

**VANDERBURGH COUNTY
DRAINAGE BOARD
MAY 25, 2021**

The Vanderburgh County Drainage Board met in session this 25th day of May, 2021 at 4:11 p.m. in Exhibit Hall A of the Old National Events Plaza with President Cheryl Musgrave presiding.

Call to Order

President Musgrave: I want to call to order the May 25, 2021 Drainage Board of Vanderburgh County.

Pledge of Allegiance

President Musgrave: If you would please stand and join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

Approval of the April 27, 2021 Drainage Board Meeting Minutes

President Musgrave: The first item on the agenda is the approval of the minutes of the previous meeting. Is there a motion?

Commissioner Shoulders: So moved.

President Musgrave: And, I will second. Madelyn, please call the roll.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield? President Musgrave?

President Musgrave: Yes.

(Motion approved 2-0)

Crawford Brandeis Legal Drain Encroachment Issue

President Musgrave: We move now to the Crawford Brandeis legal drain encroachment issue.

Linda Freeman: Yes, ma'am the Vanderburgh County Surveyor's Office has been working to resolve an issue caused by an unauthorized encroachment into the right-of-way of Crawford Brandeis legal drain. This portion of Crawford Brandeis is comprised of both twin piping and large twin box culverts, extends from the southern entrance of the Target Pavilion and runs north along the east side of Burkhart Road up to Morgan Avenue, where it intersects the canal. The large box culverts are 11' wide by 6' tall, and there's two of them side by side. So, they're draining a large area. A subcontractor for Zayo Group bored over the top of the box culverts from Morgan Avenue to just south of Vogel Road. All but a small portion of this installation of fiber conduit took place directly over the top of the twin box culverts. After the discovery of this work being done, a stop order was issued by the County Surveyor until the situation could be assessed. After meeting with representatives of the subcontractor, Verita Telecommunications, onsite, I advised them that the fastest course of action for installation would be to move across the street on the west side. We don't allow any utilities where those box culverts are. It was kind of funny, because the gentleman goes, yeah, I really didn't see anything over here. I said, that's right, because it's all gotta be over there, not over our box culverts. I'm currently working with Hydromax to get a quote to inspect that portion of the ditch, to ensure that there's no damage that they caused with their boring, because we really don't know. They were, like I said, all over the place there. Traditionally, it's been the policy of the County Surveyor's Office to not allow any encroachments running north-south within this right-of-way entry,

due to the critical importance of these, of these pipes. It serves to handle the runoff of a majority of development on the east side of Burkhart Road, the residential areas south of Target. This area has seen a lot of development lately and placed an even greater importance on this drain. Jacob went out with Dominic DeLucio and Jennifer Blankenship of the City Engineer's Office. We want to give them a big, huge shout out because they had their confined space training and they voluntarily entered the ditch, the culverts in the immediate aftermath of the discovery of the unauthorized entry. They did not find any signs of damage during a preliminary inspection of that portion of the ditch. However, they did note some significant issues within the drain, including significant sediment buildup, the presence of obstructions such as shopping carts, bikes, and ladders, several joint separation issues. During the above ground inspection, it was noted that there is a previously existing sinkhole. Because of this and the unimproved conduit installation, we're working with Hydromax to get a quote to inspect all of the culverts that comprise Crawford Brandeis south of Morgan Avenue. We'll also utilize that report from Hydromax to formulate a maintenance plan that will ensure that the drain will function as intended for years to come. This is more important now, so than ever, because the rapid development and added runoff occurring in that portion of the east side. Just a little history, in 2014 Hydromax did a camera inspection of Harper Ditch, which is piped under Eastland Place, Green River Road, under the parking lot at the north end of Eastland Mall and terminates at the end of Newton Avenue. The footage of the pipe inspected was approximately 3,600 linear feet. That cost 8,500 bucks, or about \$2.36 per foot, at that time. I'm kind of guesstimating that, possibly, about \$3 a foot for Hydromax to inspect this particular piping, which would bring it to \$47,520. I expect the cost to be less, however, we may need to have portions cleared of shopping carts, ladders, and other debris that would add to the cost. In order to facilitate this and to try to get this inspection started as soon as possible, because the conduit installation just happened, and, one, we want to be able to pinpoint that they were the cause of the problems, I'm asking the Board to authorize me to be able to spend an amount not to exceed \$50,000 to inspect these pipes and culverts, so that we can get this accomplished within the next—

President Musgrave: One question for you.

Linda Freeman: Okay.

President Musgrave: I noticed you're referencing a specific bidder.

Linda Freeman: Yes.

President Musgrave: Is there, are they the sole entity that can do this?

Linda Freeman: They're the ones that do all the work for the Water and Sewer Department. They've done work for us before, thinking that they're the local—

President Musgrave: Right. Board members, is there a motion to approve a maximum of \$50,000 to do the work as described by the Surveyor?

Linda Freeman: Out of the East Side Urban Drainage Fund. Sorry, I didn't throw that out there.

Commissioner Hatfield: Eastside Urban Drainage Fund?

Linda Freeman: Yeah.

Commissioner Hatfield: Okay. My only question was where the money was going to come from, because I know your budget of your office, and this is--

Linda Freeman: Right. Yes, this would be out of the East Side Urban legal drain money.

Commissioner Hatfield: Okay, great. Second, or I make a motion.

Linda Freeman: And, we've got that covered.

President Musgrave: We have a motion. Is there a second?

Commissioner Shoulders: Second.

President Musgrave: We have a motion and a second. Madelyn, please call the roll.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: And, I'm a yes.

(Motion approved 3-0)

Green River Meadows: Preliminary Drainage Plan

President Musgrave: We move now to Green River—

Linda Freeman: Thank you.

President Musgrave: -- and I want you to come back and give us a report on that.

Linda Freeman: Oh yes. It'll be riveting, I'm sure.

President Musgrave: We move now to Green River Meadows preliminary drainage plan.

Linda Freeman: Yes. Green River Meadows is located north of Green River Estates, north of Millersburg Road on Green River Road. This plan has enough detail to pass for preliminary approval, based on the drainage ordinance. A preliminary plan is just that, it's a preliminary plan. It will allow them to have their subdivision heard at the next APC meeting, the Area Plan Commission meeting of June 3rd. I sent Glen Meritt an email that kind of reiterated some things that Jeff Mueller had brought up when this was in the mix. 2014?

Jacob Timmons: 2014.

Linda Freeman: Yes, in 2014. I stated that, I asked him to provide calculations that demonstrate that the drainage swale in Green River Estates has the capacity to handle the proposed discharge from the Green River Meadows basin. If the swale does not have the capacity for the discharge, you and the developer may want to give consideration to talking with the neighbors, to see if they would be open to improving this swale in return for the drainage going in that direction. You would be, you would essentially be talking to several neighbors about improving the swale in the area where they are located. It might be a good way to extend an olive branch and create some goodwill for this development. If the swale is not sized for discharge, then it appears that the following ordinance would apply, which is 13.04.420, which discusses allowable release rates. And I won't read the rest of that for time constraints here. But I also wanted to make mention that back in 2014, a portion of this was considered to be in a wetland. So, one of my other statements in the email to Mr. Meritt was that I also understand that legislation changed regarding wetlands, and I wanted them to provide documentation that the area in question is no longer considered a wetland under the jurisdiction of the Indiana Department of Environmental Management or the U.S. Corps of Engineers. And, I stated that would be required for final drainage approval. And, that's, basically, I'm just asking that, saying that they do have enough for preliminary approval.

