

MORGAN COUNTY DRAINAGE BOARD

April 7, 2008

11:40 A.M.

DRAINAGE BOARD MEMBERS PRESENT WERE: NORMAN VOYLES (Commissioner), JEFF QUYLE (Commissioner), BRIAN GOSS (Commissioner), and PETE FOLEY (County Attorney). TERRY BROCK (Surveyor) WAS ABSENT.

PETITION FOR REMOVAL OF OBSTRUCTION

Bette Conway stated that they have had a lot of enforcement issues this past month in addition to a flu bug that has affected many employees in the office.

Tim Rodgers stated that there is a footbridge with a center support across a drainage ditch, debris coming down stream catches on the support and causes a stoppage. Water then flows over the bank, over the driveway, and onto Bill Peeden's property. Mr. Rodgers stated that they have notified the responsible party verbally and have prepared a written notice stating that if the situation isn't taken care of that they will follow full procedure and they will need to appear before the Drainage Board.

MINERAL EXTRACTION UPDATE

Mr. Rodgers stated that Hydraulic Press Brick has submitted both their stormwater and reclamation plan. Mr. Rodgers stated that Surveyor's office staff would need to develop a procedure for the Commissioners to approve a mining permit. When the parties involved come to terms on the requirements of the reclamation plan, a permit will need to be issued and the ordinance does not say how the permit will be issued.

Starlite Leasing notified the office on Friday that they will begin to stage equipment. They do not have a mining permit and will not be able to begin any mining activity. They have the erosion control permit and will be able to build privacy mounds.

Mr. Rodgers stated that while he has enjoyed his time working for the county, for personal reasons he must look for full time employment. Mr. Rodgers stated that he would do his best not to leave any loose ends.

STORMWATER COORDINATOR UPDATE

Bette Conway stated that she would be sorry to see Mr. Rodgers leave. As more sites are added to the county, it becomes increasingly difficult to manage all of them.

Included in the past month's activities were four site reviews, one of them for Hydraulic Press Brick. The engineering portion of the review is complete and was sent to their consultant, they are still working on the stormwater portion of the plan. Other sites visited were Morgan Johnson Campground, Morgan County Rural Water, and Walter's First subdivision. Mr. Conway stated that there were some erosion issues on the Martinsville First United Methodist Church site and this has been addressed. Ms. Conway stated that several pending stop work orders have been issued due to drainage problems heavy rainfall created. Some of these orders were issued to Walter's First, Oak Hills, and Sand Creek Knoll.

Ms. Conway stated that they have looked into purchasing software to help implement Rule 13 activities. The software could be used by the Highway Engineer or the Soil and Water District to track day-to-day work (such as cleaning a ditch) and at the end of the year it will prepare a report that the Surveyor's Office is required to submit to the state. Ms. Conway stated that this program could help facilitate the submission of documents online and reduce paper storage.

Ms. Conway stated that the Upper White River Watershed is offering implementation and/or completion of two of the six minimum control measures (public education and outreach and public involvement and participation) that are required for the Rule 13 permit.

MINUTES

Jeff Quyle made a motion to approve the February 4, 2008 minutes. Seconded by Brian Goss. Motion carried 3-0.

SAND CREEK KNOLL

Linda Ragsdale was present to comment on issues at Sand Creek Knoll. Ms. Ragsdale stated that she has looked through books and maps that state that the Sand Creek Knoll should not have been

permitted. There is a creek that is 1-1/2 feet deep, hills are sliding off and there are washouts around the drains. Ms. Ragsdale stated that the creek is silted full and it is headed towards her parents' property. Norman Voyles stated that the Board is aware of her concerns and they will do their best to address those concerns. Ms. Ragsdale stated that it cannot be made right and the ground should not have been disturbed. Ms. Ragsdale read a section of a book regarding soils that develop on sandstone, the color of the topsoil and what crops can be grown. Ms. Ragsdale stated that the Board has created a mess for someone else to clean up. Ms. Ragsdale stated that kids are playing on 4-wheelers on the Sand Creek Knoll property. Ms. Ragsdale also read sections of Indiana Code regarding sediment and runoff.

Janet Wilson stated that she had not received a response to a letter that she sent in January nor to a copy of the letter she sent in March. Ms. Wilson stated that she asked questions in the letter that were not answered. Ms. Wilson asked who is responsible for making a decision as to what would be done with this situation. Pete Foley stated that the Stormwater Maintenance Ordinance is under the authority of the Drainage Board. Mr. Foley stated that to the extent that there are specific complaints against a developer, they have a permit for drainage and the Surveyor's Office is charged with the authority to administer that permit, address any complaints, and make sure there is compliance. If there are specific complaints, it should be directed to the Surveyor's Office so they can investigate and make an administrative determination whether there is a violation of the permit or not and if there is an enforcement action to be taken at the Board level, the applicant or permit owner may appeal that. Mr. Foley stated that if Ms. Wilson and Ms. Ragsdale are asking why the permit was approved in the first place, then he would not be able to answer that question because that decision has already been made. The owner is vested in the property and the time has passed to request that the decision be rescinded. Mr. Foley stated that the Board could relay permit requirements or ordinance requirements, but could not issue an advisory opinion.

Bette Conway stated that the first sentence in the letter states: "This letter will serve as written notice in the future should problems arise." Ms. Conway stated that when the Surveyor's Office received the letter, they noted the concerns, but not understand that a written response was ^{hand} requested. Ms. Conway stated that she would be happy to answer the questions. Norman Voyles stated that Ms. Conway is now aware of Ms. Wilson's request and will address it as her work schedule permits. Ms. Wilson stated that she was taping the conversation and her concern is that just like Dave DeRossett's concerns in 1997, her concerns will be funneled into a bucket. Ms. Wilson again complained that her letter was not answered and stated that she would be waiting on a written statement.

ADJOURNMENT

Brian Goss made a motion to adjourn the Drainage Board and Commissioner meeting. Seconded by Jeff Quyle. Motion carried 3-0.

MORGAN COUNTY DRAINAGE BOARD

Terry Brock, Surveyor

Norman Voyles, Commissioner

Jeff Quyle, Commissioner

Brian Goss, Commissioner

ATTEST:

Brenda Adams
Brenda Adams, Morgan County Auditor