

VANDERBURGH COUNTY

DRAINAGE BOARD

March 8, 2022

Call to Order: 1

Pledge of Allegiance 1

Approval of February 22, 2022 Drainage Board Meeting Minutes 1

Opening of 2022 Regulated Drain Maintenance Bids 1

Westridge Commons-Final Drainage Plan Revision 2

Baseline Road/Peck Road Drainage Discussion 4

Other Business 9

 Appropriation for Pigeon Creek Study

Public Comment 10

 Asha Sakaria: Sinkhole in Evergreen Acres Subdivision

Reading of 2022 Regulated Drain Maintenance Bids 15

Adjournment 19

Attendance Page 19

Signature Page 20

Attachments: Pictures of Baseline Road/Peck Road Drainage Issue

**VANDERBURGH COUNTY
DRAINAGE BOARD
March 8, 2022**

The Vanderburgh County Drainage Board met in session this 8th day of March, 2022 at 3:00 p.m. in Room 301 of the Civic Center Complex with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: Good afternoon. I want to call to order the March 8, 2022 meeting of the Vanderburgh County Drainage Board.

Pledge of Allegiance

President Musgrave: If you will all please join me for the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of Drainage Board Meeting Minutes: February 22, 2022

President Musgrave: Is there a motion to approve minutes of the previous meeting?

Commissioner Hatfield: So moved.

Commissioner Shoulders: Second.

President Musgrave: All those in favor please say aye.

All Commissioners: Aye.

President Musgrave: And that is approved unanimously.

(Motion approved 3-0)

Opening of 2022 Regulated Drain Maintenance Bids

President Musgrave: We move now to the opening of the 2022 regulated drain maintenance bids. Do you want to say anything?

Linda Freeman: Well, I was motioning to Craig that Jacob has some letter openers.

President Musgrave: Okay.

Linda Freeman: So, we can maybe, possibly not have any workman comp claims for papercuts.

President Musgrave: Alright. So, Jacob is going to open those and we'll come back after number eight—

Linda Freeman: Yes.

President Musgrave: --to have those read into the minutes.

Linda Freeman: Yes, ma'am, and I hope that all of the bidders were able to summarize their bids on the newly created bidding list. So, he's just going to be looking for pink or yellow sheets, and then we can pass them over to Craig for reading into the minutes at the end.

President Musgrave: Okay. We move now to number five, Westridge Commons final drainage plan revision.

Linda Freeman: Yes, ma'am. Cash Waggner & Associates—

President Musgrave: Do we need a motion though first to—

Linda Freeman: Oh, to open the bids?

President Musgrave: --open the bids? Is there a motion?

Commissioner Shoulders: So moved.

President Musgrave: Second?

Commissioner Hatfield: Second.

President Musgrave: All those in favor please say aye.

All Commissioners: Aye.

President Musgrave: And that's unanimous.

(Motion approved 3-0)

Westridge Commons-Final Drainage Plan Revision

President Musgrave: Please proceed.

Linda Freeman: Okay, Cash Waggoner & Associates has submitted a revised drainage plan for Westridge Commons, a Jagoe Homes development. John Stoll's office and mine were reviewing the plat for recording, and it was noticed that there was a drainage and ingress/egress easement noted as D.E. & I. E.E. shown on the plat between Lots 3 & 4. But the final approved drainage plan had the easement between Lots 2 & 3, which in turn prompted us to wonder why this change was made. It constituted a modified drainage plan that needs to be brought to the Board for approval, per David Jones legal counsel, before the plat can be lawfully recorded. I've got verbatim from their drainage plan modification letter dated February 28, 2022, if you would like me to read that into the minutes.

President Musgrave: Why don't we just put it in the minutes as if you read it.

Linda Freeman: Okay.

The following statement from the Westridge Commons Drainage Plan Modification Letter Submitted by Cash Waggoner was submitted by the Surveyor to be entered into the minutes as if read:

"An encroachment permit was submitted to CenterPoint on April 7, 2021 to allow Jagoe to install a road and utilities across the existing transmission line easement on the Westridge Commons site. Manuel & I then met CenterPoint at the site in June 2021 and they informed us that if we constructed the road at the current design elevations, CenterPoint would have to raise four (4) of their existing poles. The cost for CenterPoint to raise the four poles was \$250,000, which Jagoe would be responsible for.

The only way to resolve this issue was to lower the roadway elevation roughly six (6) inches at the transmission line crossing which is located on Road #1 at station 9+20. In order to lower the Road #1 profile and maintain a 0.70% design slope, I had to shift the low point south sixty (60) feet to the property line between lots 3 & 4. This also shifted CI #500, P-501, CI #502, P-503, FES #504, the 10' drainage easement and the surface overflow spillway sixty (60) feet south to the property line between lots 3 & 4. The drainage sub-basin areas that are collected by CI #500 & CI #502 were not changed by shifting the low point in Road #1 and all runoff still drains to detention basin #1 as it was originally approved. Signed by Glen Meritt, Jr. Project Engineer"

Linda Freeman: I would like to make note that in their letter they mentioned Manuel, which is Manuel Ball, which he is in attendance as well. Then, luckily, my comments are, luckily this worked out for both the roadway and the drainage plans, but there's still the issue of why this was not brought to either John Stoll's or my attention as soon as it was known, instead of six months later. As we all know, changes such as this can be problematic in the future to figure out why things are the way they are, instead of as planned. But, now, we do have a record drawing and an amended drainage plan that I hope matches what is out in the field for our records for the future folks that may need to

repair or maintain items in this subdivision. But, I just ask the Board that, John Stoll and I are fine with what they had to do.

President Musgrave: Okay, is there a motion to approve the amended drainage, final drainage plan?

Commissioner Shoulders: So moved.

Commissioner Hatfield: That's your recommendation, Linda?

Linda Freeman: Yes.

Commissioner Hatfield: Okay, second.

Linda Freeman: Well, it's built.

President Musgrave: We have a motion and a second. All those in favor please say aye.

All Commissioners: Aye.

President Musgrave: And, that motion carries unanimously.

(Motion approved 3-0)

President Musgrave: We move—

Linda Freeman: I just, in your little packet you'll see a picture, this is the intersection of Westridge (Inaudible. Comments made away from the mic.) Yes, just an FYI so they've been not taking care of their, keeping the mud off the streets.

President Musgrave: And, I'm sure you've brought that to their attention?

Linda Freeman: Yes.

President Musgrave: Okay, alright, well, I think—

Linda Freeman: I just had that in the packet for your information.

President Musgrave: Let us know if you have any issues.

Commissioner Hatfield: You know, I opposed that subdivision, and the entire neighborhood, up and down Strueh-Hendricks was against this subdivision, and, for drainage reasons.

Linda Freeman: Uh-huh.

Commissioner Hatfield: So, what, you know, what are we looking at there?

Linda Freeman: That's a construction mess.

Commissioner Hatfield: Well, I get it, but they're not being a good neighbor.

Linda Freeman: No, and they stepped out, so, after they got their approval, they were gone.

President Musgrave: Well, you can make sure that they get a copy of the minutes—

Linda Freeman: Yes.

President Musgrave: --and you can let them know that they're coming—

Linda Freeman: Uh-huh.

President Musgrave: --and Commissioner Hatfield's right.

