

MORGAN COUNTY DRAINAGE BOARD

*September 4, 2009  
10:53 A.M.*

DRAINAGE BOARD MEMBERS PRESENT WERE: NORMAN VOYLES (Commissioner), BRIAN GOSS (Commissioner), DON ADAMS (Commissioner), TERRY BROCK (Surveyor), and PETE FOLEY (County Attorney).

HUNT'S MINOR PLAT

Ross Holloway, Holloway Surveying, was present to request approval of a drainage plan for Hunt's Minor Plat off of Spring Lake Road in Madison Township. The plat consists of six lots on 48 acres. The smallest lot is 3 acres and the largest lot is 15 acres. Mr. Holloway stated that most of the lots already have some improvements and the road is an existing road. Terry Brock, Morgan County Surveyor, stated that his office has reviewed the plans and they ask only that they submit an individual sediment control plan for each lot prior to any land disturbance. Don Adams made a motion to approve the drainage plan for the Hunt's Minor Plat. Seconded by Brian Goss. Motion carried 3-0.

STORMWATER DISCHARGE – Zepher Express

Normal Voyles stated that an engineering firm (Hydrotech) has requested permission to discharge stormwater from the Zepher Express gas station into the retention pond west of the jail. Terry Brock stated that DLZ designed the retention pond and made it larger with a jail expansion in mind, but they are expanding the jail at this time and he felt that the engineering firm should submit calculations so they would know if the pond would handle the Zepher Express runoff as well as the increased runoff from the jail after the expansion. Mr. Brock stated that they would have to bore under the highway in order to reach the pond.

OBSTRUCTION REMOVAL PETITION

Terry Brock stated that Mr. and Mrs. Leon Chastain filed an obstruction removal petition with the Surveyor's Office against Mr. Dan Parker. Mr. Brock stated that his office has investigated the petition and presented a letter with his findings. The letter states the following: 1.) This is a natural surface watercourse, 2.) The watercourse has an obstruction, 3.) The obstruction was created intentionally, 4.) The removal of the obstruction would promote better drainage of the petitioner's land but may cause unreasonable damage to the land of the respondents. Mr. Brock stated that the obstruction is a driveway.

Pete Foley disclosed that Mr. Parker was a client on an unrelated matter and felt that this issue would be a conflict of interest.

Mr. Chastain stated that it took three days for their side of the property to drain after the June 2008 rains, but it only took Mr. Parker's side 2 hours. Mr. Chastain stated that there are pictures showing this. Mr. Chastain stated that Mr. Parker does not follow regulations and did not get a septic permit, has blocked drains, and did not obtain a building permit for a new building until after the fact. The Board looked at photographs of the area and asked about the water flow.

Mr. Parker stated that there is a 5" pipe that comes out of a catch basin and that eventually enters into a 12" field tile. Mr. Brock stated that it does not handle a heavy rain and showed photos from a 2" rain event in May of 2009. Mr. Parker showed a 1985 picture and stated that he realized it was a problem, but it is a problem before it gets to the driveway.

Bill Dials, Stormwater Coordinator, stated that he made a site visit and took photos, he then met with both parties to try to resolve the issue before it came to the Drainage Board. Mr. Parker suggested that he could install an 8" tile on his property from the catch basin back to his pond. Mr. Brock stated that it would be an emergency overflow, if the catch basin couldn't handle the water, it would kick it out through the 8" pipe instead of backing up. Mr. Dials stated that if the correct elevation is used, this could be feasible. Mr. Parker stated that his first suggestion was to perform the work that he felt needed done where the water goes in different directions and he offered to pay for this. Mr. Chastain chose not to do this and asked why he wouldn't put a pipe under the drive. Mr. Parker stated that he did not want this type of water running through a 30-acre field and he was concerned about soil erosion. Due to a change in the use of the property, the swale has changed contours. Mr. Brock stated that re-working the swale would be between the two parties as this is out of the Board's jurisdiction. Mr. Chastain stated that he could not put his horses out as much as he liked because the ground isn't draining and it's usually too wet.

