

**Vanderburgh County
Drainage Board
January 24, 2000**

The Vanderburgh County Drainage Board meeting was called to order at 10:15 p.m.

Approval of minutes

President Mourdock: We'll call this meeting of the Vanderburgh County Drainage Board to order for January 24th of 2000. Everyone here I think knows the rules, knows the players, so Bill Jeffers...first of all approval of the minutes of the previous meeting which have been submitted. Is there a motion to approve?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: I'll say so ordered, now that I have the mike on.

Organization of 2000 Drainage Board

Commissioner Tuley: Do we do an organizational meeting first? It's not on there.

President Mourdock: Thank you, Pat. We need to do that. Is there a motion for--

Commissioner Jerrel: I'll move that Commissioner Mourdock be President of the Drainage Board.

Commissioner Tuley: Second.

President Mourdock: Okay. And I will say so ordered. Just formally I'll move that Bettye Lou Jerrel be Vice President of the Drainage Board.

Commissioner Tuley: Second that, too.

President Mourdock: Care to vote, Bettye Lou? We will say so ordered to that so we are now set for our minutes, we're set for our new members and we'll go to Bill Jeffers for the word on some final drainage plans.

Links at Cambridge - Final drainage plan

President Mourdock: This room seems quiet all of a sudden.

Bill Jeffers: The first plan before you tonight is a final drainage plan for the Links at Cambridge. This is a part of the overall Cambridge Village development on Volkman Road at Old State Road east of US 41 one mile south of I-164. The plan in front of you shows 55 condominium units on a large common lot on the west end of the golf course. Area Plan Commission reviews condominiums same as apartments and we have no special section or provision for apartments or condominiums in our drainage ordinance so we review them the same as other residential developments like single family or R-2. The plan submitted for the Links by Sitecon substantially conforms to the drainage ordinance and to the original plan approved by your board for the overall Cambridge development. The difference being that the golf course developers located the one existing lake as shown on your plan...the developers do not consider this lake a retention facility rather they consider it a golf course feature

like a water trap or an irrigation pond. While the lake was not constructed necessarily as a detention or retention facility it does collect, hold and discharge storm water from approximately, I think, it's actually 15 acres. The resulting storm water was shown rerouted from this lake to a larger detention lake through south of the lake shown on your plan therefore our office is reviewing this plan as if the existing lake is an integral part of the as built drainage plan somewhat but not substantially modified from the original final drainage plan you approved last year. The argument could be advanced that the existing lake is not truly a detention facility, but we hesitate to disregard its existence especially considering its close proximity to planned housing. We also note that the banks of the proposed detention lake in the center of this plan proposed to be built, the banks also lie within 50 feet of proposed dwellings, number 41 and number 42. Our main concern in all of this is for the safety to life and property during heavy storms when excess storm water is stored and conveyed so close to dwellings. Therefore, for the purpose of our review we are treating the existing lake as a drainage facility and having no other way to define it we are looking into the same category as a retention basin. As such the lake falls under the requirement of the drainage ordinance with regard to the proximity of a basin to dwellings, that being the 50 foot separation. Sitecon represents the condominium developer, Mr. Bauer, as desiring these dwelling units to be located in close proximity to the lake in order to enhance their value and beauty. We do not argue with that. In fact, the condominium can't be bought until it is built, so when someone goes to purchase the condominium they will readily see that it exists that close to the lake. It's not as if they're selling a lot where an individual can then hire an independent contractor to come in and build a home on a bare lot. The lot will actually...all the condominiums around there will actually be built sitting on those lakes possibly with even the decking off the back of the dwelling somehow suspended out over the lake similar to what we allowed to happen at O'Charley's where they have their deck out in a detention lake and it is very beautiful. While we don't argue with that the location of the dwelling as shown may require a waiver of the minimum separation of 50 feet between the lake and dwellings if the board agrees with our working definition of the lake as a retention facility. The board may wish to consider other notes that I have written in the lower right-hand margin of the plan on your desk. We have no comment at this time other than to draw your attention to them. Other than the issue regarding both the lake's proximity to the dwellings our desire to obtain as built record drawings showing the existing routing of the 100 year storm through all existing lakes and channels the final drainage plan for the links at Cambridge substantially complies with the requirements of the ordinance. The board may wish to consider comments from the developer or his engineer at this time. If after hearing the developer and his engineer the board is not prepared to take a final action tonight we do remain...our office remains available to the board and to the developer to get a plan ready for a special meeting if you wish to have one prior to your next regular meeting scheduled for February 28th. In other words, our only real concern is that the board recognize a waiver is required and as your representative or go-between with the developers I have expressed a concern to the developer that we would like to cooperate with his desires, but we also want to be indemnified against any possibility should someone who buys a unit discover later that the waiver was required and we took this action. So if any particular wording of the legal document is required we remain available to you and to the developer to work that out in the next week or so and I would suggest like I believe it is February 7th and 12th. No, what would be the next two Mondays?