President Musgrave: Board members, do you have any questions? Or is there a motion?

Linda Freeman: I was going to say, we do have remonstrators.

President Musgrave: Is there a motion?

Commissioner Hatfield: Yes, motion.

President Musgrave: You have to turn, Commissioner Shoulders.

Commissioner Shoulders: I second the motion, yeah.

President Musgrave: We have a motion.

Commissioner Hatfield: Wait a minute. Wait a minute.

Linda Freeman: We do have remonstrators.

Commissioner Hatfield: Yeah.

Commissioner Shoulders: Oh, we do? Oh, I'm sorry.

Linda Freeman: Sorry.

Commissioner Shoulders: Okay, because there are—

Linda Freeman: And, then may I also ask—

President Musgrave: I just want to make sure that the potential speaker understands that this is a preliminary drainage approval.

Shane Gray: I do.

President Musgrave: Okay. Alright.

Linda Freeman: And, then, I would like everyone that would want to be contacted for the final, or to, if they have other issues, that they sign up on the sheet over there. I kind of improvised and wrote Drainage Board on top of it.

President Musgrave: If you have comments about the preliminary drainage plan, please come forward and tell me your name, and your address.

Shane Gray: My name is Shane Gray. I live at 4134 Wethersfield Drive in Green River Estates III. My property is kind of ground zero for the overflow for this water that they're projecting to put in our drainage easement. It doesn't handle the water properly now. I've had three separate occasions where my crawlspace has flooded, the swimming pool has flooded, just because of the heavy rains. So, dumping more water into a problem, I can't see that means anything more than a problem. So, I don't know, I've talked to John Stoll on several occasions. He's been out there. We've tried to address it before and haven't had any resolution on that. So, we've still got the water problems. I've got recent pictures as of February 28th of a heavy rain we had that day. I believe this time it was less than an inch of rain, but it came down fast, but got pictures of the flooding now, if you guys want to see it. So, my point today is, the preliminary plan doesn't work for us now. So, moving forward, without making any changes or addressing the issue, I think we're kind of getting ahead of ourselves on this. I want to be a good neighbor to the guys back there. I want to see the development happen. I'm not opposed to that, but I cannot keep taking more water into my crawlspace and my pool than what we already have. I've been there 15 years, and haven't had any resolution to the issues yet. I've been told we can't do anything to the ditch. It doesn't work already, but there's nothing we can do, because the flow lines don't match up with the adjoining ditch. So, that's my only concern moving forward with the plan in place. The plan in place doesn't work. So, if you guys want to see some pictures, I can show you some pictures. I'm not trying to be a problem to the development, I just don't want to have any more problems at my own personal house.

President Musgrave: Okay, is Mr. Meritt here? Sometimes I can't see... there you are, way in the back. Could you come up please? And Mr. Gray, I know that the preliminary plan that's been proposed is not in place yet.

Shane Gray: Right.

President Musgrave: So, what you're saying is that your current drainage issues are bad, and that you don't want development next to you to add to those problems?

Shane Gray: Yes, the plan now, as I understand it, for the last conversation that we had in '15 when all this was originally started, was to dump the overflow into our swale through a wet retention area. And that wet retention pond was going to be, not adjoining, not next to my property, but basically three feet away.

President Musgrave: Well, here's what I'm going to suggest to you. I really feel that you and Mr. Meritt should sit down and go over in detail your videos, and I saw the video, because it was emailed to me.

Shane Gray: Yeah, I would love to do that. I've made several phone calls.

President Musgrave: He's right behind you.

Shane Gray: I've made several phone calls and nobody's returned anything.

President Musgrave: Mr. Meritt, can you come forward and talk about how he can sit down and talk with you and go over these issues?

Glen Meritt: Glen Meritt, Cash Waggoner. I'm the engineer on the project. I mean, I'm going to kind of concur with Linda. I mean, this plan was put together back in 2014. It met the preliminary requirements of the drainage plan. We had a lot of opposition at that meeting as well, and then after that meeting Jeff Mueller, John Stoll, myself, and some of the neighbors walked that ditch. And it is an existing problem. I mean, we're proposing, you know, not to put any more water in that ditch. That's where our water's going right now. There is an issue within their subdivision that that swale was not built correctly. I mean, I don't have a complete topo. It's about four or 500 feet from our west property line to the big ditch that runs along the western boundary of Green River Estates. And we have like 200 foot of topo of that ditch, and it's basically flat. It's got a decent amount of width and depth on it. There's more depth on the north side than there is on the south side. On Green Rivers Estate side, it's only about a foot deep, and there are places along Windham Estates where it's two and a half or three foot deep. So, I feel there's the ability to go in there and upgrade this ditch. I mean, we're going to have to get cooperation from the neighbors. There is a 15-foot drainage easement along that north property line of Green River Estates that's existing. Because, I mean, the contours west of us go up, I mean, so this is the only location that our water exits right now. And, I mean, we're looking at some options, but we're basically trying to get back to the point where we get a primary plat approval from APC next week, and then we can move forward with the County Surveyor and/or the adjoiners, and put a final drainage plan together and come back before this Board in in a month or six weeks, you know, depending on my schedule.

President Musgrave: So, what I heard you say, is that you recognize that there's a problem, an existing problem on property that is not the property you're developing—

Glen Meritt: Correct.

President Musgrave: --that's adjacent, but that feel that you will be able to help the adjacent property with their problem? Correct me if I'm wrong.

Glen Meritt: Correct. Yeah, I mean, it can only get better. Like I said, I don't have a complete topo of that ditch. I mean, we're going to have to do that here in the next few weeks just to see what it does from our west line to the west line of Green River Estates that's existing, but the part of it that I do have, like I said, it basically has three hundredths of fall over 180 something feet right now. It goes, it just up and down, up and down.

President Musgrave: Somebody else built this ditch—

Glen Meritt: Correct.

President Musgrave: --incorrectly a long time ago?

Glen Meritt: Correct.

President Musgrave: Okay.

Glen Meritt: And I had a conversation with John Stoll last week, and we both talked on the timing of it. I believe that subdivision was built before the drainage ordinance had taken effect. So, I don't know how much, you know, they looked at the offsite runoff, but I mean, that's kind of what I think happened. It's just my personal opinion that they didn't account for all that offsite water in that ditch. And it's probably silted in over the years because it's flat, and it just needs to be upgraded. It needs to probably be dredged out, maybe deepened a little bit to get some positive fall from east to west to handle the water that's coming there now.

President Musgrave: Mr. Gray says that he's not getting anybody to return his calls. Will there be an improvement in that situation?

