

MORGAN COUNTY DRAINAGE BOARD

*November 7, 2005
11:00 A.M.*

DRAINAGE BOARD MEMBERS PRESENT WERE: NORMAN VOYLES (Commissioner), JEFF QUYLE (Commissioner), and BRIAN GOSS (Commissioner). TERRY BROCK (Surveyor) was absent.

DRAINAGE COMPLAINT *(Skaggs/Etter)*

Terry Brock was unable to attend the meeting and submitted a letter with his findings and recommendations. Norman Voyles stated that this issue has previously been before the Board in October and he had asked the Soil and Water Conservation District to look into the problem. Wade Amos, Sharon Hall, and Mike Broadstreet looked into the issue. Mr. Broadstreet suggested a breather pipe. Design and construction guidelines were sent to Mr. Etter on October 7th. Sharon Hall contacted Mr. Etter on October 21 to check if the pipe had been installed. At that time Mr. Etter stated that he did not intend to do any work on the pipe until he had talked to his attorney. Commissioner Goss had stated in the October meeting that if they could not come to an agreement, the obstruction should be removed. Mr. Brock stated in his letter "It seems Mr. Etter is not willing to work to solve the problem he caused. We have given Mr. Etter more than enough time to resolve this problem." Mr. Brock recommended the Board make the following findings:

1. This is a natural surface watercourse. (IC 36-9-27.4-3)
2. The natural surface watercourse has been obstructed. (IC 36-9-27.4-4)
3. The obstruction significantly impedes the flow in the natural surface watercourse. (IC 36-9-27.4-4)
4. Mr. Etter has intentionally obstructed the watercourse. (IC 36-9-27-4-15)

Pete Foley, County Attorney, stated that the Board could send an order to Mr. Etter based on the findings, giving him a set amount of time to do the remedial work necessary. If he fails to do so after that time, then the Board could spend its resources to do the work and bill Mr. Etter. Mr. Brock presented these findings at the October meeting and the Board tabled the issue. Brian Goss made a motion to adopt the findings. Seconded by Jeff Quyle. Motion carried 3-0.

Brian Goss made a motion to send an order to Mr. Etter requiring him to remove the obstruction within 30 days; if he doesn't remove the obstruction, the county will do it and he will be billed. Seconded by Jeff Quyle. Mr. Foley stated that the order would state that if he does not remove the obstruction within the time stated the Board would do it themselves and assess him the cost. Motion carried 3-0.

CREEK MAINTENANCE REQUEST

Pete Foley stated that he received a call from a gentleman wanting to make a driveway access and in doing so would need a structure over a creek. As part of the application to the Indiana Department of Natural Resources, they are requiring a commitment by the county to perpetually maintain the channel in the event that the owner failed to do so. Mr. Foley stated that he talked with a representative from the DNR who stated that they have had this type of situation in the past involving economic development growth; an entry to a plant, large shopping center, etc. Mr. Foley stated that this case would be for the benefit of one landowner and recommended that the county not take on this liability. Jeff Quyle made a motion that Morgan County not accept responsibility for maintenance of the creek for this driveway project. Seconded by Brian Goss. Motion carried 3-0.

INCIDENT CLAIM

Brian Goss stated that he inspected the site and met with the claimant regarding this incident claim. When the bridge over Sycamore Creek on Gordon Road was redone, it caused some of his property to erode. The contractor used small riprap rather than the large and the riprap was washed into the creek bed. Mr. Chattin hired a contractor to repair the damage and has submitted a claim for the cost. Mr. Goss stated that the work on the bridge was completed in 1997 and he didn't feel that the county should be liable for the damages eight years later. If there were any liability, it should have been with the contractor shortly after construction. Mr. Goss stated that the creek flows fairly straight after it crosses the road, then makes a bend behind Mr. Chattin's property and tees into the neighbors' property. Mr. Goss stated that it looks like neighbor's property came down into the creek and created a swirl. Mr. Chattin is asking for a reimbursement of \$400.00. Mr. Goss stated that if Mr. Chattin had contacted the county before the work was done, then the site could have been inspected to see if the original riprap had shifted. If the county was liable they could have corrected it themselves. Brian Goss made a motion to deny the claim. Seconded by Norman Voyles. Motion carried 3-0.

WALNUT HILLS ESTATES - Larrison

According to Mr. Brock's report, Christopher Burke is reviewing the project and as of 9 a.m. Friday, Mr. Brock has not received approval on this project. Brian Goss made a motion to table the issue. Seconded by Jeff Quyle. Motion carried 3-0.

STORAGE SOLUTIONS (Franklin Engineering Company)

Terry Brock recommended that this drainage plan be approved. There is one comment left to address and final approval could be granted when all conditions have been met. Brian Goss made a motion to grant Terry Brock permission to grant final approval when all conditions have been met. Seconded by Jeff Quyle. Motion carried 3-0.

OAK HILLS SUBDIVISION

Terry Brock recommended that preliminary approval for this subdivision be granted. As soon as the remaining comments have been answered they will request final approval. Brian Goss made a motion to grant preliminary approval. Seconded by Jeff Quyle. Motion carried 3-0.

MEETING AND SUBMISSION SCHEDULES

Brian Goss made a motion to approve the meeting and submission schedules as presented. Seconded by Jeff Quyle. Motion carried 3-0.

MINUTES

Brian Goss made a motion to approve the July 5, September 2, and October 3, 2005 minutes as presented. Seconded by Jeff Quyle. Motion carried 3-0.

TOWN OF BROOKLYN INTERLOCAL AGREEMENT

Jeff Quyle stated that the interlocal agreement between the county and the Town of Brooklyn regarding the management and regulation of surface water has not been finalized and asked that Pete Foley and Deb Chatten research the issue. Sharon Hall, Stormwater Coordinator, stated that after she spoke to Charlene with the Town of Brooklyn, she did some research and the only thing in question is the illicit discharge detection and elimination. Sharon will have more information at the December meeting.

LETTERMAN ROAD

Brian Goss asked if any permits had been issued for an area on Letterman Road where a driveway had recently been cut. Mr. Goss stated that he had received some complaints regarding drainage in the area. Ms. Hall stated that she would check into it and report back.

ADJOURNMENT

Brian Goss made a motion to adjourn. 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, Morgan County Auditor