TIPPECANOE COUNTY DRAINAGE BOARD
October 9, 2019
DRAINAGE BOARD OBSTRUCTION HEARING MINUTES
Richard and Judy Clawson & Scott and Kelli Angstadt

Those present were:
Tippecanoe County Drainage Board President Tracy A. Brown, member David S. Byers, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Engineering Consultants; Dave Eichelberger from Christopher B. Buke Engineering LLC, Machelle Watts from Butler Fairman and Siefert and Drainage Board Executive Administrator Brenda Garrison. James Butcher, Surveyor Office Project Manager and Tim Walters, Surveyor’s office GIS Technician were also in attendance. Vice President Thomas P. Murtaugh was absent.

President Brown opened the hearing and referred to the Surveyor for his report. Surveyor Beasley stated this process started with Mr. Clawson’s visit to the office to express concerns of an obstruction in his rear yard. They had a discussion of the petition process and the requirement to notify the neighbor. Mr. Clawson and his wife stated they would rather not notify their neighbor. The Surveyor accepted the Petition for Removal of an Obstruction filed by Mr. Clawson and investigated the site known as 240 South Furlong Drive / Lot 190 Saddlebrook Estates Phase III Part 1, owned by Scott and Kelli Angstadt located adjacent to Mr. Richard & Judy Clawson. (Lot 191 Saddlebrook Estates Phase III Part I) Utilizing GIS, the Surveyor reviewed the topography and elevations of Lot 190 and 191 of the Saddlebrook Phase II Part 1 Estates for the Board. A plan and profile was completed for the location of both lots by James Butcher, Project Manager -Surveyor office. The Surveyor utilizing GIS reviewed both lots and his findings of the investigation, in detail. Ultimately it was found that 3-4 inches of silt, sediment was built up within the swale located in the rear yard of Lot 190 Saddlebrook Estates Phase III Part 1 owned by Scott and Kelli Angstadt. The buildup in said area appeared to be causing ponding of water in the rear yard of Richard & Judy Clawson, (Lot 191 Saddlebrook Estates Phase III Part I).

Scott and Kelli Angstadt contacted the Surveyor’s office once they received the notice of right of entry to conduct the investigation. He informed the Surveyor he would be unable to attend the hearing today, due to a previously scheduled vacation. After meeting and discussing this issue with the Surveyor, Mr. Angstadt stated he would hire a contractor to remove the buildup of silt and sediment. He stated he also would submit a letter to the Surveyor’s Office for the Surveyor to present to the Drainage Board in his absence. The Surveyor read the letter in Mr. Angstadt absence as follows:

“October 9, 2019 Drainage Board Meeting Petition to Remove Obstruction
Board Members:
Unfortunately, due to a previously scheduled vacation, my wife and I are unable to attend today’s board meeting/vote as to this pending petition. First and foremost, I would like to convey how disheartening it was to learn of this petition without first being approached by the Clawsons to see if the problem could be evaluated and a remedy reached that would have been acceptable to both parties. Had I been aware of the significance of the drainage affect to the Clawson’s property, I would have taken necessary steps to alleviate or correct the problem on our property. No modifications have been made to our property since it’s purchase in 2008. Over the years, we have noticed a decline in the drainage flow through our yard, but not to any extent to where there is a significant standing water or damage to our lawn. Absent these overt signs of an issue, we didn’t give much thought to the possibility for further evaluation to see if a problem actually existed. As to the present drainage issue, I attribute this to a buildup of sediment over the years due to the runoff from the hill at the rear of our property which would be directed down to the original drainage swale. The build-up has now reached a level to where the ground meets the bottom of fence(s), partially obstructing a true drainage flow as originally planned. This is in addition to the buildup creating abnormalities to the original contour(s)/design of the drainage swale. On September 19, 2019, I met with the Surveyor Zach Beasley, Surveyor Project Manager James Butcher, and Commissioner Tracy Brown, to discuss the Surveyor’s findings and to discuss the possible solutions to the drainage issue through our property. At this time, I can advise the Drainage Board of the following: 1. On 9/22/19 a vendor evaluated the Surveyor exhibits and evaluated the potential re-grade to the drainage swale through our property to meet the specifications provided by the Surveyor’s Office. 2. An estimate was received and signed on 09/27/19 authorizing work on the drainage swale through our property. 3. The work is tentatively scheduled for 10/18 or 10/19/19, weather permitting. Sincerely, Scott & Kelli Angstadt”

The Surveyor noted an estimate from Tippecanoe Enterprises LLC for described work was attached to the letter signed by Mr. Angstadt - with the amount blacked out. The Surveyor stated he was confident the work would be performed removing the obstruction downstream of Mr. Clawson. The Angstadt will have taken care of their issue. However, Mr. & Mrs. Clawson may still need to do some regrading on their property. He stated these were his findings and referred back to the Board.

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President Brown opened the floor up for public comment.

Mr. Richard Clawson 236 South Furlong Drive Lafayette (Lot 191, Saddlebrook Phase II Part 1 Estates) approached the Board. He inquired if the Angstadts would be responsible for any work needed on his property. The Attorney stated it was a mutual drain it is private and not a regulated drain. So typically, there would be no legal jurisdiction over it by the Drainage Board. There’s an exception through this petition process. However, one of the requirements of this process is the landowner sends notice to the other landowner asking them to take care of the issue before the Petition is filed. Both Mr. Clawson and Mr. Angstadt indicated that did not happen. As a legal matter, Drainage Board does not have the authority, as the Petition probably should not have moved forward due to that step not followed. As a practical matter, Mr. Angstadt is doing what the Drainage Board would have instructed him to do—remove the obstruction. Due to the fact it appeared the obstruction was unintentional; Mr. Angstadt could not be ordered to be financially responsible for any work completed on Mr. Clawson’s lot. Responding to Attorney Masson’s information, Mr. Clawson stated he was fully prepared to take care of his own property. Once the obstruction was removed from Mr. Angstadt’s property, he would take care of his.

Due to the findings and Mr. Angstadt’s letter along with an estimate, David Byers motioned to dismiss the Petition for Removal of an Obstruction filed by Mr. Clawson. Tracy Brown seconded the motion. Motion carried.

Tracy A. Brown, President

Thomas P. Murtaugh, Vice President

Brenda Garrison, Executive Administrator

David S. Byers, Member