Glen Meritt: I have not gotten a call from anybody out there in Green River Estates at this point.

President Musgrave: Could you share phone numbers?

Shane Gray: Your answering machine has always been full when I've called.

Glen Meritt: Okay.

Shane Gray: So, I mean, yeah, anyway.

President Musgrave: You've got to come to the microphone to talk. It's just, can't hear a thing you said.

Shane Gray: Well, to be fair to him, and then all my phone calls went to a full answering service. So, I can't leave a message. Can't leave him numbers.

President Musgrave: He's right here now. And I want you guys to make sure you connect and to go over this, because the last thing I want is at the final hearing to be faced with anyone who said that they couldn't get ahold of you to talk. Got it? Okay. Alright.

Glen Meritt: I have no problem with it.

President Musgrave: Alright. Have I got you then covered, Mr. Gray? Can I move on to the other two speakers?

Shane Gray: Sure.

President Musgrave: Okay.

Commissioner Hatfield: I had a question for Glen. So just to kind of, you're living it, and so I'm hearing it, and I just want a recap. Most of the water from this area is going into this ditch now?

Glen Meritt: Yes.

Commissioner Hatfield: Okay.

Glen Meritt: It absolutely has to.

Commissioner Hatfield: And in the future it has to?

Glen Meritt: Correct.

Commissioner Hatfield: Okay. So, the ditch needs upgraded?

Glen Meritt: Yes.

Commissioner Hatfield: And, where does that water outflow? Where, where does it?

Glen Meritt: I mean, how far downstream are you talking? It eventually goes to Firlick Creek, I believe. Linda?

Shane Gray: I believe it's called Schlensker Ditch.

Glen Meritt: Like I said, I, the, the ditch along the west side, west boundary of Green River Estates, I don't believe that has a true name. But downstream, it continues on, I believe it goes to Firlick, if I'm not mistaken, which is right there, north of the softball, soccer complex out there on Green River/Oak Hill.

Commissioner Hatfield: So, will the future sub that you're working on have retention ponds?

Glen Meritt: Yes. It has a retention pond right now. And, like I said, we're discharging at the 10 develop, 10-year undeveloped rate right now, out of that detention basin.

Commissioner Hatfield: So, are you going to try to get that upped?

Glen Meritt: We're looking at, at that possibility. I mean, it depends on what all we can do with that existing ditch that's there on the Green River Estates side. Like I said, there

is a 15-foot drainage easement, so I feel there's room, you know, to go in there and do some widening. But, I believe there's five or six homeowners in that Green River Estates that we'll have to work with to be able to get in their backyard to do those improvements.

Commissioner Hatfield: So, Mr. Gray, are you open to that?

Shane Gray: I am totally open to it. My only question is, at whose expense is that going to be? Is that you guys taken care of it? Or are they going to charge the homeowners?

President Musgrave: Can I just say this? That's not a matter for this Board.

Shane Gray: I get it, but--

President Musgrave: And, you guys need to work that out.

Shane Gray: I'm willing to talk about anything.

President Musgrave: Okay, good deal.

Shane Gray: I want to solve the problem, not create more.

Commissioner Hatfield: I can tell you from experience, if you're already having problems and they haven't even, they're now starting the process to develop.

Shane Gray: Right.

Commissioner Hatfield: It is the best opportunity that you and your neighbors have of solving your problems, and if Cash Waggnar, if you can commit to work with them and help them, that will go a long way. I really believe that.

Shane Gray: Another part of the issue, and I think we're on the better part of getting it resolved, that mine was the first property that doesn't get any notification for any of this, because we're not technically adjoining. There's three-foot difference. So, everybody downstream from us didn't know about it until I started knocking on doors and trying to ask if they have problems like we do. So, I'm trying to get everybody on the communication list, but right now it stopped at the Jane Florida property.

Commissioner Hatfield: Well, I'm just encouraging both parties here to communicate.

President Musgrave: Just so you know, the statute sets out who gets notified.

Shane Gray: Yes, exactly.

President Musgrave: So, it's been, no one has raised a legal. So, you're going to have to keep doing your homework with your neighbors. Okay?

Shane Gray: Right.

President Musgrave: The developer is required to notify specifically, various properties, and so that's what they do.

Shane Gray: It's all part of the process, yes.

President Musgrave: Right. Okay. Alright. Can, any other questions from the Commissioners?

Commissioner Hatfield: I think somebody else wanted to speak.

President Musgrave: Yes, I know, but I wanted to make sure you had your questions answered. Alright.

Commissioner Hatfield: Oh, yeah, thank you.

President Musgrave: Alright. I have Daniel Hass and Sherry Schapker. Who would like to go first? Are you Mr. Haas? Okay, come forward and state your name and your address.

Daniel Hass: My name is Daniel Hass. I live at 8900 North Green River Road, which is adjoining the subdivision. I have a 1500-foot, 1900-foot property line that will be all the

way down. And I just ask that we don't have the water situation that we had from Windham Hill. Because we did have to get a lawyer for the Windham Hill to get the berm put in. That berm was not put in the first time. And I have pictures of their subdivision, where the water was over their air conditioning units. And he didn't quite tell all the truth, not all the water flows towards them. There is one section up front that will be draining towards me. And I just ask that there will not be a water issue. I don't know why he's not putting a waterway all the way around the property to cover, to protect us and him. But, from what I've seen on his plans, it's just sections that they're putting the water drainage in.

President Musgrave: Okay, you want to go ahead and make an appointment then, and try to work that out between now and the final hearing. Okay? Alright, he's here now, so, let's see if you can't get a meeting set up.

Daniel Hass: Okay.

President Musgrave: Okay. Mr. Meritt?

Glen Meritt: I was talking to Linda for just a second. Are you north? Are you located north of us?

Daniel Hass: That's correct.

Glen Meritt: That's correct. I mean, when I was talking earlier, I mean, the problem area is the Green River Estates development at the southwest corner. We do have some water going over towards Green River Road. I mean, our site, there's an existing farm field out next to Green River. It's got a pretty decent incline, and it goes into a wooded area and then there's a peak and a high point, and it does split our watershed. But, we don't have any water going towards his property. We're collecting all the water off his property. I think he's got a little small strip that comes out to Green River Road where his driveway and stuff is. And, I mean, along that area, I do have a swale along that entire north boundary. If you look at our plan it's basically the wider portion out towards Green River Road, and there is a swale they're diverting all the water off of our rear yards, and it kind of wraps around the northeast side to another detention basin. So, I mean, there's a detention basin on the southwest corner, and there's a detention basin on the northeast corner, and then it'll discharge to Green River Road. Those are our two discharge points from this entire development. I mean, we're, we're losing a little bit off the backside of our detention basins, you know, where we're elevating it for a berm, but that's, other than that, that's really the only water that we're releasing off of our site. Everything's going through a detention basin and being detained.

President Musgrave: Okay, well, I still hope that you make time to meet with this property owner.

Glen Meritt: That's fine.

President Musgrave: Alright. Sherry Schapker?

Sherry Schapker: Mine is number seven.