Linda Freeman: Yeah, they need to be more cognizant of what they're doing out there.

President Musgrave: Okay.

Linda Freeman: Oh, John would like to—

John Stoll: And, I'm not sure when the, what day we sent the notice out when we found this, but they're pretty much on the verge of getting a fine, if it's not taken care of this week. I would issue a \$500 fine if it's not corrected. There was just a total lack of any effort to do any erosion control whatsoever.

Commissioner Hatfield: That's exactly what the neighborhood was fearful of.

President Musgrave: And, I want to make sure and note for the record that the fine you mentioned is part of the regular ordinance, there's nothing special about it, that's the fine.

John Stoll: I forget what the range is, but the last few times we've issued fines it's been \$500. I think it's a maximum of \$750.

President Musgrave: Okay.

John Stoll: And, I forget what the minimum is, but the last few times we've done it, it's been \$500 is what we've issued, and it is part of the construction site runoff control ordinance.

President Musgrave: Okay. Anything further on this?

Linda Freeman: Anything further, John?

John Stoll: No.

Linda Freeman: No.

Baseline Road/Peck Road Drainage Discussion

President Musgrave: Okay, we move now to the Baseline Road/Peck Road drainage discussion.

Linda Freeman: Yes, ma'am. There again, I basically gleaned verbiage from John Stoll's emails. If you like I can read that.

President Musgrave: Well, I think that we ought to kind of tee up what this is about. There's a rezoning coming forward, it's already been through Area Plan and it's coming to the Commissioners. I think that's next Tuesday.

Linda Freeman: Next Tuesday.

President Musgrave: And, there were photographs entered into the record at Area Plan that Area Plan did not retain, so we don't have the benefit of seeing those, but the photographs showed a lot of flooding. We aren't certain where that flooding was taking place.

Linda Freeman: No, ma'am.

President Musgrave: And, I know that the County Engineer went out to the area in question and took photographs recently. John, if you want to tell us a little bit about what we think might be happening here. So, we've had an allegation that a ditch is not working the way it should, or it's inadequate, and that this inadequacy should prevent further development. So, that was the general topic of the email thread, but, John, go ahead.

John Stoll: What I saw out there yesterday, I didn't see any signs of any flooding on Baseline Road or Peck Road. There were no debris lines that I could find. We got some pretty heavy rains Sunday night into Monday morning. So, I'm not sure what triggers the flooding, what kind of rain event, how much rain we have to get in order for anything to be flooded out there. We also don't know exactly where the flooding was located. I've checked with the County Highway Superintendent, Scot Wichser, and he said that the flooding that he was aware of occurred east of the portion of Baseline that the county has already reconstructed. We're in the process of trying to get the contract revised for the reconstruction of Baseline between Korff and Old State. We put that project on hold for a number of reasons; COVID, I know Redevelopment said we needed to halt any new contracts at one point, I know we had some funding issues, but I discussed this with United Consulting, we are going to reactivate the project and get it going again. That will

address the portion of Baseline between Korff and Old State, and that's where Scot said the flooding had taken place. I didn't see any signs of anything, but—

Commissioner Hatfield: At our Tuesday meeting, John, this petition is going to be here and these folks are going to be coming, and they'll bring these pictures. Will you be at the meeting to tell us what you see when they bring those pictures?

John Stoll: Yes.

Commissioner Hatfield: Okay.

John Stoll: Everything—

President Musgrave: Bring all of this. This will be entered into the record for this meeting, but I want it to be entered into the record for that meeting. Linda, you are out of town, aren't you?

Linda Freeman: I was going to be, but I think, I'm checking how many points I have as to whether or not I need to go.

President Musgrave: Okay.

John Stoll: The site that's being rezoned has one tributary that runs along its west boundary that is separated from the assisted living development to the west of the rezoning land. That tributary flows north into the main channel, and that eventually becomes a legal drain. But, all the drain, all the ditches that are in the immediate vicinity of this site are not legal drains and the county has no maintenance responsibilities on any of those.

President Musgrave: Who does have the maintenance responsibility?

John Stoll: The property owners.

President Musgrave: Now, I'm looking at this picture, it's the third page, the one on the bottom, that's showing a lot of vegetative growth here. So, the property owner is obligated to come and cut all that down, right?

John Stoll: Yes, that is probably on the assisted living property, since it's on the west side of the creek.

President Musgrave: Do they just know to do this? Or can we order them to do this? I mean, it's not our property, right?

John Stoll: Correct, and I would have to go back and look at the plat and see if there's, I can't remember if there's a plat that covers that specific land or not. I know the assisted living site itself is part of the plat, but I can't remember if that portion of the site was, but, as little growth as that is, I don't think that would have really affected that much out there.

Commissioner Hatfield: Do you see those streets on the north side of Baseline, across from the intersection of Peck and Baseline? See all those streets on the north side of Baseline?

President Musgrave: Uh-huh.

Commissioner Hatfield: Running north-south.

John Stoll: You mean, like Korff?

Linda Freeman: Okay, he's got that too, John.

Commissioner Hatfield: All of those streets north of Baseline.

Linda Freeman: Those are parcel lines.

Commissioner Hatfield: Well, that's where I think these folks are getting flooded out.

Linda Freeman: Right, and then along their north line there, but that's their, it's—

Commissioner Hatfield: I get it.

Linda Freeman: --you know, it's their--

President Musgrave: Do they understand it's their responsibility?

Commissioner Hatfield: They may not, and that's what we want to tell them.

Linda Freeman: Right.

John Stoll: And, it's, there's a 50' drainage easement across the north side of all those lots. The plat itself does not assign any maintenance responsibilities to Vanderburgh County. The residents may be assuming that it's the county's. I know one resident, right at the corner of Korff and Baseline, made a statement at the rezoning hearing that the county went out and installed a new culvert under Korff, but we didn't do anything to the downstream ditch. The reason we didn't do anything to the downstream ditch is it's not the county's to maintain. So, maybe there's an assumption out there--

Commissioner Hatfield: Maybe.

John Stoll: --that the county is responsible for that drainage easement, but the county is not (Inaudible. Talking over each other.)

Commissioner Hatfield: Just for the record, they didn't, the people there at the APC meeting weren't blaming the county for it.

Linda Freeman: No.

Commissioner Hatfield: They just didn't want anymore growth south of them that was going to add to their problem.

Linda Freeman: Right.

Commissioner Hatfield: You were there, Linda.

Linda Freeman: Yes, sir, and in doing some research on this particular area, when Chadwick Estates went in, in 2006, Bill had some notes about that.

Excerpt of Note by former County Surveyor, Bill Jeffers:

"Chadwick Estates, located on Peck Road north of Boonville-New Harmony Road south of Baseline. There's been remonstrance on other subdivisions in this area around Scott School to reoccurring flooding of the intersection of Baseline and Korff Roads, largely because of a huge watershed feeding an undersized culvert crossing and a poorly maintained receiving channel. The Board may anticipate some remonstrance at this meeting since neighbors have been notified by the developer. This is a preliminary plan and any problems aired by the remonstrators will be addressed in the final plan, submitted after Area Plan."

Linda Freeman: He also, I also have an email that I found.

