

**Hilldale Ditch Public Hearing**

**December 15, 2014**

**1:30 P.M.**

Pete Foley stated that when a Drainage Board member has an interest in property subject to the proposed assessment, they are disqualified from serving on the board as it considers that assessment. Per Indiana Code, the judge of the Circuit Court appoints a Special Member. Bill Rumbaugh was originally appointed to this position, but because he serves on the Morgan County BZA (Board of Zoning Appeals), he is not eligible to serve as a Special Member. This appointment has been revoked and Judy Rumbaugh has been appointed as the Special Member. Norman Voyles recused himself from the proceedings and Judy Rumbaugh took his place.

Brian Goss called the public hearing to order.

Pete Foley stated that Notice of the Surveyor's Report and Schedule of Assessments has been provided to each landowner by mail (mail date 11/8/14). Notice of the Public Hearing was published in the Martinsville Reporter Times and any landowner whose notice was returned was notified by publication on December 3, 2014. There were written objections filed with the Surveyor's Office in a timely manner from Wendy Conner, Robert M. Bolin Rev. Living Trust, James D Leonard and Eva K. Leonard Family Trust, and Benjamin W. & Sheila R. Rawlings. Mr. Foley stated that the Drainage Board would consider the assessments, which are proposed at \$2 per acre with a \$10 per parcel minimum and in order to establish the assessments, the Board must consider the benefits to each parcel and consider the following factors as set forth in 36-9-27-112: the watershed affected by the drain to be maintained, the number of acres in each tract, the total volume of water draining into or through the drain to be maintained, the amount of water contributed by each landowner, the land use, the increased value accruing to each tract of land from the maintenance, whether the various tracts are adjacent, upland, upstream, or downstream in relation to the main trunk of the drain, elimination or reduction of damage from floods, soil type and other factors that may affect the maintenance.

Joe Miller, Banning Engineering, presented a map showing the drain. The drain was originally constructed in 1891 within Washington and Jackson Townships. The drain discharges into Indian Creek and has part of the City of Martinsville in its watershed. It contains 3,248 acres and 660 parcels. The county has appropriated \$32,000 over the last few years to maintain the drain. The drain will be on a three-year spray program and 10-year dipping program. The drain is a little over one mile long. The total assessment collected will be \$10,996.22.

Mr. Goss asked if there were any public comments in favor of the petition. Norman Voyles stated that he and his family own several 100 acres that drain into the ditch and his assessment will be over \$1,000 per year but he sees the benefit of having a working drain.

Mr. Goss asked if there were any public comments in opposition of the petition. Robert Bolin stated that he owns property along Sand Creek that runs towards the ditch but the creek was there first. Mr. Bolin stated that they crossed Sand Creek when they built the ditch and caused the creek to drain into the ditch. Mr. Bolin stated that his property only drains into the end of the ditch and it isn't fair to assess him when the water goes to the creek and they don't maintain the creek. Mr. Bolin stated several times that Sand Creek was there first. Terry Brock stated that Mr. Bolin could petition the Board to make Sand Creek a legal drain. Joe Miller stated that the creek is in the watershed and ties into the drain so Mr. Bolin could petition the Board for reconstruction since the creek is an arm of the drain. Mr. Miller stated that the Board would need a 75 foot easement along the creek bank for maintenance.

Patty Martin asked if each person would know what the tax would be or if it would be a surprise. Mr. Brock stated that the assessment amount was on the letter she received. Ms. Martin stated that she owes 1.8 acres. Mr. Brock stated that her assessment would be \$10 per year. Ms. Martin asked who would be cleaning the ditch and how often. Mr. Foley stated that it would be subject to bid or quote. Mr. Miller stated that the drain would be on a three-year spraying and 10-year dipping schedule. Mr. Foley stated that the Surveyor is statutorily obligated to provide an annual report to the Drainage Board on each regulated drain. Ms. Martin asked why county employees weren't keeping the drains cleared. Mr. Goss stated that the Highway Department does work on ditches, but also do a lot of other work and are not able to do all the work that needs done. Mr. Foley stated that the assessment for the Hilldale Drain will be used for that drain and not a drain that is on the other end of the county. Ms. Martin asked if the rate could increase at any time. Mr. Foley stated that it could increase by 25% one time without a public hearing. Mr. Brock stated that once the fund reaches \$40,000 there will not be an assessment for that year.

Brian Goss asked if there were any rebuttals to the comments. Norman Voyles stated that he did not object to adding Sand Creek as a regulated drain, but it would take time to do that and they should proceed with the current assessment.

