

**MORGAN COUNTY DRAINAGE BOARD**

*October 3, 2005  
11:00 A.M.*

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

**CRONE DITCH**

Terry Brock stated that Crone Ditch is in the final stages. They are doing the final grade and seeding, it will be done by the end of the week.

**WALNUT HILLS ESTATES - Larrison**

Kevin Allen, Encompass Engineering, stated that they are preparing the development plans for this subdivision on Blue Bluff Road. Encompass Engineering has received the comments from Christopher Burke Engineering regarding the drainage design and computations and have responded to the comments. Terry Brock stated that this is a development in the buffer zone and the final review and comments are not back yet. Mr. Brock recommended that the issue be tabled. Jeff Quyle made a motion to table this item. Seconded by Brian Goss. Motion carried 3-0.

**OAK HILLS SUBDIVISION / STORAGE SOLUTIONS - Santa Road/Holloway**

Terry Brock stated that both Oak Hills and Storage Solutions requested that their items be tabled because the comments are back but have not been reviewed. Jeff Quyle made a motion to table. Seconded by Brian Goss. Motion carried 3-0.

**DRAINAGE COMPLAINT UPDATE - Skaggs/Etter**

Terry Brock presented a letter to the Board that stated his findings from a complaint that was heard at the July Drainage Board Meeting. Mr. Brock stated that at that time, it was decided to set up an onsite meeting with all parties involved; however, the issue could not be resolved at that meeting. Mr. Brock stated his findings as follows: It is a natural surface watercourse. (IC 36-9-27.4-3) The watercourse has been obstructed. The obstruction significantly impedes the flow in the natural surface watercourse. Mr. Etter has said several times he intentionally obstructed the watercourse. Pete Foley, Morgan County Attorney, stated that if the Board finds that the obstruction of a drain exists and the removal of the obstruction will promote better drainage on the petitioner's land and not cause unreasonable damage to the land of the respondents, the Board shall find for the petitioner. If after a hearing, the Board is unable to make findings, as just set forth, the petitioner may be denied. If the obstruction was created intentionally, an order directing the respondent to remove the obstruction at their own expense shall be issued, or the County Surveyor will remove the obstruction at the expense of the respondents. Mr. Foley stated that the first task is to consider the initial findings to get to a remedy.

Leslie Skaggs, Petitioner, stated that she was present to discuss a blockage that has caused a backup of water onto her property. She has documented the ponding of the water and a pair of ducks is sitting on it. Ms. Skaggs stated that it is a safety hazard, health hazard, and can do damage to their septic system.

Gerald Etter, Respondent, stated that the drainage is not blocked, it is restricted. Mr. Etter stated that he restricted it because it is not a natural drainage; it became unnatural when the elevation was raised 8' - 10' to build homes. There are ditches along both sides of the street that drain onto his property. Mr. Etter suggested that if the manmade drainages were blocked off, he would be happy to remove the restriction. When the pipe came apart and made a 5" hole, he felt it was time to do something and restricted it. Mr. Etter stated that he did not feel it was right that he would have to furnish a drain for the subdivision and have to maintain it.

Norman Voyles asked to what extent had the drainage been restricted. Mr. Etter stated that it still drains and currently there isn't any water where the ducks were. Mr. Etter stated that this is not a natural drain; it is a man made drain that was not active until the subdivision was built. Mr. Brock stated that it meets Indiana Code for the definition of a natural drain; the natural surface watercourse is where rain or melted snow runs in a direction and in a channel.

Terry Brock asked Mr. Skaggs how long it took for the last rain to drain off their property. Mr. Skaggs stated that it took about a week and a half. Mr. Skaggs stated that he couldn't move the

property most of the time because it is too muddy. Mr. Brock stated that during the onsite meeting, he suggested that Mr. Etter open the drain so the water would only sit for a day, but Mr. Etter would not agree to that. Norman Voyles stated that once the rain stops, the water that accumulates should drain within a couple of days at the most, any restriction more than that is too much.

Brian Goss asked if the water ponded before Mr. Etter installed the pipe. Mr. Skaggs stated that the water would be gone 1 to 1-1/2 hours after the rain. Mr. Goss stated that by state statute, the natural flow of water cannot be changed or restricted and if the property owners cannot work it out themselves so the water will be gone in a day, the restriction should be removed. Mr. Goss recommended that Mr. Etter work with Mr. & Mrs. Skaggs so the water would not sit for more than a day; if they cannot come to an agreement, then the restriction should be removed. Jeff Quyle asked if a timeframe could be set.