Excerpt of Email by former County Surveyor, Bill Jeffers:

"The neighbors of Chadwick Estates may show up to protest the new sub. This may happen as they did show up on the other two subs around Scott School. But, the detention basin in those subs alleviated some of their flooding problems, and we got letters from some of them confirming that."

Linda Freeman: So, it, I'm not trying to dismiss their concerns, but a lot of times it's "not in my backyard", you know. They see something's coming and they just don't, oh, it's going to cause me problems. But, they're in the Impacted Area, like we discussed at the Area Plan meeting, 100 year, 2 year storm.

Commissioner Hatfield: Yeah, and, so, what I was hoping, before that meeting, you could give us some indication, John and Linda, of Tom's plan--

Linda Freeman: Right.

Commissioner Hatfield: --for retention--

Linda Freeman: Yes.

Commissioner Hatfield: --and what your opinion is going to be on how much water that's going to hold back and for how long?

John Stoll: We won't see his plan though until, they won't finalize a plan until they know they've got the project moving forward. So, I doubt he has enough details, as of yet, that either one of us could look at it and say—

Commissioner Hatfield: Okay.

John Stoll: --exactly what they would be holding back. Theoretically, if they're holding it to the 2-year and 100-year rates, then as long as the spillway elevation of the pond is at or above the 100 year flood, then it will hold the 100 year, it could be designed to hold the 100 year storage volume, but the key is it's going to have to have a berm high enough that 100 year flows from the creek backwaters don't inundate that pond and make it non-functional. I know I probably didn't say that very well, but the key is that they need to have the elevations right to where the pond itself—

Commissioner Hatfield: You're saying they need a backflow preventer.

John Stoll: There you go.

Linda Freeman: Somewhat, yes.

John Stoll: But, that's basically what it comes down to, the flows in the creek can't flood out the detention basin and make it useless. I'm sure it can be done, but we won't get those kinds of details until—

Linda Freeman: Yeah, they're not going to spend that money.

John Stoll: --until they know they have the rezoning and know the project can move forward.

Commissioner Hatfield: Well, Linda, did you not see those pictures that those homeowners sent around?

Linda Freeman: Yes, but we didn't really know where they were. We didn't really know when. I mean, and then, like I said, John has been out there just recently with the storms that we had the other night—

Commissioner Hatfield: Right.

Linda Freeman: --which were, I don't know how they were in your neighborhood—

Commissioner Hatfield: I mean, there was one of those streets and the yards were completely under water.

Linda Freeman: -- but they were torrential. Yeah, but he didn't see any evidence of that when he was out there. No debris lines.

Commissioner Hatfield: Yeah.

Linda Freeman: You know, the typical things that you see when the roads overflow.

Commissioner Hatfield: Right.

Linda Freeman: So, those pictures may have been prior to some of this reconstruction that's been accomplished on Baseline.

Commissioner Hatfield: Okay. Yeah.

John Stoll: Another issue too is, subdivisions like Chadwick Place and Kingsmont drain into ditches that eventually cross some of these properties. So, it might be possible that the excess water from those developments flooded the lots but it didn't get out in the street, but that would have showed up as flooded yards, because the water was getting to them from upstream developments faster than getting back out. Prior to the reconstruction of Baseline, there were undersized roadside ditches out there, and the

scope of the Baseline project was changed at one point to upsize the culvert under Korff as a result of complaints from a number of the residents, some of them are the same ones that were at the rezoning hearing. So, there have been ongoing drainage issues out there for years, and if there's something that wasn't dealt with, with the reconstruction of Baseline, if there's some sort of design and construction flaw then we'll need to figure out what that is and see if there can be any changes. But, we did increase the size of a lot of pipes, and there are a lot of drains out there, so if something's not functioning, I just wasn't aware of it.

President Musgrave: And, also, isn't this project, the Boonville-New Harmony project the one that is still pending in County Council for the American Rescue Plan Act funding?

John Stoll: Baseline is not.

President Musgrave: Okay.

John Stoll: Boonville-New Harmony is, but Baseline isn't. Phase II of Baseline, like I said, it had been held up because of COVID and because of revenue, but now we think that the 41 TIF District will generate enough money, so we were going to move it forward with the intent of maybe getting it out for construction mid to late next year, maybe into early '24. I got an email from United Consulting last week, and they are working on updating that contract. So, we should see something soon.

President Musgrave: Okay. The homeowners, along with not knowing that they, the adjacent property owners bear responsibility for maintaining the ditch, they may want to foist that onto the county by a legal drain proceeding. As we've talked, many times—

Linda Freeman: In that vein, this area is already being billed to Pond Flat Lateral A? B? A, so, it would, we could possibly extend, basically right, just north of the RV place—

President Musgrave: Yeah.

Linda Freeman: --and the lake there, that's where, if you look at the one with the blue lines and stuff on it, you can see where it says Pond Flat Lateral A legal drain in black, right there at the top of the red lines and stuff.

President Musgrave: I see it.

Linda Freeman: That's where our maintenance on Pond Flat Lateral A ends, and then we, but, I was talking to John and neither one of us have seen either an addition of a regulated drain or an extension of a regulated drain. I'm not sure what that would all entail, but on the other side of that coin, if we would need to extend that, we would go through the process of extension, I'm going to guess that's going to take a year, maybe, I don't know. We're looking at 485 parcels, at least, that would have to be notified. I don't know what the, that would in the legal—

President Musgrave: What I want is for this information to be shared—

Linda Freeman: Oh, yes.

President Musgrave: --with the neighbors.

Linda Freeman: Yeah.

President Musgrave: Okay, that there is a government solution, but it's not easy and it would create a fee for every one of these owners.

Linda Freeman: Yes, and if it was a reconstruction, it could be substantial.

President Musgrave: Right.

Linda Freeman: And, then, like, my recommendation at the end of my summation here is that we would wait, because, like I said, all this would be time consuming for the legal drain situation, that we would want to wait for the reconstruction of Baseline getting accomplished, the other portion, to see, you know what that is. But, then, also, at the APC meeting, or at the Commissioners meeting that we could find out where they're talking, and if it was before or after the Baseline reconstruction. Because it just may be that

someone, you know, there again, flooding, roads, children's safety, so, those are your three things that people know are the trigger points.

President Musgrave: It looks like we're still opening envelopes over there.

Linda Freeman: They're ready, I think, he's just kind of checking some stuff.

President Musgrave: Well, let's go through a couple of items of other business and so forth. We've said all that we need to say about this?

Linda Freeman: Yeah, and, I mean, I've sent these and I can have extra copies for the meeting.

President Musgrave: You should, please. Thank you.

Other Business

President Musgrave: Alright, so we move now to other business, and the other business is the appropriation for the Pigeon Creek study. I just want to make certain before we file it, Commissioners, that we feel confident in moving forward. The vendor whose first name, I think is Siavash.

Linda Freeman: Yes.

President Musgrave: Has confirmed that he's still willing to accept the \$75,000 that he mentioned to us formally at least two years ago.

Linda Freeman: September 23, 2019 is the letter dated to Jeff Mueller.

President Musgrave: Alright, so, is it alright to go ahead and file that appropriation from the Riverboat Fund for \$75,000 for the study, which is step one of any process to analyze how to better manage that watershed.

Commissioner Hatfield: I'll make a motion.

Commissioner Shoulders: I will second that.

President Musgrave: We have a motion and a second. All those in favor please say aye.