President Musgrave: Oh, sorry. Alright. Is there anyone else to speak to this particular development and this particular preliminary drainage plan?

Linda Freeman: We have those plans, the current preliminary plans, they are scanned and they are available to see on our website, just on our website, under drainage plans, which I think is on the left hand—

President Musgrave: Good deal.

Linda Freeman: -- column. So, and as soon as we get what they're proposing to be their final, we'll post those as well.

President Musgrave: And, I want to make sure that if you have any questions, comments, concerns, or communications that you share with the parties involved.

Linda Freeman: Right.

President Musgrave: All parties.

Linda Freeman: So, do we have phone numbers and/or emails on the sign-in list?

President Musgrave: We do not.

Linda Freeman: Okay.

President Musgrave: So, if you want to come and get this.

Linda Freeman: Yeah, if you folks could put like phone numbers and/or emails, that would be very helpful.

President Musgrave: That would be awesome. Alright, we had a motion and a second, if I remember correctly, on the floor. Are we ready to vote? I know Madelyn has now left her microphone. Was there any other comments about this? Alright, Madelyn, just call the roll when you're ready.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Hatfield: Yeah, and I just want to say that I have a lot of faith in Cash Waggnier. I believe if they communicate, and, Linda, you stay involved—

Linda Freeman: Oh, yes.

Commissioner Hatfield: --with the adjoining homeowners that have some concerns, I really believe that if the goal is to mitigate the problem, it can be accomplished. So, I vote yes.

Madelyn Grayson: President Musgrave?

President Musgrave: Yes.

(Motion approved 3-0)

Linda Freeman: Cooperation.

President Musgrave: And, that motion carries. Thank you, everyone, for your input and continue to work together please.

Dayton Freight: Final Drainage Plan & Variance Request

President Musgrave: We move now to the Dayton Freight final drainage plan with a variance request.

Linda Freeman: Yes, ma'am. Dayton Freight is located at 11601 North Green River Road. They are expanding their warehouse and parking lot. Their plan and variance have been reviewed by our office as well as John Stoll. And we are in agreement that their plan meets code and the variances should not adversely affect other property owners. Madelyn has a copy of the variance, and, heck, I have one too.

President Musgrave: So, if I understood what you said, you are recommending approval—

Linda Freeman: Yes, ma'am.

President Musgrave: -- of the final drainage plan with the variance request?

Linda Freeman: Yes.

President Musgrave: Is there a motion to that effect?

Commissioner Shoulders: So moved.

Commissioner Hatfield: Second.

Commissioner Shoulders: You may have someone else here to speak.

President Musgrave: Is there anyone else here to speak on this final drainage plan?

Linda Freeman: Not that I'm aware of.

President Musgrave: In that case, Madelyn, please call the roll.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Hatfield: Yes.

Madelyn Grayson: President Musgrave?

President Musgrave: And, I vote yes, and the motion carries.

(Motion approved 3-0)

**Schapker-White Drainage Obstruction Petition Public Hearing
(Continued to the June 22, 2021 Drainage Board Meeting)**

President Musgrave: We move now to the Schapker-White obstruction petition public hearing. And I have a document to read in order to proceed. I now open the public hearing on an obstruction of a natural surface watercourse. The County Attorney will swear in witnesses who will testify and present evidence. First will be the petitioner Randal and Cheryl Schapker. The second will be the responder, the respondent, Christopher White, and the third to speak will be the County Surveyor. After we receive all the evidence, the Board can take the matter under advisement and issue a finding at the next meeting of the Drainage Board. So, I will now turn it over to the County Attorney to swear in all the witnesses.

David Jones: Would anyone who's planning to testify or present evidence at this public hearing please stand and, raise your right hand? Do you, and each of you, solemnly swear or affirm under the penalties of perjury, that any statements that you make or evidence that you offer, to the best of your knowledge and belief, are the truth, the whole truth and nothing but the truth?

Unidentified: I do.

President Musgrave: Thank you, and I witnessed all three say that they do. If we could please now have the statement by the petitioner Randal and Cheryl Schapker. And has, has your evidence been shared with one another? Okay, go ahead, Ms. Schapker.

Sherry Schapker: So we want to go through those pages. Okay. So, you have some pictures of our side yard, which is, was a field, a partial field. We own actually, you can see a post, a property post, right where the edge of the water is. We own to that point. And, after Patrick White put the obstruction in the ditch, we now have this water problem that comes in and, that we didn't have before. I grew up in this house. I've lived there for 35 years. Never had a problem like this at all. We only had a small little drainage ditch that, you know, had some water. But this is the norm now when we have a heavy rain. And, you can see on some of the pictures we've added on to our pole barn before he put that obstruction in there, and it runs underneath the barn now. So, we don't know whether to put a ditch in, a culvert under our barn, you know, didn't need to have that before, or what we have to do. So, we're just asking that they take that out to natural waterways. Some of the videos and stuff, I don't know how to run them. I'll just...there we go.

Linda Freeman: Just double click that.

Sherry Schapker: Okay. So, this is the new ditch. Now that the obstruction is there, it made its own ditch. You could see the ditch back there—

Randy Schapker: It's coming out of the ditch, yeah.

Sherry Schapker: --it's full. And, so, instead of going around the corner, it made a new one, and it just comes right down the side yard, you know, that because we are going to actually do that. So, there's another one, I guess. Yeah.

Randy Schapker: Yeah.

Sherry Schapker: So, this is back there. It just overflows, you know, it always ran, but it never came out of the, out of its banks too far, but this just shows where it's made a new waterway. That was never there. And, so--

Randall Schapker: The farmer has even asked though, how come they're getting, he's getting a lot more water now in his field. And I told him that my neighbor put an obstruction in that natural waterway.

President Musgrave: Are you Mr. Schapker?

Randy Schapker: Yes.

President Musgrave: Could you go ahead and state your name for the record?

Randy Schapker: My name is Randy Schapker.

President Musgrave: Okay, thank you.

Sherry Schapker: Is that the other one?

Randy Schapker: Yes.

Sherry Schapker: So, this is the other one. As we walked back in the back of our property, this is the ditch that is now, it's full there, but then it, it ran, it backed up and made its own new ditch, as you'll see, in the field. And so, okay. Is that the first one? So, and, you know, these are just a couple of the times, you know, usually happens at nighttime. You know, we don't get out there in the rain and stuff.

Randy Schapker: Did we do that one?

Sherry Schapker: This one, this one?

Randy Schapker: Yeah.

Sherry Schapker: And, so, this is just some of that just made its own new waterway that was never there in all the years I've lived there. And, so, we just ask that he, there used to be a bridge. My cousin lived in that house, and, there used to be a bridge that went across that ditch, and apparently the bridge has broken down and he filled it partially up with rip rap, you know, and I don't, I guess you guys have pictures of those?

Randy Schapker: That picture there showed all the water run.

Sherry Schapker: Yeah. But, they pretty much know, can kind of see what's going on, but your pictures. Yeah, I don't know where. Do you have some photos?

Randy Schapker: It was—

Linda Freeman: Yeah, we have.