Terry Brock stated that two of the letters received objected to the assessment, one had multiple parcels and wanted to be assessed as one parcel, the other letter stated that there was no water running across the property.

Mr. Brock stated that Sand Creek is going into the regulated ditch and is benefiting from that.

Don Adams stated that if Sand Creek isn't maintained, they aren't doing a service to the citizens and he would be in support of the petition. Mr. Brock stated that his office would work with Mr. Bolin to expand the drain to include the creek.

Mr. Goss closed the public hearing.

Don Adams made a motion to approve the petition for Hilldale Drain. Motion seconded by Judy Rumbaugh. 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

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Judy Rumbaugh, Special Member

ATTEST:

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Terry Brock, Morgan County Surveyor



**MORGAN COUNTY DRAINAGE BOARD**

***December 15, 2014  
1:00 P.M.***

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

**2015 Schedule of Meetings**

Brian Goss made a motion to approve the 2015 Schedule of Meetings. Motion seconded by Don Adams. Motion carried 3-0.

**2015 Submission Schedule**

Don Adams made a motion to approve the 2015 Submission Schedule. Motion seconded by Brian Goss. Motion carried 3-0.

**Sedwick Ditch Public Hearing**

**Public Hearing - Sedwick**

Norman Voyles called the public hearing to order.

Pete Foley stated that Notice of the Surveyor's Report and Schedule of Assessments has been provided to each landowner by mail (mail date 11/8/14). Notice of the Public Hearing was published in the Martinsville Reporter Times and any landowner whose notice was returned was notified by publication on December 3, 2014. There were no timely written objections filed with the Surveyor's Office.

Joe Miller, Banning Engineering, presented a map showing the drain. It is in Jackson Township and outlets to Indian Creek. The drain is almost two miles long and contains approximately 100 parcels. Trees and beaver dams will be removed, the eroding banks will be addressed, and the drain will be on a 10-year dipping program. The annual cost is estimated to be \$9,778.75. The assessment is \$2 per acre with a \$10 minimum. The assessments total \$3,476.26. Pete Foley stated that the statute allows the board to consider the benefits to each parcel and to consider the following factors as set forth in 36-9-27-112: the watershed affected by the drain to be maintained, the number of acres in each tract, the total volume of water draining into or through the drain to be maintained, the amount of water contributed by each landowner, the land use, the increased value accruing to each tract of land from the maintenance, whether the various tracts are adjacent, upland, upstream, or downstream in relation to the main trunk of the drain, elimination or reduction of damage from floods, soil type and other factors that may affect the maintenance.

Norman Voyles asked if there were any public comments. There were none. Mr. Voyles closed the hearing.

Brian Goss made a motion to approve the petition for Sedwick Drain. 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

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Judy Rumbaugh, Special Member

ATTEST:

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Terry Brock, Morgan County Surveyor

**Nutter Ditch Public Hearing**  
**December 15, 2014**  
**2:30 P.M.**

**Public Hearing - Nutter**

Norman Voyles called the public hearing to order.

Pete Foley stated that Notice of the Surveyor's Report and Schedule of Assessments has been provided to each landowner by mail (mail date 11/14/14). Notice of the Public Hearing was published in the Martinsville Reporter Times and any landowner whose notice was returned was notified by publication on December 3, 2014. There was a written objection filed with the Surveyor's Office in a timely manner from Edwin Singer. Mr. Foley stated that the Drainage Board would consider the assessments, which are proposed at \$2 per acre with a \$10 per parcel minimum and in order to establish the assessments, the Board must consider the benefits to each parcel and consider the following factors as set forth in 36-9-27-112: the watershed affected by the drain to be maintained, the number of acres in each tract, the total volume of water draining into or through the drain to be maintained, the amount of water contributed by each landowner, the land use, the increased value accruing to each tract of land from the maintenance, whether the various tracts are adjacent, upland, upstream, or downstream in relation to the main trunk of the drain, elimination or reduction of damage from floods, soil type and other factors that may affect the maintenance.

Joe Miller, Banning Engineering, stated that M. A. Nutter Ditch was constructed in 1897 and outlets to a quarry pond. It is located in Washington Township and is over two miles long with 1,000 feet of tile or closed conduit. There are 2,080 parcels within the watershed and 1,221 acres. The ditch will be on a two-year spray program, 10-year dipping program, closed conduit repair on an annual basis, and beaver dam removal. There is an area of erosion along the railroad tracks that needs to be addressed soon. The total assessment proposed is \$21,884.52. The Surveyor's Office has spent \$69,000 on the drain in the last few years.