All Commissioners: Aye.

President Musgrave: And, that is unanimous.

(Motion approved 3-0)

Linda Freeman: Yes, I sent you that information along with the map in an email, because this was a 12 page, you know—

President Musgrave: I may want you to be present at the Council meeting when that is—

Linda Freeman: We may want to, if he's willing to maybe come speak?

President Musgrave: That would be fine, but could you make sure that Kathy files that before she goes on vacation?

Linda Freeman: Yes, I think—

President Musgrave: I hope she's listening.

Linda Freeman: I mean, it's been signed.

President Musgrave: She's got it good to go. So, just make sure that it gets filed.

Linda Freeman: Okay.

Commissioner Hatfield: Yeah, I signed it.

Linda Freeman: Yes.

President Musgrave: Alright.

Public Comment

President Musgrave: So, now we move to public comment. I believe we have Ms. Asha Sakana here to discuss an issue. Please come forward and state your name and address for the record.

Asha Sakaria: Okay, my name is Asha Sakaria. I live at 504 Red Bud Lane.

President Musgrave: And, what is it that you would like to talk with us about?

Asha Sakaria: I am here, there is a sinkhole on my side yard, in the land. It's between 504 Red Bud Lane and 508 Red Bud Lane. I had contacted the Water Department, they guided me to contact the City Engineer, and then they told me it's under county, so, Jesse Swain is a County Engineer, so he came by a couple of times. He came one time with a camera, but he was not able to open up the grid, so they could not use the camera. So, I had Hoffmann Plumbing coming out even to look at it, and they say the pipe in front on the street is 14' deep, and where the hole is it's probably around 9' or 10' deep. He is telling me that it is anywhere from 10' 6" right of the way, and I understand that rule can apply to a water line coming to my house, a sewer line or gas and electric, but this is a storm drain, and it is for the whole neighborhood. And, Hydromax came out to look at it and they are trying to tell me that they will have to run the dye, that will be \$700, the camera will be \$265, and the whole thing, repair and digging up, it can be from \$7,000-\$17,000. So, I hope I can get some help, because I'm not the only one using that storm drain.

President Musgrave: What do the Surveyor and the County Engineer have to say about this?

Asha Sakaria: They say that the hole is beyond 10' 6" from the curb.

Linda Freeman: It's outside the county right-of-way. It's on private property.

Commissioner Hatfield: What subdivision is this?

Asha Sakaria: Evergreen Acres.

Commissioner Hatfield: Evergreen?

Asha Sakaria: Uh-huh.

Commissioner Hatfield: Is that in the city? No?

Asha Sakaria: It's the McCutchanville.

Commissioner Hatfield: Pardon?

Asha Sakaria: It's in McCutchanville area.

Commissioner Hatfield: Oh, McCutchanville.

Asha Sakaria: Uh-huh.

President Musgrave: Here's Darmstadt Road.

Asha Sakaria: The subdivision was built in '73.

President Musgrave: Is it in Darmstadt?

Asha Sakaria: Yes, it's off Mt. Pleasant.

Linda Freeman: It's not within the incorporated limits of Darmstadt.

President Musgrave: That's what John is indicating. So, if this is storm drain and the sink hole is inappropriately appearing just beyond the easement area, are you sure we can't examine that?

Linda Freeman: It's private property.

Commissioner Hatfield: On whose property is it?

Linda Freeman: Hers and maybe the neighbors.

Commissioner Hatfield: You know, have you talked to your neighbors to try to maybe put together, cobble together money to fix it? You understand why it's not a direct county problem, right, legally?

Asha Sakaria: Well, like she explained to me, she says since the property subdivision is built in the 70's, around '73—

Commissioner Hatfield: Uh-huh.

Asha Sakaria: --Mr. Bussing is the one who did that subdivision and he has passed away. There is no homeowner association or anything. So, I thought, well, I would try to reach different people in Indianapolis, and each one of the four or five, it's like they kept referring me to different departments. Finally, they said go to Surveyor up here, and Mr. Jacob, he's the one who said just come down to this meeting and you can present.

President Musgrave: How far out of the right-of-way is it?

Asha Sakaria: Not too far.

President Musgrave: John?

John Stoll: As far as I know, it's just outside the right-of-way. I didn't go out there, Jessee Swain went out there to check it out, but it's just outside the right-of-way. The exact dimension, I do not know.

President Musgrave: And, there's no way that the issue could be in fault to the right-of-way and just appearing on the outside?

John Stoll: I thought a camera had been run through there and verified that it was off, but I (Inaudible. Talking over each other.)

Asha Sakaria: No, camera was, they were not able, they said they don't own the camera. That's what Jessee told me. He said we borrowed the camera from the city, and he was supposed to be coming back with a camera because they could not open the grid, but he never came back. So, I had to call him back, and I said I'm waiting for you to come back with the camera. He says, well, we don't own the camera, we had it borrowed from the city and we cannot keep borrowing it from the city.

John Stoll: That's correct. We don't own one.

Asha Sakaria: Uh-huh.

John Stoll: And, the Highway Department doesn't own one either.

Commissioner Hatfield: Have you talked to your neighbors about this?

Asha Sakaria: I have talked to my neighbor, but Jessee has said that it is going under my land, and I have that letter.

Commissioner Hatfield: I get it, but, you know, that storm drain services everybody in your neighborhood.

Asha Sakaria: Yeah, so everybody is using that drain.

Commissioner Hatfield: So, everyone has a stake in seeing that it works properly.

Asha Sakaria: Uh-huh.

Commissioner Hatfield: Okay, in my mind, I think you need to know that it's not directly a county responsibility to fix.

Asha Sakaria: Uh-huh.

Commissioner Hatfield: Number two, since you don't have a homeowner's association—

Asha Sakaria: No.

Commissioner Hatfield: --it's still in everyone's best interest to pool their money together and fix this issue.

Asha Sakaria: Uh-huh.

Commissioner Hatfield: Just that cave in off the road, that's just, you know, that's a symptom of the problem.

Asha Sakaria: Yeah.

Commissioner Hatfield: But, the problem is going to be when it collapses completely and no longer brings water through there.

Asha Sakaria: It's going to be a major problem, yes.

Commissioner Hatfield: These streets are going to flood.

Asha Sakaria: Uh-huh.

Commissioner Hatfield: All of your neighbors will wish they had fixed it when it was a lot cheaper to fix.

Asha Sakaria: Uh-huh.

Commissioner Hatfield: Have you ever approached your neighbors with the message, look—

Asha Sakaria: Yes, I've tried to.

Commissioner Hatfield: -- this is our problem, and we have to fix it. Have you done that?

Asha Sakaria: Yes.

Commissioner Hatfield: What did they say?

Asha Sakaria: Nobody's interested because right now they are thinking it's just going in my land.

Commissioner Hatfield: Right, they think it...go ahead, Linda.

Linda Freeman: Well, the easement is between, she's, you're Lot 9? Yeah, she's Lot 9 and the easement, there's a 10' public, is it ten (10) or fifteen (15)?

Asha Sakaria: It's very hard to read.

Linda Freeman: Yeah, I made a baby copy. I think it's 15' public utility easement on both sides of the lines for Lots 9 & 10. I'll show you. So, it could potentially be, you know, her and her neighbor.