Randy Schapker: It was in that one.

Sherry Schapker: (Inaudible).

Randy Schapker: If you play it a little longer.

Sherry Schapker: It shows this way.

Randy Schapker: Yeah.

Sherry Schapker: So, you can see, and, so the water on our side of the ditch then always holds water, because of the depth of the rip rap, which always used to dry out and never held water, except for, during a rain. We actually had ducks in it, and it's stagnant, you know, never had any ducks in our backyard, you know. Yeah. Stop there. Okay, and then

when, you can see it running, and then you'll see where we dump our grass back there trying to make a little mound, but you can see here, it's just running that way. And, it would always stay short of like that in its, just in its area and never made a new waterway like it did here.

Randy Schapker: I went back there about two weeks ago and measured the depth of the water on our side, south of the dam, and it was 16" deep. And, then I went out to the road on the sidewalk and took a picture of the ditch up along his property, and that didn't have any water in it.

Sherry Schapker: So, we're just asking, it's a natural waterway. It's been that way ever since my grandfather owned that property. That ditch has always been there. My mom grew up right down the road. So, you know, the farmer has farmed it forever, and that's just the natural waterway that's always been there.

President Musgrave: Though, could you just say specifically what you want?

Sherry Schapker: We want him to remove, because he had it bridged—

President Musgrave: Remove?

Randy Schapker: Remove the obstruction.

President Musgrave: Okay.

Sherry Schapker: Yeah, he has rip rap filled in. Instead of, you know, as he called it a ford something, but those have culverts, and if he had a culvert in it, then he could still get across to his backside of his property, and the water would still be able to run through.

President Musgrave: Okay, so, rip rap is the obstruction?

Sherry Schapker: Yes.

Randy Schapker: The rip rap is the obstruction, yes.

Sherry Schapker: He put that in there, yes.

President Musgrave: Alright. Thank you.

Sherry Schapker: Thank you.

Randy Schapker: Okay.

President Musgrave: I will now call the respondent, Mr. Christopher White, please come forward and state your name and address and make your case.

Linda Freeman: This is the most recent one that, yeah, because 5/24. Come on. There we go.

Christopher Patrick White: Hello, my name is Christopher Patrick White. I live at the property located at 11244 North Green River Road. I wanted to say thank you for hearing our exhibit, and your service. So, yes, as stated my family does, my wife and my little boy live at 11244 North Green River Road, next to the petitioners. So, we will begin our presentation here, sorry, the screen is not showing what it's showing up there.

Linda Freeman: Help. Hang on, he's coming.

Christopher Patrick White: Okay.

Linda Freeman: All of a sudden, it's not cooperating.

Christopher Patrick White: There we go. Thank you. Thanks for your patience. Okay, yeah, so, the, obviously the context of the position to the petition, is petitioner's Mr. and Mrs. Schapker claim an obstruction to the State code shown here. So, what we'll be focusing on is the reason that the crossing was changed, proof that there is no impedance to the waterflow, also evidence that our crossing doesn't create any impact to the

neighboring properties. So, here you can see the State code. What we're going to be focusing on is it, does this crossing prevent or significantly impede the flow of water through the natural watercourse? So, as I mentioned why did the crossing change? As the Schapker's mentioned, the old bridge was put in by the previous owners. That was their cousins. What happened with this old bridge? Well, first off, why is there a crossing? And that, and that's because there's a half acre of our property adjacent, or across the ditch. So, there's no way for us to access the other side of the property. Even during dry conditions, today there is stagnant water in the ditch. So, even without the bridge, there still would be no way to cross the ditch to maintain our half acre on the other side. So, the status of the old bridge, it was probably put in years ago. Eventually what started to happen is, as you can see in the picture, there's actually debris that has built up against the ditch, which is kind of evidence of an obstruction. So, not only is there debris that's stacking up on this ditch, but also it was rotting away, from age and just wear over time of this water. So, there was rot, there was erosion damage from the turbulent water going under and around the bridge. So, significant erosion, the bridge began to deflect when you walked across it, and there's a missing board, so it was no longer safe to use. And, as mentioned, the Schapkers did not have any issues with this old bridge, although there is evidence of debris where the bridge is actually stopping the flow of water. So, as you can see, the second picture here is the new crossing. There is an overview picture of the new crossing. And what it's constructed of, is there was an excavation vertically 18" down, to match the level of the ditch, the profile of the ditch. So, this excavation was vertical, lined with geotextile fabric. There's 12" rip rap in that excavation, and on the very surface of the rip rap, there's 2" rock, so we can actually cross this with our lawnmower. As you can see in the third picture, the, this crossing is trying to show that it meets the same profile of the drainway. So, it is not straight across as you would think a dam would be. So, that third picture is supposed to represent that it does meet the profile of the drainway. So, here are two videos that are going to show the situation during a large storm. The first, as you can see here, on the 31st of July last year is when this video was taken. This is about 1.8" of rainfall in a 60-minute period. This first video is downstream of the crossing. So, there is a, this first video will show that the situation where the crossing has no impact. So, that is facing towards my house. This is the neighboring subdivision, and that's just showing the significant amount of water going through there. And again, this is downstream of my crossing, where there is no impact. The very beginning of the video here, you can see my house and the width of this water going through the drainway. Now, the second video is actually at the crossing. It's the same volume of water. It's the same storm. You'll see a very similar condition. So, here's the crossing, you can see the water going over the top of the crossing. And, also, you can see here that the height before and after the crossing is exactly the same. So, also, there is, if there is no difference in height, there is no difference in flow. The water is allowed to pass right over the top of the crossing during this large storm. Therefore, there is no obstruction. So, we'll continue. So, this next slide is showing during, after the storm, what's the condition? Is there standing water in the ditch or not? So, this video was taken on June 28th. And before this video, there was about 3.4" of rain during this storm. This video shows the crossing does not hold back water, and it doesn't even hold back water even at a low level. So, again, this was about, it's about 12 hours after a storm. So, you can see here there's standing water, and then after there's also standing water. So, there is standing water on either side of the crossing. Next, we're going to be covering the claim of, of damage to the issue to the neighboring property, which is the Schapkers. As you can see here, the first picture, there is a ditch next to their driveway. So, this shows the location of their new pole barn addition. I hope, hopefully, you can see it here. This is the new addition. Right under here, you can see that there used to be, there's an existing ditch that is not related to the ditch that they have petitioned against. So, where my crossing is located is not related to this ditch, although their pole barn is located on top of this, this other ditch, separate ditch. Second picture is the same picture that was provided by the Schapkers. It is showing that there is water flowing from a farm field that is east. Again, that is not, that farm field does not drain into our ditch. This next slide will show that evidence. And, also, the videos that the Schapkers provided before my exhibit, did not specifically show water coming out of our shared ditch. It was showing water flowing in this area, but not directly coming out of our shared ditch. So, here are some GIS overviews of this farm field to the east. The drainway that you're seeing on the left is the shared drainway for the Schapkers and I. This is showing the farm field area, and you can see erosion lines here that are to what would be the east of our ditch. These erosion lines are not directed towards our ditch. They're