Norman Voyles asked how the flow was restricted. Mr. Etter stated that he had put bags of Sacrete in the north end of the pipe. Mr. Voyles stated that in his opinion, the flow was restricted too much. Mr. Etter stated he did not feel that he had to do anything because the subdivision should not have been allowed to raise the elevation. Mr. Voyles stated that the subdivision was built some time ago and there would be no point in getting into that issue. They should now work on trying to solve the current problem. Mr. Etter stated that he did not want to be responsible for the maintenance of the drain. A discussion followed on the possibility of a study to determine the size of pipe needed.

Norman Voyles suggested that the Soil and Water Conservation Office look at the problem and asked if both parties would allow this. Jeff Quyle stated that he would agree to this, but the process should not be drawn out any longer. Brian Goss stated that if they could not come to an agreement by the next meeting, his suggestion would be to remove the obstruction.

Pete Foley asked if the Board wished to make a finding that there is an obstruction to the natural surface watercourse, removal will promote better drainage on the Skaggs' property, and not unreasonable damage the Etter property, or, would they like to table the issue and hold off on making any findings until the next meeting, after they have the report from Soil and Water. Jeff Quyle made a motion to table the issue until the next meeting. Seconded by Brian Goss. Motion carried 3-0.

#### **DISCUSSION – HENDRICKS/MORGAN JOINT BOARD**

Terry Brock stated that at the last Planning and Zoning Meeting, Loft Group approached them with a proposal for commercial warehouse project North of I-70 on State Road 39 that would be in both Hendricks and Morgan Counties. When a project crosses county lines, there must be a joint drainage board. Mr. Brock asked that two members of the Board be appointed to the joint board. The board would be comprised of two members from Morgan County, two members from Hendricks County, one member from outside both counties, and the surveyor from each county. The first meeting will be an organizational meeting and they will also need to decide which county's ordinance to use. Jeff Quyle made a motion to appoint Commissioners Goss and Quyle for the joint drainage board with Hendricks for this project. Seconded by Norman Voyles. Motion carried 3-0.

#### **STORMWATER COORDINATOR**

Terry Brock stated that Wade Amos, Morgan County Stormwater Coordinator is resigning to take a position as the stormwater coordinator in Shelbyville. They have interviewed and hired Sharon Hall as the new Stormwater Coordinator. Ms. Hall worked for the state for several years and should be able to step right into the position.

#### **MINUTES**

Jeff Quyle made a motion to approve the Drainage Board minutes for the August 1, 2005 meeting. Seconded by Norman Voyles. Motion carried 2-0. (Brian Goss stepped out of the room.)

#### **PUBLIC COMMENTS**

Janet Colborn asked to speak to the Board regarding soil that is contaminated with arsenic and is being brought into the county from the site preparation for the new Colts' Stadium. Norman Voyles stated that the contaminated soil will be deposited in Johnson County. Ms. Colborn stated that it is just across the border and could leach into soil in Morgan County. Wade Amos stated that he talked with the IDEM project manager, Kevin Davis, about the situation and they will monitor the site and test each load. Mr. Davis told him that there are four arsenic levels; the higher level would go to a landfill, the lower level can be used in residential areas, some can be used in commercial and industrial sites. What is being brought into the county must be covered with six inches of topsoil, there will be deed restrictions, and it cannot go into the floodplain. Mr. Amos

stated that they are operating within State and Federal restrictions. Ms. Colborn stated that she had gotten different information from Mr. Davis and she had copies of the soil analysis. Jeff Quyle stated that he would invite Mr. Davis or a representative of IDEM to the next meeting to answer any questions the public might have.

ADJOURNMENT

Brian Goss made a motion to adjourn. Seconded by Jeff Quyle. Motion carried 3-0.

MORGAN COUNTY DRAINAGE BOARD

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Terry Brock, Surveyor

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Norman Voyles, Commissioner

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Jeff Quyle, Commissioner

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Brian Goss, Commissioner

ATTEST:

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Mae Cooper, Auditor