Commissioner Jerrel: The 31st.

President Mourdock: The 21st is a Monday, so it would be the 14th and 7th.

Bill Jeffers: Fourteenth and 7th. If you want to pick a day to take final action on this what I am saying at this time is that all other aspects of the drainage plan are adequate as a final drainage plan. It's just this--

President Mourdock: Is there a representative here for this particular project?

Keith Poff: Yes.

President Mourdock: Yes.

Keith Poff: Keith Poff, Sitecon, Incorporated. Al Bauer, Jr. is in the audience as well if you have questions for him. The desire...of course, this is a condominium project. The subdivision plat was recorded with a homeowners association in place as well as the golf club entity that controls all of the lands within the golf course. In other words, what is not a lot is golf course. So with this condominium association they are going to control everything in this one lot so they're going to have quite a bit of maintenance responsibilities and control over all of the drainage features, easements...I'm sorry, not easements, but pipe systems and ditches in this area. So Mr. Bauer's efforts were to make use of that golf course feature which was that existing lake on the east side of the property. We decided to construct a drainage or detention facility within the bounds of our street to satisfy the detention requirements which that is a 10/100 year basin. But Bill had pointed out to us the proximity that the buildings that we are proposing to this lake and we didn't feel that was a concern that would be spread across...well, outside of the control of the association or the golf club or if necessary the homeowners association of the subdivision.

President Mourdock: So that being the case, Joe, I heard the comment made that we would be looking to get an indemnification agreement. Do you have any thoughts on how we do that, should we do that?

Joe Harrison, Jr.: I assume if we proceed in the...or if this board proceeds how Mr. Jeffers is suggesting that could go hand in hand with a waiver that would be obtained and that would be for another day, I guess. It's my understanding Mr. Jeffers is wanting some action by this board reflecting that this lake would be considered either a drainage facility or retention basin. Is that true?

President Mourdock: There are two points here. Number one, Keith, do you or your client agree on the issue of the indemnification that Bill responded to or that Bill brought up?

Keith Poff: Yes.

President Mourdock: And the second point then with that being the answer is we obviously don't have that in front of us tonight. Are you comfortable in coming back to us at our next meeting with that so that we can act at that point?

Keith Poff: The February scheduled meeting is what you are referring to?

President Mourdock: Right, yeah. We could do it as a special meeting prior to that, I guess too.

Commissioner Jerrel: Or could we...is it possible that we could--

President Mourdock: Act in lieu of having it?

Commissioner Jerrel: --act tonight and say that in lieu of the complete...with the understanding that the waiver with the indemnification would be made available we could vote for it now and you all work that out and bring it back to us.

President Mourdock: Are you comfortable with that?

Al Bauer: Al Bauer, developer of the Links. What we're looking for this evening is just a granting of the waiver and then we would...if that is granted then we would bring back an indemnification agreement as worked out with Joe and whoever would get that done.

Commissioner Jerrel: Let me try a motion and see if that works. I would like to move approval of the final drainage plan for Links at Cambridge Condos and this includes a waiver that will be addressed by an indemnification clause or statement which will be prepared and presented to us in the next couple of weeks.

Joe Harrison, Jr.: What we could do is we could have that submitted to us at the next Drainage Board meeting. I don't think we would have to have a special meeting for that. However, is Mr. Jeffers still looking for some direction as to the definition of this lake that it would be considered a drainage facility or are you wanting some--

Bill Jeffers: It's housed within a drainage easement and that in itself--

Joe Harrison, Jr.: Okay.

