



MINUTES
Winfield Storm Water Board
Meeting date: Tuesday, October 10, 2023

Call to order: A meeting of the Winfield Storm Water Board was held at the Winfield Government Center, Winfield, Indiana on Tuesday, October 10, 2023. The meeting convened at 6:58pm.

Pledge Of Allegiance

Board Members in attendance: Jon Derwinski and Zack Beaver

Also in attendance: Rick Anderson, Clerk-Treasurer; Nick Bellar, Town Administrator/Planning and Zoning Administrator; Attorney David Austgen from Austgen Kuiper Jasaitis P.C, Shaun Finney, Town Engineer with DLZ and Tony Clark, Director of Public Works.

Not in attendance:

MINUTES TO APPROVE:

Jon Derwinski made a motion to approve the Storm Water Board Meeting Minutes of August 8, 2023 and September 12, 2023 as presented. Zack Beaver seconded the motion. All were in favor. The motion carried 2-0.

CITIZENS REQUESTING PLACEMENT ON THE AGENDA:

6:59 pm - Gerald Mitsch, 4511 E. 121st Avenue

Mr. Mitsch is concerned that where he lives there are still things that need to be done. First, the school is dumping a 12" pipe onto his property. Mr. Mitsch is asking by law can they have this? Per Attorney Austgen the Common Enemy Rule Applies. This is fact intense and fact specific. If there is a pipe channeling water to damage another adjacent property, there could be an indication of or theory of Common Enemy Violation. It's all in the details. Zack Beaver asked Mr. Mitsch if the condition of the pipe or discharging is intentional damaging his property? Mr. Mitsch replied yes that it runs over the property. Nick and Tony have both been out to the property have seen the gully it has made, which is on the Taft Middle School property. Mr. Mitsch stated that the second thing is the silt fence in which the school hasn't picked it up yet. Brush has now grown up on it and is not being taken care of. Nick stated that they won't remove the silt fencing until the construction is complete and have 70% grass reseed success in an area that has been disturbed. They have been working with the Building Department to make sure this gets taken down orderly. Upon a final occupancy this can be a checklist item to make sure the areas are restored. Zack asked if engineering has been out to look at the damage? Nick and Shaun from DLZ said it has been constructed to plan. Zack inquired about recommendations that can be made. Per Shaun maybe to increase the rip rap area which would be a school item.

7:06 pm – Judith Chandler-Tuza, 7012 E. 117th Avenue

Judith stated that they are on the Town water shed. The problem is that the land was not originally designed for ditches to handle the volume of water that they have. They sit in the middle of construction next to Latitude. They have changed the topography, so some water comes on them that never did before in the front. Mainly, Latitude's pond discharges onto her property. They have never had a ditch there and they had designed it like there was one. So, it discharges into what they call the valley. They had trees and grass there but can't mow now



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because it gets too wet. It was all field that never had run off it just soaked in; however, now they get all their runoff plus Ace Hardware, Clover Grove and Aylesworth. They also get water from the church and when they designed the nursing home they put a drainage pipe to come back to their Deer Creek which is different from the valley.

Four Places of Concern:

- First is the front ditch between the driveway and Latitude. Lennar put a sewer pipe in the ditch in which they didn't back fill it to create a ditch in return water comes into the yard and settles on the driveway. Judith is also concerned with the voids from them not backfilling properly. Nick asked Tony to please go look at this tomorrow.
- Second is that Latitude dumps into the valley and no ditch is there. This area stays wet all the time and the trees that are there are going to die.
- Third there is an East West ditch that used to be a creek that they could go across. They were willing to put a culvert in but where it meets the valley it's all washed out. The little creek is now a ditch, and the valley is spread out and wet all the time. Where they had the little pipe, it filled up with silt making the water run over it and washed away the road to get to the ditch (used to be the creek). This ditch feeds Deer Creek.
- Deer Creek runs from 117th all the way back to the pond. The pond has an overflow that goes into a ditch that sits behind the sewer system. From 117th to the pond it no longer flows but backs up into their land. When it rained hard, water would run backwards due to the amount of silt that had been deposited from the construction. They had someone come and clean some of the trouble spots to try and get the water to move. This helped for a while but was a short-term solution. This creek needs to be made into a ditch. This is not mowable any longer because it's too wet.