Asha Sakaria: So, if Jesse can send a letter out to the neighbor also.

Linda Freeman: She's Lot 9, so it's between her and 10.

Commissioner Hatfield: Well, I've got a lot that I own, and, you know, there's a drainage problem in between this lot and another guy's lot. And, you know, we're just going to pool together this summer and solve it. That's the spirit in which this needs to happen.

Asha Sakaria: Uh-huh.

Commissioner Hatfield: Because we, me and my neighbor, we know it's our problem. We know we don't want it to get worse.

Asha Sakaria: Uh-huh.

Commissioner Hatfield: We know we don't have anyone to go look to to solve this problem, and you're in the same spot. We know that, and we're going to pool our money and we're going to fix it while it's fixable. You know, I wish there was a way for you to be

able to convince your neighbors, because of the way the subdivision was set up, the way that this is not in the county's right-of-way to create a general taxpayer's responsibility.

Asha Sakaria: Uh-huh.

Commissioner Hatfield: I wish there was a way I knew to help you to convince your neighborhood that they have a problem, not just you have a problem—

Asha Sakaria: Just me.

Commissioner Hatfield: --they have a problem. Okay? But, I don't know what to say to do that, you know. I feel for ya.

President Musgrave: We're going to send you the minutes of this meeting—

Asha Sakaria: Okay.

President Musgrave: --so, that you can share that with your neighbors.

Asha Sakaria: Okay, but is there any way I can have a letter that shows that drainage is going between mine and the neighbor's? Not just my land.

President Musgrave: I think the Surveyor can provide that to you.

Linda Freeman: Yeah (Inaudible. Not at microphone.)

Commissioner Hatfield: Well, not only that, correct me if I'm wrong, John and Linda, this drain services the street, and the street services the entire subdivision. Is that correct?

Linda Freeman: It services (Inaudible. Talking over each other.)

Commissioner Hatfield: This is your entire subdivision's responsibility to fix this drain. It's in their best interests to pool their money and fix it. Am I wrong, John?

President Musgrave: For the record, County Engineer Stoll said that that was correct.

Linda Freeman: Yeah, in this particular section of Evergreen Acres there's 18 lots. I don't know exactly how everything falls, but—

Commissioner Hatfield: So, for basically a thousand dollars apiece, they could cover the most that you've stated this problem could cost to fix.

Asha Sakaria: Yeah.

President Musgrave: Yeah, you probably need letters to everyone, a neighborhood meeting, but this is something that you and your neighbors are going to have to do yourselves, since it's on private property. I wish I had better news.

Commissioner Hatfield: I can guarantee you this, and I know my colleagues, if this was our responsibility, we would put your problem on our list and it would get fixed.

Asha Sakaria: I wish you can.

President Musgrave: We are forbidden to work on private property. Literally forbidden.

Commissioner Hatfield: I'm so sorry.

Linda Freeman: As a side note, I did look to the covenants and restrictions, but there's no mention of any type of maintenance plan, or, you know, anything along those lines of shared maintenance or costs. It was only like, I think it was like three pages of covenants and restrictions. I had it here with me.

Asha Sakaria: You gave it to me.

Linda Freeman: Oh, I gave it to her.

Asha Sakaria: Yeah.

Linda Freeman: Okay, that's why I don't have it. But, it was very basic, I mean, not even, there's twenty-two (22) items and that's the covenants and restrictions. So, it's not near like some of the new ones today, and there's no notations on the plat.

Commissioner Hatfield: Can you and John craft a letter with, you know, with the minutes attached that we can somehow summarize and President Musgrave can sign to help explain this situation?

President Musgrave: Perhaps we could send it to everyone in the subdivision.

Commissioner Hatfield: For her to have some—

Linda Freeman: Eighteen (18).

Commissioner Hatfield: --in other words this isn't just what you're saying.

Asha Sakaria: Yeah.

President Musgrave: I think we should send, please craft the letter, I will sign it, but I want it to go to every property owner out there. Okay?

Linda Freeman: Fine, we can do that.

President Musgrave: Alright. Let me know when it's ready.

Asha Sakaria: I appreciate it, and, if you can, you are saying it's right in between the property line between me and my neighbor? If I can have a letter or something showing that neighbor that it's between that, right on the line.

Commissioner Hatfield: But, more so than that, this drain services every lot out there.

Asha Sakaria: Yeah, that's what I'm trying to tell the neighbors.

Commissioner Hatfield: You know what, it's not about the sink hole. I know it is to you, but what's really the problem for everyone else—

Asha Sakaria: Uh-huh.

Commissioner Hatfield: -- is this thing is going to collapse someday and it's not going to work.

Asha Sakaria: Then it's going to be a major problem for the whole neighborhood.

Commissioner Hatfield: And, it's going to be a major problem for the neighborhood.

Asha Sakaria: I explained to my neighbors, and I even asked them to come to the meeting with me today.

Commissioner Hatfield: Okay.

Asha Sakaria: But, they had excuses, they have to take care of kids.

Commissioner Hatfield: The sink hole is just what you see and it's very annoying and it's not supposed to be there.

Asha Sakaria: Yes.

Commissioner Hatfield: But, that's not, the sink hole is not the problem that you should be terribly worried about.

Linda Freeman: It's the failure.

Commissioner Hatfield: It's the failure, and that's what your neighbors have to understand.

Asha Sakaria: Uh-huh.

President Musgrave: Okay.

Asha Sakaria: Thank you very much for your time.

President Musgrave: I'm sorry we couldn't help. Alright, thank you very much.

Reading of 2022 Regulated Drain Maintenance Bids

President Musgrave: We move now to the bid opening, and what I would like, I mean reading. I would like a motion to read the bids into the record, as per state statute, and then as soon as the attorney is done reading that in there, then we would be in adjournment. His completion of the reading is followed immediately by an automatic adjournment. Is there anything further I need to say?

Linda Freeman: Just that we would take them under advisement and award on the 29th.

President Musgrave: Thank you.

Linda Freeman: And, then we would draft the contracts and stuff after that award, and Madelyn could do her normal.

Craig Emig: That should be sufficient.

President Musgrave: Is there such a motion?

Commissioner Shoulders: I will make the motion to adjourn after bids have been read into the record.

President Musgrave: And, that we take the bids under advisement?

Commissioner Shoulders: Under advisement, yes.

President Musgrave: Is there a second to that?

Commissioner Hatfield: Second.

President Musgrave: All those in favor please say aye.

All Commissioners: Aye.

President Musgrave: And, that is carried unanimously.

(Motion approved 3-0)

President Musgrave: So, take it away, and thank you. I want to thank the Surveyor, I know you put a lot of thought into making this process easier. So, thank you for all the work. Thank you, Craig, as well.

Craig Emig: The first bidder is Eldon Maasberg.

BIDDER	DITCH	AMOUNT
Eldon Maasberg	Baehl Ditch – Additional Maintenance	Not to exceed \$6,000
Eldon Maasberg	Kneer Ditch – Annual Maintenance	\$410.40
Eldon Maasberg	Maasberg Ditch – Annual Maintenance	\$220.60
Eldon Maasberg	Wallenmeyer Ditch – Annual Maintenance	\$1,253.25

Craig Emig: Next bidder, Big Creek Drainage Association.