Bill Jeffers: --shows that it is a drainage facility. I just didn't know how to define what kind of drainage facility it was and I am glad you're taking...I'm glad this motion has been made and I hope it carries because the only reason I was hesitant to suggest it is there have been times in the past when boards have not wanted qualifications put on their actions, but I think what you've suggested tonight is very apropos to the situation. I don't have any problem with it at all.

President Mourdock: Okay, we have a motion. Is there a second?

Commissioner Tuley: It's getting late, we're getting easy. Second.

President Mourdock: So easily ordered.

Wendy's Convenience Store - Final drainage plan
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President Mourdock: Wendy's Convenience Store.

Bill Jeffers: Okay, this is a final drainage plan. For lack of any other title I've called it Wendy's Convenience Store. I believe it's a gas station, possibly a Wendy's restaurant combination type thing. It's a commercial parcel at the southwest corner of Boehne Camp Road and the Lloyd Expressway. It's part of Gene Hahn's development of the land out there on the south side of the expressway. All the storm water from this parcel including the street drains to the end of the cul-de-sac thence through pipes to agricultural style retention basins with slotted riser pipes from which

it discharges into a natural creek along the west boundary of the property. If the parcel is ever subdivided further it will fall under the subdivision code which requires easements for all those pipes, basins and waterways. Those aren't necessary at this time, it's all one piece maintained by one entity. So as long as the developer recognizes the eventuality we recommend approval of the final drainage plan for Wendy's Convenience Store as presented by Bernardin Lochmueller & Associates whose representative, Mr. Farney, is here with the plan.

President Mourdock: Comments or questions?

Commissioner Jerrel: I would like to move approval of Wendy's Convenience Store final drainage plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The Village at Timbers - Preliminary drainage plan

President Mourdock: Preliminary plans. The Village at Timbers PUD. Sounds strangely familiar.

Commissioner Jerrel: I don't know why this is in front of me. I feel so far away from you guys.

Bill Jeffers: The preliminary plan for The Village at Timbers Section 5. This is a preliminary plan. There are several issues we want to review with the developer's engineer, Morley and Associates, and refine...address and refine those issues prior to the presentation of the final plan probably next month. Most of these issues involve reducing or removing unnecessary easements or enlarging and restricting the necessary easements to avoid any changes after the plat is recorded, ie encroachments, etc. This is a PUD with very small lot size and it's located immediately south of Pigeon Creek behind the Evansville Day School. This is phase five of an ongoing development that is expanding across the corporate boundary and into the county. No drainage problems in the first four phases have been brought to our attention by the neighbors or by employees of our office who live in the area or by the City Engineer at this time. Drainage from the adjacent subdivisions and adjacent property through and around the proposed PUD and into Pigeon Creek is critical. The floodway for Pigeon Creek must be marked exactly to prevent its encroachment which would be against federal standards. Emergency overflows and storm water routing from the yards and from the streets directly into the creek must be unobstructed and undetained. We want to get that water into Pigeon Creek as quickly as possibly so that it does not restrict water coming from Valley Downs and other areas farther upstream. All these items that I have listed here will be addressed and will be refined prior to bringing this plan back to you for final approval. At this time we recommend approval of the preliminary plan for Village at Timbers phase five. I've marked up the plat with some comments that illustrate what we're talking about.

Commissioner Tuley: I'll move for approval at this time.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

Vision Properties, LLC - Encroachment request
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Bill Jeffers: The next item is Vision Properties. The owners of lot 22 and lot 23 in Burkhardt Crossing who are requesting an encroachment into a 30 foot drainage and public utility easement adjacent to the west line of lot 23 in order to pave a parking lot on lot 23 and construct a connecting driveway onto lot 24 in order to satisfy EUTS and APC recommendations with regard to parking and connecting driveways. I informed the representative of this project that it would be introduced tonight. I worked quite a bit on my own to come up with an encroachment agreement. I also received an encroachment agreement from Mr. Harrison that he had worked on. Mr. Harrison's form is much shorter and easier to read than mine.

Commissioner Tuley: He has that expensive education.

