

## **MORGAN COUNTY DRAINAGE BOARD**

***October 6, 2014***

***11:00 A.M.***

Drainage Board members present were: Norman Voyles, Don Adams, and Brian Goss. Also present were: Terry Brock (Surveyor), Brenda Adams (Auditor), Deb Verley (Administrative Assistant), and Pete Foley (County Attorney).

### **Crossing Permit**

Tim Warner requested permission to cross two drainage ditches in the Paragon area. Mr. Warner stated that several landowners access their property off of State Road 67 by crossing the railroad. The railroad says that none of these crossings are permitted. Further south, various property owners signed an easement that comes off of Paragon Road and cuts through several properties to give the owners legal access; however, the Jameson property does not have access. Jameson has asked Cartwright for an easement, but a legal drain, Blankenship Lateral, runs through the property. Mr. Warner stated that there are two concrete bridges with steel beams over the lateral and requested permission to cross the lateral. Pete Foley stated that the bridges are private structures and the Board could not allocate the repair costs between the parties. Terry Brock stated that he looked at the crossings and they are in good shape. Mr. Brock recommended that the request be approved. Mr. Brock stated that he wrote a letter approving the crossings and it states that at the time of any repair or replacement they must reapply. Brian Goss made a motion to grant permission to cross the Blankenship Lateral for both the Jameson property and Cartwright property. Motion seconded by Don Adams. Motion carried 3-0.

### **Ditch Assessment Review**

Pete Foley stated that Section 12(b) of the Drainage Board Statute states that if a member of the Board has "an interest in the proceedings because of ownership of real property affected by the drain, that member shall immediately disqualify himself from serving on the Board in those proceedings." "When membership of the Board is reduced to less than three due to disqualifications, the Board shall immediately certify that fact to the Circuit Court of the county. The Court shall then restore the membership of the Board to three by appointing the appropriate number of resident freeholders of the county to serve as special members for those particular Drainage proceedings. The special board member has the same duties and powers of a regular board member." Mr. Foley stated that before the Surveyor's preliminary report is approved, the special board member should be appointed because Norman Voyles owns property in the Hilldale Cemetery Ditch area and Don Adams owns property in the Sartor Ditch area. The board suggested that Bill Rumbaugh be recommend to the Circuit Court as an appointment to the Drainage Board. Mr. Foley will file the petition with the court.

Joe Miller, Banning Engineering, was present to review the legal drain assessments. Mr. Miller stated that they will not discuss Sartor or Hilldale Cemetery Ditch. The remaining ditches are: Butler Creek, L. Burkhart, MA Nutter, McNair, Thad Roberts, John C. Webb, Haase, Sedwick, and Robards. Mr. Miller stated that most of the ditches are open ditches and their crews inspected them for trees and sediment. After approving the Surveyor's Report and assessment roll, the Board will hold an informational meeting then will set public hearings. The assessments will be sent to all the landowners at least 15 days before the hearings. Norman Voyles stated that he was reluctant to assess drains that have the majority of the area outside the county. Mr. Miller stated that Robards, Haase, and Webb are in this category and recommended not assessing them since the cost will outweigh the benefit. Terry Brock stated that they are also looking into a section of Indian Creek, but the whole creek was not listed as a regulated drain. Some of the drains were established by the Circuit Court in the 1800s.

The recommended minimum assessment for each drain is \$10 and the amount per acre varies depending on the drain.

Butler Creek:	7,415 Acres	440 parcels	\$24,352.57	\$4.50 per acre
L. Burkhart:	7,634 "	710 parcels	26,095.90	3.00 "
M A Nutter:	1,221 "	2,000 parcels	21,401.50	2.00 "
McNair:	8,441 "	665 parcels	22,592.07	2.50 "
Thad Roberts:	786 "	225 parcels	4,763.00	4.00 "
Sedwick:	1,648 "	100 parcels	9,778.75	6.00 "

The Board discussed the time frame for the assessments. Brian Goss stated that he favored a \$2.00 per acre assessment. Don Adams made a motion to take the Surveyor's Report under advisement. Motion seconded by Brian Goss. Motion carried 3-0.

Norman Voyles stated that he would like to get some of the other counties involved in maintaining their portion of the ditch. Terry Brock stated that some of the other counties don't have drainage boards.

**Minutes**

Brian Goss made a motion to approve the May 3, 2014 minutes. Motion seconded by Don Adams. Motion carried 3-0.

**Storm Water Coordinator Update**

Bill Dials stated that a property south of Morgantown on State Road 135 has been sold to a neighbor and the new owner has been working with the Surveyor's Office to bring the property into compliance.

Mr. Dials stated that a rough draft of the revised Stormwater Ordinance is available for review. It will soon be ready for public comments so it can be in effect for January 1, 2015.

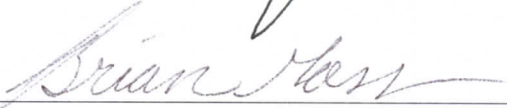
IDEM will soon be conducting audits for good housekeeping for county owned sites. Mr. Dials handed out a brochure to Sheriff's Department employees as part of the education outreach. He will be setting up a brochure for the Highway Department to use also.

**Adjournment**

Brian Goss made a motion to adjourn the meeting. Motion seconded by Don Adams. Motion carried 3-0.

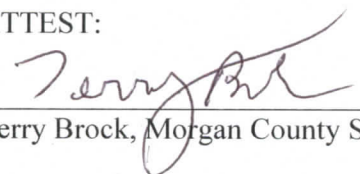
MORGAN COUNTY DRAINAGE BOARD

  
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Norman Voyles, Commissioner

  
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Brian Goss, Commissioner

  
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Don Adams, Commissioner

ATTEST:

  
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Terry Brock, Morgan County Surveyor