Norman Voyles asked if there were any comments in favor of the petition. Larry Thacker stated that he didn't know if he was in favor of it and asked if the water was from street sewers. Terry Brock stated that Martinsville's stormwater system runs into the ditch. Mr. Thacker stated that he did not have a storm sewer where he lived and he did not mind paying \$10 annually, but he doesn't want to pay for something he doesn't have. Mr. Brock explained that if there isn't a storm sewer, then the water sheets off and flows to the ditch. Pete Foley stated that the Board only has jurisdiction to clean, maintain, and construct the regulated drain. The watershed area is larger than just what is adjacent to the regulated drain. The Board does not have authority over the city's stormwater drains.

Norman Voyles asked if there were any comments in opposition to the petition. There were none.

Norman Voyles closed the public hearing.

Brian Goss stated that people need to understand that the county has already spent a lot of money on the ditches, and it doesn't make any difference if they have property at the beginning, middle, or end of the ditch, they benefit from the ditch. Don Adams stated that it is a user fee. Norman Voyles stated that this fee will not go to repay funds that have already been spent; it is for future maintenance.

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

**Adjournment**

Don Adams made a motion to adjourn the meeting. Motion seconded by Brian Goss. 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

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Judy Rumbaugh



**Sartor Ditch Public Hearing**

**December 15, 2014**

**2:00 P.M.**

**Public Hearing – Sartor**

Pete Foley stated that Don Adams owned property in the Sartor Regulated Drainage area that would be affected by the proposed assessment and Judy Rumbaugh will be sitting in for Mr. Adams. Don Adams recused himself from the proceedings and Judy Rumbaugh, who was appointed by the judge of the Circuit Court as the Special Member, took his place.

Norman Voyles called the public hearing to order.

Pete Foley stated that Notice of the Surveyor's Report and Schedule of Assessments has been provided to each landowner by mail (mail date 11/14/14). Notice of the Public Hearing was published in the Martinsville Reporter Times and any landowner whose notice was returned was notified by publication on December 3, 2014. There were written objections filed with the Surveyor's Office in a timely manner from Benjamin C. McCartney, Robert Chastain, Sheila Sparks, and Daniel T. Riffle. Mr. Foley stated that the Drainage Board would consider the assessments, which are proposed at \$2 per acre with a \$10 per parcel minimum and in order to establish the assessments, the Board must consider the benefits to each parcel and consider the following factors as set forth in 36-9-27-112: the watershed affected by the drain to be maintained, the number of acres in each tract, the total volume of water draining into or through the drain to be maintained, the amount of water contributed by each landowner, the land use, the increased value accruing to each tract of land from the maintenance, whether the various tracts are adjacent, upland, upstream, or downstream in relation to the main trunk of the drain, elimination or reduction of damage from floods, soil type and other factors that may affect the maintenance.

Joe Miller, Banning Engineering, stated that Sartor Ditch was completed in 1930. It is 2-3/4 miles long and runs through the City of Martinsville. It outlets to Indian Creek and contains 1,763 acres and 2,110 parcels. The ditch needs to be sprayed every three years and dipped every 10 years. There is an issue with trash accumulation in the ditch and the assessment includes an allowance for this. Tree clearing has not been completed yet and this is also included. The Surveyor's Office has spent \$95,000 on the drain since 2003. The assessments total \$22,639.40.

Norman Voyles asked if there were any comments in favor of the petition. An unidentified person asked when work would start on the ditch. Terry Brock stated that they have done some work and will do more work next year. The unidentified person stated that bridges were installed over budget and rocks were put in the water. Mr. Brock stated that the bridges were a city project and there is a rock dam in the center of the ditch that will be removed. Mr. Brock stated that they have a terrible time keeping trash out of the ditch. They plan to remove the trees and mow and stabilize the banks, although it will not be maintained to landscape standards.

Mr. Voyles asked if there were any comments in opposition to the petition. There were none.

Terry Brock stated that one letter commented on having multiple parcels, one letter was hand delivered and objected to being charged \$10 per month. When Mr. Brock explained that it is \$10 per year, they said they didn't care. Another letter was concerned about the stormwater assessments from the City of Martinsville and surface drainage.

Mr. Voyles closed the public hearing.

Brian Goss made a motion to approve the Sartor Ditch petition. Motion seconded by Judy Rumbaugh. Motion carried 3-0.

MORGAN COUNTY DRAINAGE BOARD


  
Norman Voyles, Commissioner

  
Brian Goss, Commissioner

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Don Adams, Commissioner

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Judy Rumbaugh, Special Member

ATTEST:

  
Terry Brock, Morgan County Surveyor