SWICK MEREDITH	TIMBER VALLEY CLEARING	\$405.00	2700
TEEGARDEN	KLINE TRUCKING & EXC	\$447.00	2700
TEEGARDEN	TIMBER VALLEY CLEARING	\$225.00	2700
WALNUT CREEK	TIMBER VALLEY CLEARING	\$675.00	2700
WALNUT CREEK	TIMBER VALLEY CLEARING	\$450.00	2700
WELCH JAMES	L I EXCAVATING	\$1873.87	2700
WELCH JAMES	L I EXCAVATING	\$566.13	1158
WELCH JAMES	L I EXCAVATING	\$2025.00	1158
WYLAND	TIMBER VALLEY CLEARING	\$225.00	2700

MAINTENANCE: \$57,533.75
GENERAL DRAIN: \$30,209.61

APRIL TOTALS:
MAINTENANCE: \$98,933.23
GENERAL DRAIN: \$38,219.64

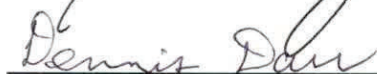
KOSCIUSKO COUNTY DRAINAGE BOARD




 Cary Groninger – Chairman



 Jim Scott – Vice Chairman



 Dennis Darr



 Steve Metzger



 Joe Irwin