Bill Jeffers: Yeah, he used a good sharp paring knife. Both agreements require attached exhibits depicting and describing the proposed construction. The exhibits when they are approved by your board and attached become part of the agreement and then the agreement is recorded with your signatures affixed to it. A representative of Vision is not here to present his construction plans. I was going to say if his plans are sufficient to comply with the approved drainage plan for Burkhardt Crossing that we hold on file you, the board, may wish to enter into an agreement with Vision Properties allowing the construction they're requesting. If you sign a tentative agreement our office will assure that the exhibits eventually brought to us by Vision are totally compliant prior to being attached and recorded. However, he is not here so I'll just continue to work with him if you'll tell me that Mr. Harrison's form is adequate or that you would like me to continue and I'll bring it back to you in February.

President Mourdock: I don't know that we formally need a motion. I think the consensus is to continue on.

Bill Jeffers: I wish he were here with his plan, but he is not.

Commissioner Jerrel: Well, I accept Mr. Harrison's description and would urge you to go ahead and I would make a motion for approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: Good enough. I'll make sure that his plans are reduced to Exhibit A, B and C as per Mr. Harrison's form. If they comply with the drainage plan then I'll bring it back to you in February for your signature so he can go ahead with his footings and all. I have no other requests. I was expecting some more requests to encroach easements, they are not here tonight.

Award bid - Repair of Sonntag Stevens Ditch
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Bill Jeffers: I do have a recommendation to award the contract to repair Sonntag Stevens Ditch.

President Mourdock: Is it to the lowest bidder?

Bill Jeffers: Yes, sir. The lowest bidder is Ray Stradtner. We have a couple of agreements here. One of them was with Mr. Mourdock as President and one of them with Mrs. Jerrel as President. Pick out the right signature page.

Commissioner Jerrel: You guys are so smart.

Bill Jeffers: That was Linda's idea.

Commissioner Jerrel: I would like to move approval of the ditch contract to Ray Stradtner Excavating, Inc. for Sonntag Stevens Ditch.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: Then I have the rest of the bids and the bonds and blah, blah, blah to give to Charlene and she and Linda can sort out how to send them back to the bidders.

Blue claims

Bill Jeffers: We have the ditch maintenance claims.

President Mourdock: Do you have those? We don't have a file or have them in our folder. You've got them? Okay.

Bill Jeffers: Yes, sir. All the claims are...the paperwork is in order tonight.

President Mourdock: Is there a motion to approve the claims?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Correspondence

Bill Jeffers: The only thing other than that that I have tonight is some pieces of correspondence that I sent copies out to the addressee as well as copies to you over the last month and I would ask that they be entered into the record as some of them may reappear as issues throughout the year.

President Mourdock: Is there a motion to that effect?

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Bill, thanks for agreeing to go on stage second tonight. I know it was a long evening.

Bill Jeffers: Hey, sleep late tomorrow maybe. My wife got a little puppy. A Shih Tzu.

Commissioner Jerrel: You need to take them out every two or three hours or else they'll never learn.

Bill Jeffers: I know.

Commissioner Jerrel: They have little bitsy bladders about that big.

Bill Jeffers: She goes out at 4:30, 5:30, 6:30. And then she finally makes up her mind to do that little thing, you know.

Commissioner Jerrel: Yeah.

Charlene Timmons: Are we going to adjourn? Are we done?

Commissioner Jerrel: Yes.

Joe Harrison, Jr.: You already adjourned.

President Mourdock: I didn't hear a motion.

Commissioner Jerrel: Oh, I'll move...well, I'll make it official if we haven't. I move that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 10:40 p.m.

Those in attendance:

Richard E. Mourdock
Bettye Lou Jerrel
Pat Tuley
Joe Harrison, Jr.
Charlene Timmons
Bill Jeffers
Keith Poff
Al Bauer
Others unidentified
Members of the media

**Vanderburgh County
Drainage Board**

Richard E. Mourdock, President

Bettye Lou Jerrel, Vice President

Patrick Tuley, Member

**Vanderburgh County
Drainage Board
February 28, 2000**

The Vanderburgh County Drainage Board was called to order at 7:32 p.m.

Any group or individual wishing to address the Drainage Board
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Commissioner Jerrel: I'd like to call the Vanderburgh County Drainage Board to order. We have a few people out of the room right now, but before we begin with the regular business under agenda item eight, anyone that wishes to appear before the Board if you would like to come up now we'll...not that you wouldn't enjoy hearing all this, but I'll save you.

Paul Rust: Thank you.