actually directed in parallel and away to our ditch, towards Green River Road. What this is indicating is that those water from the east farm field is not going into our shared ditch and is not able to go into our shared ditch, but that water, that volume of water is going towards the Schapker's property. In addition, this is another overview picture where it is showing the Schapker's property. This building circled here is the pole barn where the addition has been put in place. Again, there are erosion lines here showing that the water from the farm field to the east, not related to our shared ditch, is flowing towards the Schapker's property, then towards Green River Road. So, what could be the cause of their changed situation? So, as they mentioned, they do feel that the, they do feel that the timeline of the crossing matches the timeline of their problem, but there's actually been other factors that have changed during this time. There's been recent changes in construction to Green River Road, and there's also been some development in that area. So, first, what's changed in the Green River Road area? This picture to the left is showing the surrounding properties, the red highlighted driveway you see there is a, is that farm field where the farmer would have had access into that farm field, neighboring the Schapkers. So, that's the location of this. Before the road construction, there was a 48" culvert that would drain that farm field. That farm field would then go towards this 48" culvert, then actually continue east under Green River Road. So, that buildup that we saw earlier of the Schapker's farm field in their property, it definitely could have changed due to the road, the road difference. Now, what's changed at the road difference? Well, there used to be a 48" culvert. Currently there's only a 24" culvert there. And to this drawing here, which was the plan construction, that was planned to be a 60" culvert, but for some reason it was changed to a 24" culvert. This picture to the right shows a new culvert design. So, that that's the evidence of the culvert. So, in summary, wrapping this up. My video shows that my crossing does not provide any obstruction. Factors that could be causing the petitioner's issues are flow from the east farm field. That is not related to our shared ditch. Change in the design culvert size for going, for the water diverting underneath Green River Road, and this picture to the right here is also a, it shows the difference between my property and the petitioner's property of our ditch. So, as you can see here, the petitioner is actually dumping clippings, has a bush in the area, and has other shrubs within this shared waterway. And then the--

President Musgrave: You're saying that your property is the closely mowed ditch?

Christopher Patrick White: Yes.

President Musgrave: And theirs is the grownup ditch?

Christopher Patrick White: That's correct.

President Musgrave: Okay.

Christopher Patrick White: Which this picture, this is showing a condition upstream of my crossing. So, again, not related to my crossing. In addition, to my knowledge, no person at today's hearing has been present to witness the flow of water at my crossing during any storm. So, in accordance to the State code, we have to confirm the flow of water over, or at the crossing to prove there's an obstruction. But, since there has been no one to confirm this flow of water, sorry, so in order, no one can, so, really, since nobody has been present to confirm this flow of water, we cannot claim it's a significant obstruction. That to the State code where this petition was filed. So, we, you know, my family does hope that the Schapkers are able to resolve their issue, but we have shown in this exhibit that our crossing is not related to the issue. So, anyway, thank you for your time and service.

Commissioner Hatfield: Thank you.

President Musgrave: Alright. Thank you. And, thank you to both the petitioner and the respondent. I would call on the Surveyor, Linda Freeman, to please come forward.

Linda Freeman: Alrighty, let's, here, I'll let you drive.

President Musgrave: While he's getting that to the right place, you've met with both parties, correct?

Linda Freeman: We have talked to both parties, yes.

President Musgrave: Okay, attempted to reach a resolution?

Linda Freeman: Okay, sweet. Actually, go ahead and we'll, we'll hit that (Inaudible) Okay, we'll just, we'll start from the beginning with our little, and as you well know, we've got the Randal and Cheryl Schapker petition. Petitioners are Cheryl and Randal Schapker, and the respondent is Christopher White, which you just heard. I wish I could see that. Alrighty, let's see, this is, where the arrow is, this is Cheryl and Randal's. This is Mr., or Christopher Patrick, I think he goes by Patrick. And, then, you can see the alleged obstruction, where the rip rap has been placed. Just an overall view.

President Musgrave: Can you use your mouse to show where those things are?

Linda Freeman: What, I'm sorry? Here is the alleged obstruction. Is it not showing? Oh, mouse is not showing. All the way to the west, with the thin rectangular bar with the point

President Musgrave: Linda, come in front of this screen right here, and just point it out, because it's just impossible.

Linda Freeman: (Inaudible comments made away from the microphone.)

President Musgrave: Thank you.

Linda Freeman: Why isn't the little mouse showing up? Alright, so, Randal and Cheryl Schapker, in their petition, cite that an obstruction has been created in the drain. Oh, so, well, no. Oh, okay. That might help, but no, that's not working. Here we go. Sorry. The alleged obstruction is to be, is stone and rip rap. And, you can see here, this is the pipe that runs under a driveway that accesses that, the Braun property. This is a 36" pipe? And, this was engineered for Ms. Braun to carry the water in the same ditch that the Schapkers and the Whites are talking about. This is looking back southwest towards the area where the culvert is. So, this is the ditch that they're talking about. The waterway that you can see, we're looking kind of westerly.

Jacob Timmons: Southwest.

Linda Freeman: Southwest. Then looking northeast towards the alleged obstruction, in this stretch of all open ditch, the water is no longer contained within the channel, as you can see. Another look at the area where the water is backed up and out of the banks. Here's the obstruction. You can see the rip rap and rock that was placed there. This is from the northern side of the ditch, looking southeast. An additional photo from the northern side, looking southeast. This is at the pipe that runs under the driveway again. Actually, I wish I had two screens here. Can I grab that, how do I grab that other photo? That we just had up. Yeah, the PDF. Oh, well, isn't right there. Nope.

President Musgrave: What do you want me to know from looking at this picture?

Linda Freeman: Well, from this particular picture, this was engineered by Cash Waggner. Oh, and it's unable to show? Oh Chad? Well Cash, but oh, okay. Sorry. I was giving Glen credit.

President Musgrave: Is your point that it needs to be cleaned out?

Linda Freeman: Well, this shows the watershed for that pipe, which in turn is for that ditch that's –

Unidentified: So they'll see this screen.

Linda Freeman: Okay. So, alright. Okay, get back to that, please and thank you. Okay. So, as Mr. White was stating, that the erosion and things, the water was carrying to the east, if you see that dark black line, this is the watershed for a pipe that is in front of the obstruction. They put in a 36" pipe here to carry the water through that ditch. Now can they see my mouse?

President Musgrave: Was there no pipe there before?

Linda Freeman: No, there was no pipe there before.

President Musgrave: So, do you think the pipe is under sized?

Linda Freeman: No this is carrying the water. This water runs south to north, which is kind of...they built a house to the back, to the east, or to the west. Sorry, get my directions here. But that's that pipe. Part of the problem that we saw out there is that they have piled up the grass clippings, which, sorry, I should just let you drive. They have piled up large amounts of yard waste along the eastern side of the ditch.

Commissioner Hatfield: Who has done that?

Linda Freeman: The Schapkers.

Sherry Schapker: We're trying to create a berm.