BIDDER	DITCH	AMOUNT
Big Creek Drainage Assn	Barr's Creek – Annual Maintenance	\$4,261.53
Big Creek Drainage Assn	Buente Upper Big Creek – Annual Maintenance	\$4,039.00

Big Creek Drainage Assn	Maidlow Ditch – Annual Maintenance	\$3,174.07
Big Creek Drainage Assn	Pond Flat Main – Additional Maintenance	\$18,000
Big Creek Drainage Assn	Rexing Creek – Annual Maintenance	\$2,051.25

Craig Emig: Next bidder, Union Township Ditch Association.

BIDDER	DITCH	AMOUNT
Union Township Ditch Assn Inc.	Barnett – Annual Maintenance	\$417.90
Union Township Ditch Assn Inc.	Cypress Dale Maddox – Annual Maintenance	\$1,194.35
Union Township Ditch Assn Inc.	Edmond Ditch – Annual Maintenance	\$796.75
Union Township Ditch Assn Inc.	Helfrich-Happe Ditch – Annual Maintenance	\$634.90
Union Township Ditch Assn Inc.	Kamp Ditch – Annual Maintenance	\$558.00

Craig Emig: Next bidder is RR Rexing Farms, Inc.

BIDDER	DITCH	AMOUNT
RR Rexing Farms Inc.	Pond Flat Lateral "A" – Annual Maintenance	\$743.54
RR Rexing Farms Inc.	Pond Flat Lateral "B" – Annual Maintenance	\$391.58
RR Rexing Farms Inc.	Pond Flat Lateral "D" – Annual Maintenance	\$641.06

Craig Emig: Next bidder is Rexing Enterprises, Inc.

BIDDER	DITCH	AMOUNT
Rexing Enterprises, Inc.	Singer Ditch - Annual Maintenance	\$367.50

Craig Emig: Next bidder, John Maurer.

BIDDER	DITCH	AMOUNT
John Maurer	Hoefling Ditch – Annual Maintenance	\$557.10

Craig Emig: Next bidder, Niemeier Property Solutions. This is for the mowing category type.

BIDDER	DITCH	AMOUNT
Niemeier Property Solutions	AIKEN – Mid-Summer Mowing – 3,840 l.f.	\$1,785.60
Mowing Category 3	EAST SIDE URBAN – N 1/2 – CRAWFORD BRANDEIS EXT – 1,700 l.f. Mid-Summer & Fall Mowing	\$1,273.30

	ESU – N 1/2 – CRAWFORD BRANDEIS EXT – South of Hirsch Rd - 2,100 l.f. - Fall Mowing	\$1,239.00
	ESU – N 1/2 – CRAWFORD BRANDEIS EXT – After Harvest Mowing – 1,935 l.f.	\$1,393.20
	ESU - S 1/2 – RR/Canal Mowing – Late Spring, Mid-Summer & Fall - 15,235 l.f.	\$4,387.68
	ESU - S 1/2 – Wabash Erie at Stockwell Rd – LUMP SUM Bid – approx. 5,000 sq. ft.	\$495.00
	ESU - S 1/2 - CRAWFORD BRANDEIS & BONNIE VIEW EXT - Summit Place – Spring, Late Spring, Mid-Summer & Fall Mowing – 1,450 l.f.	\$572.75
	ESU - S 1/2 – NURRENBERN - Late Spring & Mid-Summer Mowing – 2,550 l.f.	\$752.25
	ESU - S 1/2 – NURRENBERN - Mid-Summer & Fall Mowing – 2,600 l.f.	\$689.00
	ESU - S 1/2 – STOCKFLETH - Mid-Summer & Fall Mowing – 6,363 l.f.	\$2,481.57
	HARPER – PER Mowing, Cart & Debris Removal – Plus area east of tennis courts – Late Spring, Mid-Summer & Fall – 3,000 l.f.	\$1,155.00
	HARPER – NEWTON AVE – LUMP SUM – approx. ½ acre – Mid-Summer Mowing	\$749.24
	HENRY – Mid-Summer Mowing along Kansas Rd – 1,850 l.f.	\$684.50
	HENRY – After Harvest Mowing – 3,179 l.f.	\$1,494.13
	KEIL – Mid Summer & Fall Mowing – 800 l.f.	\$239.50
	KOLB – Section A - Fall Mowing – 1,600 l.f.	\$696.00
	KOLB – Section B – Late Spring, Mid-Summer & Fall Mowing – 4,605 l.f.	\$1,749.90
	SONNTAG STEVENS – Late Spring Mowing 3,080 l.f. + South Leg 1,000 l.f. = 4,080 l.f.	\$1,591.20
	SONNTAG STEVENS – Mid Summer & Fall Mowing – 10,705 l.f.	\$5,994.80

Craig Emig: Next bidder, McCullough Land Improvements, LLC.

BIDDER	DITCH	AMOUNT
McCullough Land Improvements, LLC	AIKEN – Mid-Summer Mowing – 3,840 l.f.	\$1,728.00
Mowing Category 3	EAST SIDE URBAN – N 1/2 – CRAWFORD BRANDEIS EXT – 1,700 l.f. Mid-Summer & Fall Mowing	\$1,326.00
	ESU – N 1/2 – CRAWFORD BRANDEIS EXT – South of Hirsch Rd - 2,100 l.f. - Fall Mowing	\$672.00

ESU – N 1/2 – CRAWFORD BRANDEIS EXT – After Harvest Mowing – 1,935 l.f.	\$1,102.95
ESU - S 1/2 – RR/Canal Mowing – Late Spring, Mid-Summer & Fall - 15,235 l.f.	\$4,265.80
ESU - S 1/2 – Wabash Erie at Stockwell Rd – LUMP SUM Bid – approx. 5,000 sq. ft.	\$348.00
ESU - S 1/2 - CRAWFORD BRANDEIS & BONNIE VIEW EXT - Summit Place – Spring, Late Spring, Mid-Summer & Fall Mowing – 1,450 l.f.	\$403.10
ESU - S 1/2 – NURRENBERN - Late Spring & Mid-Summer Mowing – 2,550 l.f.	\$734.40
ESU - S 1/2 – NURRENBERN - Mid-Summer & Fall Mowing – 2,600 l.f.	\$754.00
ESU - S 1/2 – STOCKFLETH - Mid-Summer & Fall Mowing – 6,363 l.f.	\$2,354.31
HARPER – PER Mowing, Cart & Debris Removal – Plus area east of tennis courts – Late Spring, Mid-Summer & Fall – 3,000 l.f.	\$1,170.00
HARPER – NEWTON AVE – LUMP SUM – approx. ½ acre – Mid-Summer Mowing	\$679.00
HENRY – Mid-Summer Mowing along Kansas Rd – 1,850 l.f.	\$721.50
HENRY – After Harvest Mowing – 3,179 l.f.	\$1,462.34
KEIL – Mid Summer & Fall Mowing – 800 l.f.	\$304.00
KOLB – Section A - Fall Mowing – 1,600 l.f.	\$560.00
KOLB – Section B – Late Spring, Mid-Summer & Fall Mowing – 4,605 l.f.	\$1,289.40
SONNTAG STEVENS – Late Spring Mowing 3,080 l.f. + South Leg 1,000 l.f. = 4,080 l.f.	\$2,244.00
SONNTAG STEVENS – Mid - Summer & Fall Mowing – 10,705 l.f.	\$4,924.30

Craig Emig: The next bidder is TruGreen Limited Partnership. This is for foliage spraying, broadleaf brush and growth inhibitor.