Commissioner Jerrel: You're welcome. Would you give us your name and state your business?

Paul Rust: Yeah, my name is Paul Rust. I reside at 12247 Browning Road. There is an obstruction across the...on the west side of the road, I'm on the east side, that has been put in place causing excess flood waters to come across the road and through, as I understand it, a drainage ditch that was not put in by the county prior to my purchasing the property. I would like to petition the Drainage Board to have that obstruction removed and I really don't know what else I've got to do, but I am here to do it.

Commissioner Jerrel: Okay, well the gentleman that...see, I drum up business for him when he leaves the room. This is our County Attorney and there is a process to file a petition to remove an obstruction. If you would just like to take a minute he can...would you like to just explain to him briefly the process so that he can...officially he is asking for relief.

Joe Harrison, Jr.: Yeah, what we can do is I don't know if we have a form that, I think we do—

Bill Jeffers: Did I mail you one? Did I give you a form, Mr. Rust?

Paul Rust: You mailed a—

Bill Jeffers: An explanation.

Paul Rust: Yeah, an explanation.

Bill Jeffers: We don't have a form.

Joe Harrison, Jr.: We don't have a form? There is a procedure to file a petition for the removal of an obstruction that is affecting a watercourse, natural watercourse, or a drain. I'm assuming whatever your problem is has to do with one of those two situations. There is a filing fee of \$100. I can mail you a copy of the statute.

Paul Rust: I have the statute.

Joe Harrison, Jr.: Okay. Well, what you may want to do is simply set forth the circumstances—

Paul Rust: I have that.

Joe Harrison, Jr.: Oh, you do?

Paul Rust: Yeah, I was forearmed—

Bill Jeffers: I think that package has an example in it that Ms. Gamble used, didn't it?

Paul Rust: No, no there was no—

Joe Harrison, Jr.: Well, have you already prepared a petition?

Paul Rust: Yes, in my own words and that, yes. Trying to follow the ordinance.

Joe Harrison, Jr.: That's fine. And have you attempted to resolve the matter?

Paul Rust: Twice.

Joe Harrison, Jr.: Okay. And you've made reference to that in your petition?

Paul Rust: Yes.

Joe Harrison, Jr.: Okay. Well, I guess at this time what the board will do is they can accept your petition and Mr. Jeffers, the Chief Deputy Surveyor in the Surveyor's Office...I'm assuming you haven't seen it yet?

Bill Jeffers: No, I haven't but as soon as you—

Joe Harrison, Jr.: Accept it then—

Bill Jeffers: —accept it then you tell me to go look.

Joe Harrison, Jr.: Yes, he will go out within the next 30 days go out and review the situation and come back and make a report to the board and request that a hearing be set probably the following month, if I had to guess. I think you have either 60 or 90 days from the filing of the petition—

Paul Rust: Ninety.

Joe Harrison, Jr.: Ninety, to actually have the hearing, so when he comes back and reports to us at the end of March he will then request this board to hold a hearing, not on that day, but the following month or the following month after that because this board will have to send out notice to those that are affected and we'll do that by certified mail and advise them as to when the hearing will be.

Paul Rust: Okay.

Joe Harrison, Jr.: So if you want to actually present that to Mrs. Jerrel.

Paul Rust: Yeah, who do I make the check out to? That's what I wasn't sure of.

Joe Harrison, Jr.: Oh, just Vanderburgh County.

Commissioner Jerrel: Vanderburgh County.

Joe Harrison, Jr.: And you've got your phone number and address and everything on there?

Paul Rust: Yes. Yeah, on the check I do, but I don't have my phone number on the petition.

Joe Harrison, Jr.: Okay, why don't you...you might want to write it on there.

Commissioner Jerrel: Well, or we can just make a copy of the check and attach it.

Joe Harrison, Jr.: That's fine. Mr. Jeffers may want to contact him before he goes out and visits.

Paul Rust: Thank you.

Commissioner Jerrel: You're welcome. Okay, we officially accept this petition and we'll take action in March.

Paul Rust: Okay, thank you very much.

Joe Harrison, Jr.: Yeah, Mr. Jeffers will make a report to us in March.

Paul Rust: Thank you. I'm finished now, right?

Joe Harrison, Jr.: Yes.

Paul Rust: Thank you very much.