Linda Freeman: They're trying to create a berm with that. But in turn, some of the grass clippings have fallen into the ditch, as you can see in this slide. And, for some reason, to the lower end of that photo, you can see. Then there's a portion of the ditch that seems to have a significant amount of buildup, silt and sediment buildup.

President Musgrave: Or is that, whose property does that border? Where is that problem at?

Linda Freeman: That's the Schapker's. Then here, you're getting to Mr. White's with the rip rap and rock. And, here you can see the elevation difference between the flow line and the rip rap. I noted that he stated that he excavated and then put this in, but in this picture and when we were out there, it seems like this is approximately 18" higher than the flow line of the ditch. Smaller patch of rip rap was found a little further down the ditch where it turns east. And, I don't know if that's, you know, part of the problem, but this photo is showing the ditch running from this ditch that's in the back, runs east towards Green River Road. There is some erosion and some issues there. This is looking west from Green River Road, the flared end section, into where the ditch drains into. There's plenty of fall from the pipe that was installed for the new construction, which is—

Sherry Schapker: (Inaudible. Comments made away from the microphone.)

Linda Freeman: There's approximately seven and a half feet, 7.6 feet of fall from the start of the ditch on the Schapker property to Green River Road. The total run is approximately 900 feet. So, we've got 0.8% slope, that if, you know, the parties would get together and work that out, I think the water would cruise right through there. Here's oh, wait a minute. Here's aerial imagery from, help me get back. Oh, there we go. Never mind, I got it. This is imagery from 2020. And, if you see to the southwest of that rip rap area, you can see it's kind of wide, looks kind of silted in maybe. But, then when you look at 2019, you see more of a clear ditch. You can, can you see that? Do I need to point?

President Musgrave: Got it.

Linda Freeman: Okay. And, then from 2016, you still have that same, more clearly defined ditch line. The County Surveyor's findings is that objects and materials constituting the alleged obstruction that the petitioner's, Randal and Cheryl Schapker, cited obstruction of stone and rip rap. We examined the area that was alleged to be obstructed cited in the Schapker's petition. It was determined that large stones had been placed in the ditch filled with a much smaller rock to help fill in the voids. It's approximately 10 feet across, 25 feet wide, extending well beyond the flow line of the ditch. The impacted area meets the statutory definition of a natural surface watercourse. And, then, as used this chapter, obstruction means a condition that exists within or near a drain, prevents or significantly impedes the flow. The term includes the following, which you folks are quite versed in that. Across two site visits, the Vanderburgh County Surveyor's Office did find stone or rip rap that had been placed in the channel. While water is able to permeate through the rip rap, it's the opinion of the Surveyor that this placement has slowed the flow of the water through the ditch. And, then when you do this, the placement of the rip rap, in addition to the, it decreased the velocity of the water, when it comes through there. It's kind of slowing down. It's got more agitation. So, it allows the silt to deposit just upstream of the obstruction. And, this silt has effectively filled in the channel in that area and causes water to spread out over the ground upstream of the obstruction, as is apparent in the photos. The draining question does meet the statutory definition of watercourse. The Vanderburgh County Surveyor did find conditions, objects, or materials that would constitute an obstruction. The Surveyor's Office is of the opinion that the

removal of the rip rap will allow for more efficient flow of water through the drain, but the removal of the obstruction will not solve all of the issues upstream. Some of our recommendations would be that both parties work together to keep the channel free of any debris, including yard waste, so that the drain will perform to its maximum capacity. It would be of benefit to both parties if the depth and width of the channel were increased to create additional capacity for the convenience of stormwater runoff. If the ditch would be dipped out to be, to establish a more consistent flow line and eliminate high spots. Because that was one thing that we noticed, we did shoot GPS points, and there's some places, you know, you're going along and then you've got a, and you're going along, you've got the, got the little rip, the little bumps and things. Did I leave anything out? But, then I also, you have my full report, which, like I said, I don't think that this entirely, just removing this rip rap and stone and stuff, would entirely alleviate all the problems out there, because they, because of the farm ground without, this is coming from my Soil and Water Conservation, if they've got silt coming in there, if they've got the grass clippings that are packed up there, and when they're dry, they're easily floated into. So, then you've got that, those grass clippings that are helping hold back water, and then they clump up, they get wet, they settle. We noticed a lot of that. And then we also, we, we were out there during heavy rainstorm, which we've got photos or videos. Oh, you don't, we don't have them here?

Jacob Timmons: No. (Inaudible comments made away from the microphone.)

Linda Freeman: Oh, okay. I'm sorry. But, Jacob was out there during significant rain storms. Prior, we made two inspections out there. The first one was April 29th. Jacob was out there during a rainfall event that was approximately 1.8" of rain on April 29th of 2021. And, then we've made a second site visit on May 18th. But, like I said, it's not, the rip rap removal is not going to fix everything, but it definitely would help. And, if they would, if they would work together, they could alleviate a lot of their problems.

President Musgrave: Thank you. Just a moment while we consult with legal counsel.

Commissioner Hatfield: Linda, I've got some questions.

Linda Freeman: Yes?

Commissioner Hatfield: You know, I read your report, and I can't remember, is it Mr. White?

Linda Freeman: Yes, yes. Mr. White and the Schapkers.

Commissioner Hatfield: He, you know, if this is a hearing—

Linda Freeman: Uh-huh.

Commissioner Hatfield: --he rebutted—

Linda Freeman: Uh-huh.

Commissioner Hatfield: --pretty well.

Linda Freeman: Yes, he did.

Commissioner Hatfield: So how did, you're our expert.

Linda Freeman: Well, he was—

Commissioner Hatfield: So, how do you rebut his rebuttal?

Linda Freeman: Well, basically, if you were out there in the field, which we were, you could see, and it was depicted in, even in his pictures, you could see where the water that his rip rap was above the dirt line. Like the flow line of the ditch. You could see the rip rap was above that.

Commissioner Hatfield: Uh-huh.

Linda Freeman: In our pictures, you can see the rip rap was above that. So, if he did excavate the 18" before he put everything in, I don't know what created a lower flow line.

But, it, you could see the silt, the dirt, everything that had accumulated in front of that rip rap, well, the water is going into it, and you could see sedimentation. They had, there was some of, some of it is from the grass clippings, but that's a little closer, away from that, away from the actual rip rap.

Commissioner Hatfield: How do you answer, that during this time of him installing this rip rap, whether it be below or level or whatever, coinciding with Green River Road?

Linda Freeman: I'm thinking this was, like I said, the rip rap definitely caused an obstruction. As far as the Green River Road, that really isn't part of the drainage area. If you saw the drainage plan.

Commissioner Hatfield: So, let me, let me ask you this.

Linda Freeman: Or the waterway,

Commissioner Hatfield: Let me ask you this, Linda.

Linda Freeman: Yes?

Commissioner Hatfield: He did a very good job of talking about downstream flooding, the pole barn, the east farm and Green River Road. If we order him to remove this rock, and it does not help those folks, then what?

Linda Freeman: Well, I'm going to say between what I stated, as far as removing the grass clippings and things from the top of the bank, they, removing the rip rap is not going to alleviate all the problems that you're seeing.