Judith is here to ask the Storm Water Board to allocate funds to make the creek into a ditch and clean it out. She has talked to Kevin Misch who would like to do this now because in the Spring it will not be dry. Judith said she has talked to Tony regarding this; however, he was not aware of how bad Deer Creek had gotten. Latitude recognized the problem but when he went back to the bosses they said no because it was too big of a liability. Tony stated that back when Latitude was starting there was an issue with the pond and DNR had gone out there. They looked at it and said it was fine from what Tony understands. Nick believes we have a memo from them stating that it would do more damage going into the creek system (valley) and ripping it out. Nick would like Shaun and Tony to do a site visit with Judith.

OLD BUSINESS:

1. *Update on Hidden Creek Drainage Improvement Project.*

Shaun Finney stated that they swapped out the grade and have done some additional restoration due to some bare spots. They will need to wait and see if the grass takes hold. They did not have a pay application this month; however. The board should have one next month that should be the last one.

2. *Update on Abdulla Stormwater Complaint, 5744 E. 105th Avenue.*

Shaun Finney stated that him and Tony went out to look at this and discovered that the 12" pipe is no longer connected. They think this pipe has been replaced with an 8" which must have failed over time because there is a 6" drain tile shoved inside of the 8" and



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daylighting into the gully. The 12" & 8" were both ran all the way to the North end of the property. Whoever put in the 6" didn't take it all the way only to where it daylighted. It also looks like they dug out some extra materials because there are piles of dirt on top of the bank. This caused man-made erosion. Per Zack we need to get the easement to fix the stub. Per Shaun we need to get easement to run all the way to the back to the North end and upsize pipe back to the original size of the 12". Nick stated that we need to see how big of an easement is needed. This would be a dedication that would happen on this property. Shaun will have to check but believes it's typically 15' on either side of the property line or to an adjoining or 30'. Nick would like to first look at what will be needed and have DLZ put together an exhibit of what the easement should be with a legal description. Mr. Abdulla needs to see if the owner Mr. Punt, is agreeable to dedicating any right of way. Mr. Abdulla needs to present where he would like to place the house and driveway. Mr. Abdulla thanked Nick for his responsiveness to emails.

NEW BUSINESS:

1. Consideration of Proposals for Doubletree Sinkhole Repair.

Per Tony everyone has two proposals in front of them to have this repair done. This is very complex because there are a lot of utilities located there and it's very narrow. There are no easements on site to get this repaired; therefore, homeowners have given permission in writing for us to go on the properties. The pipe is 12 feet down and is a 36" pipe. LGS investigated the problem. At the seam the one pipe buckled letting dirt in. In the proposals you won't see anything about the driveways as they don't know if something will happen or not. Once this is repaired Tony would like to get a camera down to make sure all other seams are good. Zack inquired if we had money for this work. Rick Anderson stated that there is very little money with only \$170,000 in the bank as of today. The good news is that he sent a letter to Little Calumet River Basin requesting reimbursement for the grant funding for the Hidden Creek drainage project. The long answer is yes, we have money. Tony Clark recommends that they go with LGS Plumbing's proposal to get the work completed. Jon Derwinski made a motion to accept the proposal from LGS Plumbing in the amount of \$34,044.00 for the storm piping repair located at 8384/8400 Doubletree Drive North. Zack Beaver seconds the motion. All in favor 2-0.

TREASURER'S REPORT:

Rick Anderson presented the Treasurer's report through the end of September. As stated, prior Rick sent a letter to Little Calumet River Basin requesting the reimbursable grant for \$300,000. The total amount of claims this evening with the only unusual item is the last pay application for the Hidden Creek Drainage Project was a little over \$102,000. He has approval for tonight for \$119,150.80. Jon Derwinski made a motion to pay the claims in the amount of \$119,150.80. Zack Beaver seconded the motion. All were in favor. Motion carried 2-0.

ANNOUNCEMENTS:

Next Meeting – Tuesday, November 14, 2023 at 6:30 pm.



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ADJOURNMENT:

Jon Derwinski made a motion to adjourn; Zack Beaver seconded the motion. All were in favor. Motion carried 2-0. The meeting adjourned at 7:43 pm.

Zack Beaver
Stormwater Board President

Richard C. Anderson Jr.
Clerk-Treasurer

Date of Approval

Dawn Petersen
Recording Secretary