Joe Harrison, Jr.: I believe the next meeting is the last Monday in March.

Bill Jeffers: I'm going to ask that it be April 3rd tonight.

Joe Harrison, Jr.: Okay. So April 3rd at approximately 6:30 p.m. is when he would make his report and then thereafter notices will be sent out and a hearing set.

Paul Rust: Thank you very much.

Commissioner Jerrel: You're welcome. Thank you.

Approval of minutes

Commissioner Jerrel: Okay, going to the regular agenda order the first item is the approval of the minutes of the previous meeting.

Commissioner Tuley: I will move approval of the January meeting minutes.

Commissioner Jerrel: I'll second and say so ordered.

**Approve specifications for annual ditch maintenance
Cancel and reschedule March meeting
Authorization to advertise bid invitations**

Commissioner Jerrel: Mr. Jeffers, you want to walk us through or do you want us to proceed?

Bill Jeffers: Well, the second item is for you to receive the County Surveyor's report, the annual report on regulated drains. The report summarizes the condition of Vanderburgh County's regulated drains and proposes special maintenance to correct certain deficiencies. The general specifications are attached. Actually, here is a copy that I brought.

Commissioner Jerrel: Thank you.

Bill Jeffers: The general specifications along with an invitation to bidders for the ditch maintenance proposal's special provisions section addressing the special conditions to be completed will be available Friday, March 10th, on the date of the first advertising. What we're asking for is that the invitations be advertised three times rather than twice. The first time Friday, March 10th; the second time Friday, March 17th; and the third time Friday, March 24th in order to maximize the response to the bids. We're asking that the bids be opened and read at a meeting scheduled on Monday, April 3, 2000 rather than the usual schedule being the fourth Monday of March. The reason we're asking for April 3rd, this will allow our office and the prospective bidders more time to visit the work sites and estimate the costs. We're asking that the normal meeting date, Monday, March 27th be postponed and continued to Monday, April 3rd, also for drainage plan review, plan approval and all the other business of the board as well. The advertisement to bidders that I hold here does contain the Monday, April 3rd meeting date for the advertisement and we ask that the board direct its Recording Secretary to prepare a public notification that all other business will be handled at the same meeting. If you would indulge us in that we would appreciate it.

Commissioner Jerrel: Okay, well we've got three or four motions here.

Joe Harrison, Jr.: Why don't you start with the meeting.

Commissioner Jerrel: We do need a motion to cancel the meeting.

Joe Harrison, Jr.: Yes, for March 27th.

Commissioner Tuley: I'll move at this time then the meeting of Monday, March 27th be postponed and continued to Monday, April 3, 2000 for drainage plan review, plan approval and all other business of board as well.

Commissioner Jerrel: And I'll second and say so ordered.

Joe Harrison, Jr.: And you need a motion to direct Charlene to cancel the meeting on March 27th and advertise for a meeting...the regular scheduled meeting will be held on April 3rd.

Commissioner Tuley: Such a nice motion, I will move for its approval.

Commissioner Jerrel: I'll second and say so ordered.

Bill Jeffers: Thank you. And then that is the original copy for your signature there on the advertisement to bid.

Joe Harrison, Jr.: Yeah, you probably want to have a separate motion for the advertisement of the bids.

Commissioner Tuley: I'll move approval of the advertisement to bid as of Friday March 10th, Friday March 17th and Friday March 24th to maximize the bid response as requested by the County Surveyor's Office.

Joe Harrison, Jr.: With opening on April 3rd.

Commissioner Tuley: With opening on April 3rd.

Commissioner Jerrel: And I'll second and say so ordered.

Bill Jeffers: Thank you.

Church Road Estates - Final drainage plan
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Bill Jeffers: The third item...third category of items is final drainage plans and the first final drainage plan for your consideration is Church Road Estates. I would ask at this time if there are any comments or questions from the audience or from the board prior to the Surveyor's recommendation on Church Road Estates? If not, the County Surveyor recommends approval of the final drainage plan for Church Road Estates with the understanding that any modifications to the final drainage...excuse me, any modifications per the County Engineer to the final street plans be incorporated into the final drainage plan as well.

Commissioner Jerrel: Is there anyone here that wishes to speak to those plans? If not, is there a motion regarding the final plan?