Commissioner Hatfield: How do you feel about that, Mr. & Mrs. Schapker? If he removes his rock, and it doesn't have a material effect on what's happening to you?

Sherry Schapker: Well, I can just say, you know, I have been there for so long, and I can understand, we were trying to put a berm up there, because the water kept coming.

Commissioner Hatfield: Before he put the rip rap?

Sherry Schapker: Oh, after. We didn't have to do that before. And you saw the aerial pictures were, it didn't come out of its banks that much until that one picture where it showed that the waterway, those three pictures, those three years.

Linda Freeman: Yes.

Sherry Schapker: That you did that. The other one where it showed it came out.

Linda Freeman: Right. You could see a more defined stream prior to the installation of the rip rap, with the aerial photos. And, then if you look at this particular slide, you can see that the watershed, this is a watershed that, I thought it was, oh, oh, it is Cash Waggner.

Sherry Schapker: Oh, Cash Waggner did that? Okay.

Linda Freeman: Sorry. I was like, wait a minute, but Cash Waggner, Glen Meritt, and he's the one that actually signed on this. This is the watershed map for that pipe, which is just slightly, basically, at the top of the, what you see here. Then this is approximately where the rip rap is. This is the watershed map for that stream. And, they have plenty of fall from this point to Green River Road.

Commissioner Hatfield: I'm not the President. If she wants to, if she wants to, I don't know where she went.

Commissioner Shoulders: (Inaudible. Microphone not on.)

Linda Freeman: Here she comes back. But, you could see the defined lines of the stream.

Sherry Schapker: It never came out of its banks there, where it was coming out now, because since he's done that, and it had, you know, had it ever done that we would not have built that barn in that, right there. There was a little ditch, because we have a drain between one barn and the other, in our backyard between the two, that drain into that

little ditch right there, and then it drained out. And that ditch is only like six inches deep. It's never had to be anything bigger. Do you know what I mean? So, I'm just trying to say that—

Linda Freeman: Oh, here we go, never mind.

Sherry Schapker: -- this never, in my 35 years of living, there never did this.

Linda Freeman: Like I said, you can see, like I said, the aerial photos here, let me get, here's the 2020, you have more of a muddled line.

Sherry Schapker: It's bigger there.

Linda Freeman: Here it's more defined.

President Musgrave: Can I ask you to hold on for just a moment with this, while the County Attorney, or the Drainage Board attorney has a question.

Linda Freeman: Yes, Ma'am.

David Jones: Linda?

Linda Freeman: Yes, sir?

David Jones: There was a, Mr. White showed a photograph of a culvert that was put under Green River Road.

Linda Freeman: Right, but that—

David Jones: And, and that was a different size than what was originally on the plans?

Linda Freeman: That I wouldn't, that would be under John Stoll's, and, I don't know, I'm going to guess that they wouldn't have let a 24" be in there if there was supposed to be a 60" inch, but that's not—

David Jones: Were you aware of that? Or did you follow up on that? I mean, has anybody made any determination about why that sizing was changed and who, who did it and what's the impact of the, of the flow?

Sherry Schapker: (Inaudible. Not at microphone.)

President Musgrave: Let me just say that that's such an important question, and—

Linda Freeman: Well--

President Musgrave: -- we have a couple of other issues that I'd like to explore.

Linda Freeman: Okay.

President Musgrave: So, I am going to ask for a motion to table this, in order that we can approach those issues. Our next meeting is on June 22nd—

Linda Freeman: Right.

President Musgrave: --and that will give time for these questions to be answered, and for a more complete recommendation to be developed. Okay? So, board members, may I have a motion to table this?

Commissioner Shoulders: I'll make the motion. That's four weeks from today and--

Linda Freeman: Yeah, I'll find out about that pipe size.

Commissioner Shoulders: --we'll ask John. If you can get with John, because, I know John's not here anymore, but if you can, that'd be helpful too. So, I'll motion to table until four weeks.

Linda Freeman: I'm not sure where that location is, but I'll find out.

Commissioner Shoulders: It looks like (Inaudible) gentleman (Inaudible).

President Musgrave: Is there a second to the motion?

President Musgrave: I'll second it. May I ask you to come forward, Mr. White, to state your, but understand that we're not making a decision here probably today. Please come forward.

Christopher Patrick White: Thank you very much. Some things I'd just like to state are there are a couple of claims here that were maybe a little bit out of context, is this crossing and the flow of the water that the Surveyor noticed, when they mentioned it was coming out of the banks. That's actually an eroded part of this natural drainage way. So, there's a significant drop that's been caused by erosion over the years. That is not the intended design of this drainage way. So, the area that they stated where this crossing is higher, is actually part of erosion, not the, not the actual waterway. They mentioned it was like, I'm not sure what you said, maybe six to eight inches? That eight inches is actually an eroded part. And, also, the part that they mentioned that was silted in is, has, has existed previously. So yeah, that's all. Thank you.

President Musgrave: Thank you.

Christopher Patrick White: Oh, and, and yes, I'm sorry. That's my father there whose also been helping with this. The GIS pictures shown in 2019 were before my crossing was put in place. So, all of that flow that we were seeing, was before any impact to my crossing. My crossing was not there during that time.

President Musgrave: Okay.

Christopher Patrick White: Thank you.

President Musgrave: I'm going to make sure that all the parties are consulted and that the attorney, not generally Mr. Jones here, but Mr. Emig, had a death in the family, or I'm sorry. He did not have a death, he had a family member in the hospital. So, he was not able to be here tonight. We will work on this, and we will come to the best possible resolution. Okay? So, we have a motion and I seconded it, to table. Madelyn, please call the roll.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Hatfield?

Commissioner Shoulders: Jeff? Do you vote yes or no to table?

Commissioner Hatfield: A motion to table?

Commissioner Shoulders: I mean, yes or no to table?

Commissioner Hatfield: I'll vote for it.

Madelyn Grayson: President Musgrave?

President Musgrave: And, I'm a yes as well.

(Motion approved 3-0)

President Musgrave: Just a moment.

Ditch Maintenance Claims

President Musgrave: And there are no ditch maintenance claims?

Linda Freeman: No ma'am.

Other Business

President Musgrave: Is there any other business?

Public Comment

President Musgrave: Is there any public comment?

Adjournment

President Musgrave: Is there a motion to adjourn?

Commissioner Shoulders: So moved?

President Musgrave: We are adjourned. Thank you.

(The meeting was adjourned at 5:30 p.m.)

Those in Attendance:

Cheryl Musgrave
Jacob Timmons
Shane Gray
Randy Schapker
Others Unidentified

Ben Shoulders
David Jones
Daniel Hass
Christopher P. White
Members of Media

Linda Freeman
Madelyn Grayson
Sherry Schapker
Glen Meritt

**VANDERBURGH COUNTY
DRAINAGE BOARD**

Cheryl Musgrave, President

Jeff Hatfield, Vice President

Ben Shoulders, Member

(Recorded and transcribed by Madelyn Grayson.)