BIDDER	DITCH	AMOUNT
TruGreen Limited Partnership	AIKEN – Growth Inhibitor – 2,840 l.f.	\$284.00
Foliar Spraying	AIKEN – 10,251 l.f.	\$666.32
Broadleaf, Brush & Growth Inhibitor	EAGLE SLOUGH – 30,040 l.f.	\$2,703.60
Category 2	EASTSIDE URBAN - N ½ - 21,127 l.f.	\$1,309.87
	ESU - S ½ - Bonnie View – 1,400 l.f.	\$84.00
	EASTSIDE URBAN - S ½ - 29,085 l.f.	\$1,745.10

	HARPER – 2,950 l.f. + specific area east of tennis courts	\$177.00
	KEIL – 3,370 l.f.	\$202.20
	KOLB – 4,475 l.f.	\$268.50
	SONNTAG STEVENS – 6,905 l.f.	\$428.11
TruGreen Limited Partnership	AIKEN – 4,000 l.f.	\$260.00
Dormant Spraying Category 8 (Aiken & Eagle Slough will be awarded together for dormant spraying)	EAGLE SLOUGH – 30,040 l.f.	\$2,823.76
	ESU - S ½ - 29,085 l.f.	\$1,745.10
	HENRY- 3,179 l.f.	\$190.74
	KEIL –3,370 l.f.	\$202.20
	SONNTAG STEVENS – 6,905 l.f.	\$428.11

Craig Emig: The last bidder is K&H Vegetation Management.

BIDDER	DITCH	AMOUNT
K & H Vegetation Management	AIKEN – 2,840 l.f.	\$468.60
Sterilize Ditch Bottoms Category 1*	ESU - S ½ - 25,862 l.f.*	\$4,267.23
	ESU - S 1/2 – Wabash Erie at Stockwell Rd – LUMP SUM Bid – approx. 5,000 sq. ft.	\$650.00
	HARPER – 2,950 l.f.	\$486.75
	KOLB – 4,475 l.f.	\$738.38
	SONNTAG STEVENS – 6,905 l.f.	\$1,139.33
Foliar spraying Broadleaf, Brush & Growth Inhibitor Category 2	EASTSIDE URBAN - S ½ - 29,085 l.f.	\$1,832.36
	HARPER – 2,950 l.f. + specific area east of tennis courts	\$185.85

*May have additional application for creeping water primrose.

Craig Emig: With that, that concludes the reading of the bids.

Adjournment

Craig Emig: Our meeting is adjourned.

(The meeting was adjourned at 3:55 p.m.)

Those in Attendance:

Cheryl Musgrave
Linda Freeman
John Stoll
Members of Media

Ben Shoulders
Craig Emig
Asha Sakaria

Jeff Hatfield
Madelyn Grayson
Others Unidentified

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Cheryl Musgrave, President

Ben Shoulders, Vice President

Jeff Hatfield, Member

(Recorded and transcribed by Madelyn Grayson.)



March 7, 2022 - ditch downstream of Korff Road looking west



March 7, 2022 - ditch on the east side of Korff Road looking south



March 7, 2022 – east side of Korff Road immediately upstream of the box culvert under Korff



March 7, 2022 – NE corner of Baseline and Korff looking east



March 7, 2022 – NE corner of Baseline and Korff looking north along the east side of Korff



March 7, 2022 – looking south at ditch that runs between Peck Road and Husky Way
The pole barn discussed at the rezoning hearing at APC can be seen in the background



March 7, 2022 – looking east along the south side of Baseline Road





March 7, 2022 – looking north at ditch running between Fenway Park subdivision and Valley Estates subdivision

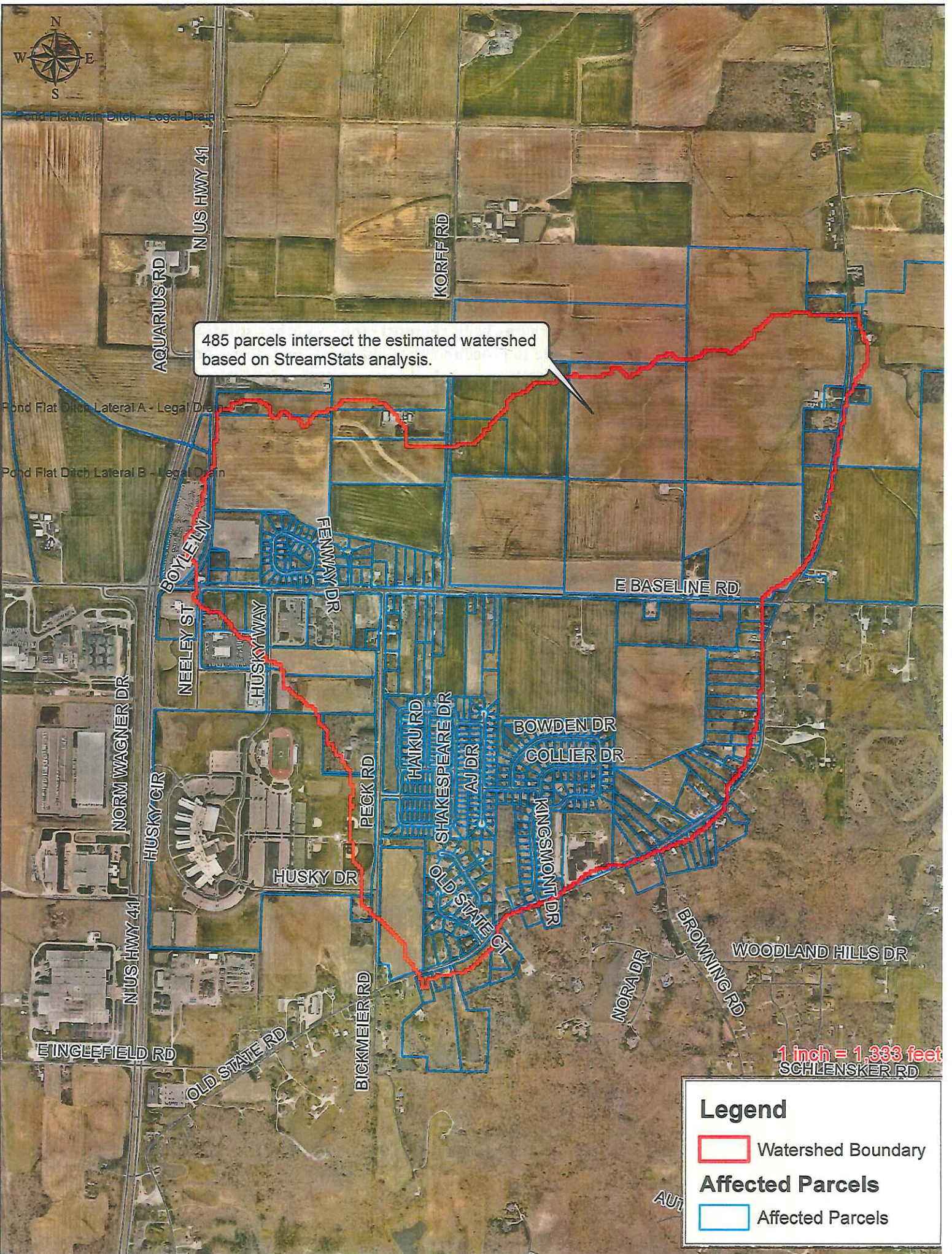


485 parcels intersect the estimated watershed based on StreamStats analysis.

