

MORGAN COUNTY DRAINAGE BOARD

*March 4, 2002
11:30 A.M.*

DRAINAGE BOARD MEMBERS PRESENT WERE TERRY BROCK (Surveyor), NORMAN VOYLES (Commissioner), JEFF QUYLE (Commissioner), AND JANICE BACON (Commissioner). ALSO PRESENT WAS PETE FOLEY, COUNTY ATTORNEY.

JEFF QUYLE MADE A MOTION TO APPROVE THE DRAINAGE BOARD AGENDA AS AMENDED. SECOND BY JANICE BACON. MOTION PASSED 3-0.

REVIEW INDIANA CODE FOR JURISDICTION OF DAMS AND DRAINAGE (BUFFER ZONES) (FOX RUN)

Pete Foley made reference to code section 36-9-27-2.5. He stated that the section regarding the dams (drainage law) states that a reference to a drain, drainage, or ditch is deemed to include a dam. However, there also are approximately 20 exceptions to the drainage law. Mr. Foley also mentioned that subsection b allows an owner to petition the drainage board to designate a dam as a regulated drain. This would allow the board to assume jurisdiction over that dam in the same manner that an owner may petition the board to assume jurisdiction over a mutual drain. A board does not otherwise have jurisdiction over a dam. A board may reconstruct or maintain a dam over which the board has assumed jurisdiction, but an agency may not construct a new dam. Per Mr. Foley that law allows someone to petition the drainage board to assume jurisdiction over a dam; however, it does not allow the board to assume jurisdiction on their own or unilaterally. Should the board have jurisdiction over a dam, it would be regulated as the other definitions of drains, drainage, or ditches noting the exceptions. Ms. Bacon asked if someone was to build a dam while building a pond, could the drainage board legislate something that requires the builder to seek drainage board approval. Per Mr. Brock, currently there is not a drainage ordinance; however, this is being addressed within the subdivision ordinance. Per Mr. Foley, outside of a subdivision, someone would have to petition that an existing dam be assumed by the board. There is not an ordinance at this time regarding new dam construction. Mr. Quyle questioned if the petitioner had to be the owner of the dam. Mr. Foley and Mr. Brock concluded that the owner of the dam had to be the one who petitioned the board, not an adjoining landowner. Mr. Brock added that DNR oversees any dam that is 20 feet or higher. Mr. Voyles asked if a fairly, new constructed dam should cause a drainage problem, then could the board get jurisdiction over the dam. Mr. Brock stated yes. Mr. Foley continued to say that to the extent that the dam is the source of the problem for an obstruction. Mr. Foley stated that the board could inform whoever had jurisdiction of the problem to fix it. Concerning the dam at Fox Run, the board has no jurisdiction per Mr. Brock as there was not a drainage problem, only a concern about the dam. Ms. Bacon stated that she is not giving up on this issue at this time.

SARTOR DITCH / HILDALE CEMETERY

Mr. Voyles stated that a caretaker at Hildale Cemetery was concerned due to erosion of one of the banks that could possibly expose some of the vaults. Mr. Voyles asked Mr. Brock to look into the issue. Mr. Brock stated that the creek is not running down the normal channel, which has caused erosion. He stated that something needs to be done regarding this issue. Mr. Quyle asked if the graves were located within 75 feet. Mr. Brock stated that the graves were within 75 feet and are on the easement. Mr. Brock recommended riprap the area to avoid further erosion and directed the ditch to the normal channel. Janice Bacon questioned how this would be funded. Mr. Brock stated that there is no drainage fund. Ms. Bacon stated that she had asked the council for \$15,000.00 in the budget; however, this funding was not approved. Mr. Voyles stated that the cemetery may be willing to pay for some of the riprap. Mr. Voyles stated that he would get in touch with Morgan County Soil and Water to get confirmation on the surveyor's recommendation. Ms. Bacon asked if any grant monies were available through soil and water. No one was aware of any grant assistance. Ms. Bacon suggested that perhaps the

drainage board should approach the county council with this matter. Mr. Voyles stated that he would check with the cemetery to see if they would have any monies to contribute.

GRAY ROAD

Per Terry Brock, the commissioners had asked him to survey Gray Road. He presented the commissioners with a mapping of that survey. Mr. Quyle stated that his interest in this road is safety as the traffic has increased in this area. There are some drainage concerns as well. Mr. Brock stated that with larger trucks using this road, it is imperative to make sure that the water drains away from the road.

REGIONAL SEWER DISTRICT

Present to discuss this issue was Don Koverman (Plan Director), Donna Chastain and Pam Fleener (Morgan Co. Health Dept.), a representative from Aquasource, representative from Kenna Consulting group, Laurie Christie, Dick Robertson and Dave Keiser (Beam, Longest, and Neff), a representative from American Consulting, and a few others. Dave Keister spoke about the possibility of establishing a regional sewer district. He as well as others spoke about the different ways that a district could be established and gave examples of other counties and the choices that they have made. The health department identified some problem areas in the county. There was a discussion about identifying 3 or 4 areas with the most need and potential health concerns. There was further discussion about funding and the process to obtain it (Department of Commerce grants and loans). A representative from RCAP was present and offered their assistance with this project. Mr. Keiser explained the process that the county must go through with IDEM.

ADJOURNMENT

Janice Bacon made a motion to adjourn. Seconded by Jeff Quyle. Motion carried 3-0.

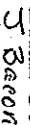
MORGAN COUNTY DRAINAGE BOARD

Terry Brock, Surveyor



Norman Voyles, Commissioner

Brian Goss, Commissioner



Jeff Quyle, Commissioner