

**St. Joseph County Drainage Board Meeting
July 12, 2021 – Room 732 County-City Building**

Public Hearing – Blooming Meadows Major Subdivision - Classification

The Public Hearing on the following subdivision, Blooming Meadows Major Subdivision, was called to order at 8:28 a.m. There was no one present to speak at the Public Hearing. A motion to close the public hearing was made by Mr. John Summers being seconded by Mr. John Linn and the motion carried.

A motion was made by Mr. John Summers to classify Blooming Meadows Major Subdivision as an Urban Drain being seconded by Mr. John Linn and the motion carried.

A motion to adjourn the Public Hearing was made by Mr. John Linn being seconded by Mr. John Summers and the motion carried.

St. Joseph County Drainage Board Meeting

The St. Joseph County Drainage Board Meeting was called to order by Mr. Thomas Schlarb at 8:30 a.m., with the following members present:

**Thomas Schlarb
Randall Matthys
John Summers
John Linn**

**Brandie Ecker, Attorney
Derek D. Dieter, Commissioner Representative
John R. McNamara, Ex-Officio Member
Karisa Buckwheat, Administrative Assistant**

APPROVAL OF June 7, 2021 MINUTES

Mr. Thomas Schlarb asked for approval of the June 7, 2021 minutes. Mr. John Linn made a motion to approve the minutes being seconded by Mr. John Summers and the motion carried.

PROPOSALS

There were no proposals for consideration.

SURVEYORS REPORT

A. Payment to Contractor

Mr. John Linn made a motion to pay the contractors being seconded by Commissioner Derek Dieter and the motion carried.

B. Change of Assessments

Mr. John McNamara let the Board know that this most often was just combining or splitting some properties. Mr. John Linn made a motion to approve the Change of Assessments being seconded by Mr. John Summers and the motion carried.

C. Ron Harper Claim – Update

Attorney Brandie Ecker recommended that the Board deny Mr. Harper's claim based on the review of the information submitted.

Mr. Randall Matthys made a motion to deny Mr. Harper's claim being seconded by Commissioner Derek Dieter and the motion carried.

(Video Position 6:33)

D. Pittman Ditch Meeting Date

The public meeting date was set for August 17, 2021 at 7:00 P.M. at the Wyatt Fire Station. Mr. McNamara will contact the representatives for Elkhart County and Marshall County to let them know the meeting date, time, and location.

(Video Position 8:56)

PRIVELEGE OF THE FLOOR

Clyde James, 64299 SR 331, South Bend, IN 46614

Mr. James came in to speak to the board about an illegal dam that was placed in front of the drainage tile near his property. Mr. James asked the board if there is anything they can do about the dam. John Law stated that it is a private tile that outlets into a County tile, but the 10-acre woods and Mr. James tile are private. Mr. John McNamara stated that we could have a public hearing to send a notice to the property owner stating that he needs to remove the dam, or we would remove it and put it on his taxes. Mr. Randall Matthys questioned whether the Drainage Board had any jurisdiction over a private ditch. Mr. John McNamara stated that they passed a law about 10 years ago that gives the Drainage Board the right to have a public hearing on a private situation, then the Drainage Board would determine whose fault it was and determine who is responsible for removing the dam. At that time if the dam is not removed the Drainage Board has the right to hire a contractor to remove it and then put that bill on the persons taxes. Mr. John Law stated that he looked at the issue and he can't see any other reason for the dam to be there except to prevent the tile from draining through the woods. Mr. McNamara also wanted to be sure that Mr. James knew that he didn't see anywhere in Senate Bill 336 where we can do anything about crop damage if he is looking for help in that area. Mr. John McNamara's recommendation to the Drainage Board would be that we take the steps necessary to have the public hearing according to Senate Bill 336. Mr. John McNamara stated that after a Public Hearing the Drainage Board would make one of two decisions.

One is it's the responsibility of the other resident to remove the obstruction or two it's the responsibility of the petitioner to remove the obstruction. Commissioner Dieter asked what the timetable is for doing the legal process. Mr. John McNamara stated that we would need to give 30-day notice to the resident of the Public Hearing. Mr. John McNamara stated that because we are already into July, we would not be able to have the Public Hearing in August we would have to schedule the Public Hearing for September 13. Mr. John McNamara recommends that we start that process now and, in the meantime, if the issue is resolved that's fine.

Mr. John Linn made a motion to schedule the Public Hearing for September 13, 2021 being seconded by Commissioner Dieter and the motion carried.

Appendix A: Packet from Clyde James outlining the issues with the dam.

(Video Position 10:30)

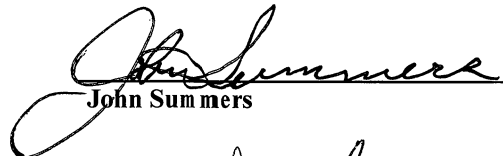
ADJOURNMENT

Mr. John Linn made a motion to adjourn the meeting at 9:00 a.m. being seconded by Mr. John Summers and the motion carried.

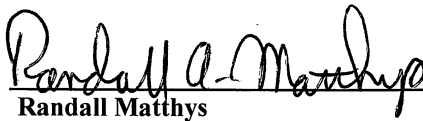
St. Joseph County Drainage Board



Tom Schlarb, President



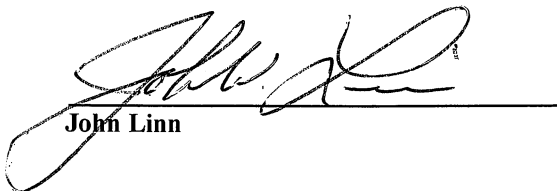
John Summers



Randall Matthys



Derek D. Dieter, County Commissioner



John Linn

Dated this 2 day of August 2021.