1 inch = 1,333 feet

Legend

-  Watershed Boundary
- Affected Parcels**
-  Affected Parcels



VANDERBURGH COUNTY DRAINAGE BOARD

AGENDA

TUESDAY, AUGUST 1, 2006

Approve Minutes of Previous Meeting(s)

Drainage Plans:

- Chadwick Estates and Chadwick Place Preliminary Drainage Plans**
- Amended Plan Windemere Section III, Lot 87**
- Deerfield Section 3, Phase I, Plans to Modify Lake and Dam**

Other Business

Public Comment

Adjourn

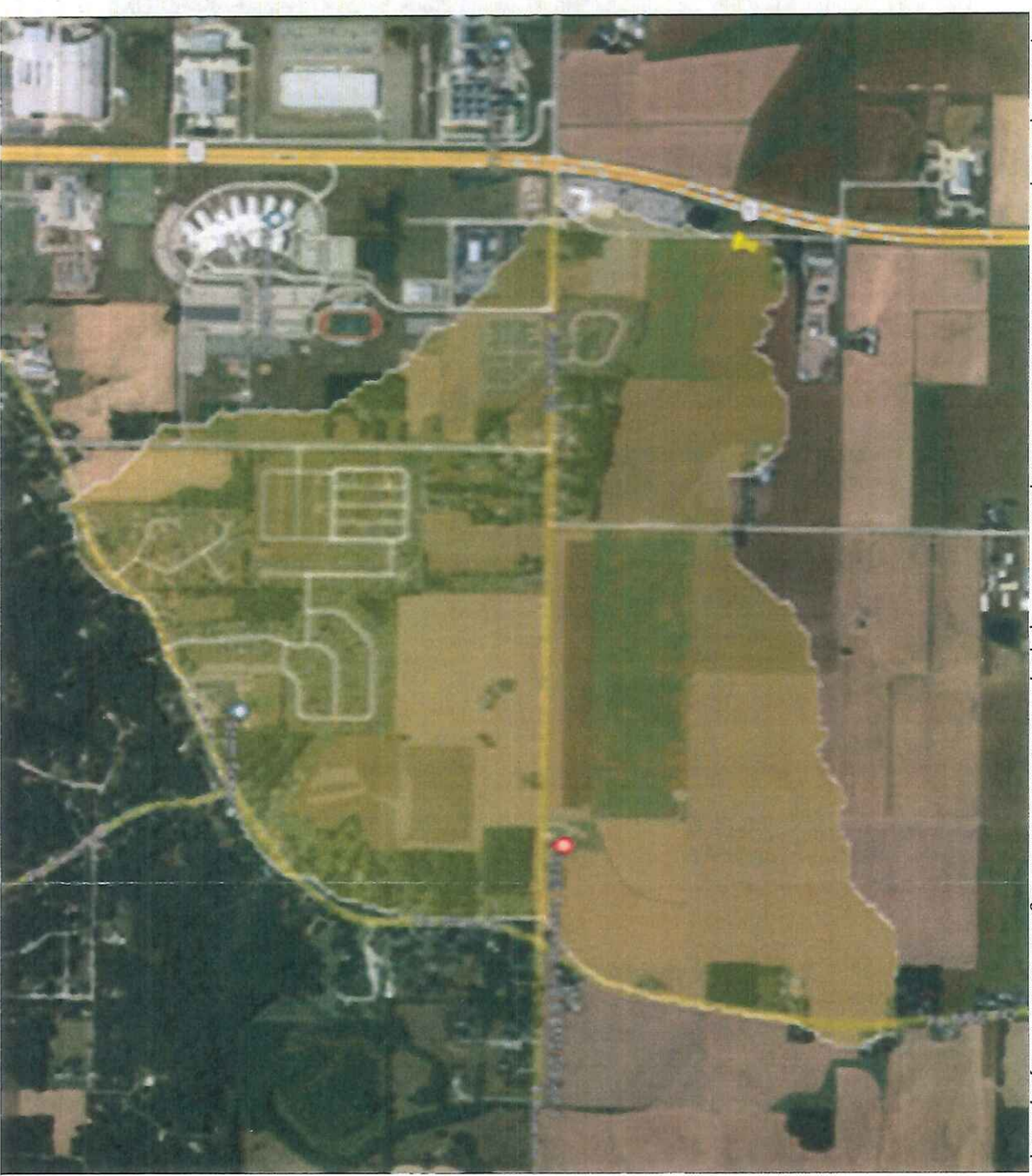
Notes:

Chadwick Estates/Place: Located on Peck Rd., north of Boonville New Harmony Road, south of Baseline Rd. There has been remonstrance on other subdivisions in this area around Scott School due to reoccurring flooding of the intersection of Baseline Rd. and Korff Rd. largely because of a huge watershed feeding an undersized culvert crossing and a poorly maintained receiving channel. The Board my anticipate some remonstrance at this meeting since neighbors have been notified by the developer. This is a preliminary plan and any problems aired by the remonstrators will be addressed in the final plans submitted after Area Plan Hearing.

Lot 87, Windemere: Located in Windemere/North Ridge development. The owner of the lot wants to install a pipe in an open ditch to allow more full use of his yard. The request requires approval of a modified plan that includes data proving the pipe will carry the run-off without backing excess run-off through neighboring property.

Deerfield Lake: The developer wishes to remodel the lake for cosmetic and practical operation reasons. The county surveyor recommends the lake plans but defers to the county engineer with regard to any discharge pipes from county accepted roads into the lake.

The map shown below is the estimated watershed for this ditch based on a program called Streamstats. I used Boyle Lane as the point where the watershed was evaluated because this ditch already is a legal drain from Boyle Lane to the west. So like Linda said, there are quite few parcels involved in this watershed. I'd be surprised if most of the property owners would be in favor of a legal drain because the majority of the properties would not see any flooding on their properties as a result of this ditch.



This is some initial background information about the drainage ditches near the Baseline-Peck rezoning that was discussed at APC yesterday. The site that is proposed to be rezoned is outlined in red in the aerial shown below. The two ditches that are highlighted in orange are the main waterways in that area. Neither of these ditches is maintained by the county since neither of them are legal drains. Because of that, the owners of the adjoining properties are responsible for the maintenance of these ditches. The attached photos show the east – west ditch looking west from Korff Road. This is the location where the Baseline Road reconstruction replaced the 60" corrugated metal pipe that was under Korff with a 17'x6' concrete box culvert. The attached photos show that adjacent owners have dumped construction debris in the ditch. I assume that was dumped in an attempt to try to address erosion, but I don't know that for certain. The property owner on the south side of that ditch just west of Korff made a statement at the APC meeting that the culvert was increased in size, but the county didn't do anything to the downstream ditch. She is correct that the county didn't do anything to that downstream ditch, and that is because it is not the county's to maintain.