Mr. Brock stated that the Board needs to determine if they agree with his findings that it is a natural surface watercourse, that it is obstructed, that it was intentional, that removal of the obstruction was intentional, and if removal of the obstruction would better the drainage on the petitioner or if it would

cause unreasonable damage to the respondents. Norman Voyles asked if the issue could be resolved without removal of the obstruction. Mr. Brock stated that that would be acceptable.

Mr. Voyles asked if Mr. Chastain had a different solution. Mr. Chastain stated that the only thing he thought could be done would be to put a culvert under the driveway. Discussion followed. Mr. Chastain stated that he was under the impression that he would have to pay part of the cost for the pipe going back to the pond. Mr. Brock stated that Mr. Parker would have to pay the cost. Mr. Chastain stated that he would agree to the installation of the 8" drain if he did not have to pay for part of it. Mr. DiAls stated that the cost would be split if the Board had found that the obstruction was not intentional.

Brian Goss stated that if Mr. Parker and Mr. Chastain could not work out an agreement concerning re-working the swale or installing the 8" drain and the costs involved, then a pipe should be installed under the driveway. Mr. Voyles asked if Mr. Parker was willing to install the 8" pipe at his expense. Mr. Parker stated that he was. Mr. Chastain stated that he would be agreeable to that if the Surveyor's Office would make sure that the proper drop was used. Mr. Brock stated that he would give this information to Mr. Parker. Mr. Foley stated that the Surveyor's Office could not warranty the work, but it is their opinion that using certain calculations, it should work to alleviate the problem. Mr. Voyles asked if the 5" pipe had been checked for obstructions. Mr. Parker stated that Rockies Express had damaged several of his pipes when cutting across his property, and he is in the process of checking them now, but there is water flow.

Brian Goss made a motion to table the issue and asked that Mr. Chastain give the water time to dissipate before taking pictures. Mr. Brock stated that they would inspect it after a rain event. Seconded by Don Adams. Motion carried 3-0.

#### MINUTES

Don Adams made a motion to approve the minutes of the October 6, 2008; December 15, 2008; January 5, 2009; and July 6, 2009 meetings. Seconded by Brian Goss. Motion carried 3-0.

#### STORMWATER COORDINATOR REPORT

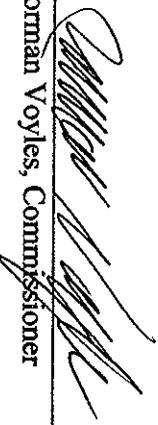
Mr. DiAls stated that there are three or four drainage plans that are currently being reviewed; some of them are small two or three acre disturbances. DNR declassified the dam at the Hunt Minor Plat. Mr. Hunt has procedures in plans in case of a dam failure, these plans are on file in the Planning Commission Office. Beneficial Reuse has requested the use of a coal product in a fill site north of Martinsville on Blue Bluff. This falls within the five-year wellhead protection area for Martinsville. The Surveyor's Office contacted the city engineer and he requested that the request be denied. Saturday, September 12 will be the White River clean-up project.

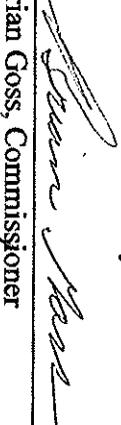
Don Adams stated that there is an area on Mann Road where there is a drainage issue and asked if there is any money in the Surveyor budget to help with the expense of fixing the problem. Mr. Brock stated that he would investigate. Mr. Brock stated that he looked at an issue on Turner Road and did not think there was anything they could do.

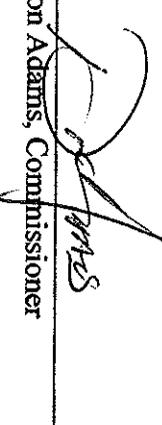
#### ADJOURNMENT

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

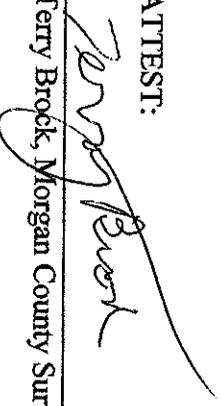
#### MORGAN COUNTY DRAINAGE BOARD

  
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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