Commissioner Tuley: I'll move approval of the final drainage plans for Church Road Estates as outlined by the County Surveyor.

Commissioner Jerrel: And I'll second and say so ordered.

Autumn Hills Section 5 - Final drainage plan

Bill Jeffers: The second set of plans is for Autumn Hills Section 5. Again, we will recommend approval of the final drainage plans for Autumn Hills 5 with the understanding that if the County Engineer requires any modifications to the street plans those modifications will be incorporated into the final drainage plans and asking if there are any comments or questions from the audience or the board?

Commissioner Jerrel: Anyone wish to speak? Seeing no one, is there a motion?

Commissioner Tuley: I'll move approval of the final drainage plans for Autumn Hills Number 5 as outlined by the Deputy Surveyor.

Commissioner Jerrel: And I'll second and say so ordered.

Waterford Place Lot 9D - Final drainage plan

Bill Jeffers: The third set of plans is from Waterford Place Lot 9D. This is on Vogel Road. The site plan for 9D is in front of the Site Review Committee at this time. The proposed use is Hook's Apothecary. The site plans shows privately maintained entrance road along the west lot line. The right-of-entry for Stofleth Ditch has already been relaxed by the board to 50 feet from the top of the east bank along that lot line to allow the construction. The site plan under consideration by the Area Plan Commission Site Review Committee shows no permanent structures within the 50 foot wide remaining ditch easement at this time. The County Surveyor has reviewed all the drainage plans for this lot and recommends approval of the final drainage plan for Waterford Place Lot 9D. The board should understand that additional construction might be proposed in the future for this lot and at that time will take care of any modifications and that we do reserve the right for the board and the County Surveyor and all authorized representatives to enter through the private entrance road on Lot 9D whenever necessary to visit or maintain Stofleth Ditch. The developer agrees to that.

Commissioner Jerrel: Is there anyone here that wishes to speak to this plan? Seeing none, is there—

Commissioner Tuley: I don't know what happened. We usually get a lot of people in these meetings, but I'm glad they're not here.

Bill Jeffers: We try to take care of all that before the meetings now. It's a new century.

Commissioner Tuley: Keep it up. At this time I'll move for approval of the final drainage plans for Waterford Place Lot 9D as outlined by the Deputy Surveyor.

Commissioner Jerrel: I'll second and say so ordered.

Deaconess Cross Pointe Center - Final drainage plan

Bill Jeffers: The fourth set of final plans is Deaconess Cross Pointe Center. This plan also is in front of the Site Review Committee at this time. It is simply a modification of the approved final plan for Cross Pointe Subdivision completed back in the '80s. They're adding a building to the Deaconess facility there. The plan...the drainage plan shows an enlargement and an improvement of existing drainage and detention facilities on the lot in order to allow construction of Deaconess Cross Pointe Center. The County Surveyor has recommended the drainage plan...I mean, has reviewed the drainage plan and recommends approval of it.

Commissioner Jerrel: Is there anyone that wishes to speak to this final plan? Seeing none, I would like to call for a motion.

Commissioner Tuley: I'll move approval of the final plan for the Deaconess Cross Pointe Center as outlined by the Deputy Surveyor.

Commissioner Jerrel: I'll second and say so ordered.

Stone Creek Section 2 - Final drainage plan

Bill Jeffers: Okay, the last final plan that I have on the agenda at this time is Stone Creek Section 2. This is a PUD on the north side of Kansas Road west of Seib Road. Our previous review of the project drew some questions from a neighboring farmer, if you'll recall, who was here with his wife. The questions have been addressed sufficiently in the final plan that is presented to us. If there are no questions or comments from the audience or the board prior to the recommendation the County Surveyor recommends approval of the final drainage plan for Stone Creek Section 2 after his review and with the understanding that any required modifications to the street plans by Mr. Stoll be incorporated into the drainage plans.

Commissioner Jerrel: Is there anyone that would like to speak to this final plan? Seeing no one, is there a motion?

Commissioner Tuley: I'll move approval of the final plans for Stone Creek Section 2 as submitted and approved by the Deputy Surveyor.

Commissioner Jerrel: I'll second and say so ordered.

Wellington Acres Phase 2 - Preliminary drainage plan

Bill Jeffers: Okay, moving to preliminary drainage plans which come to us in advance of the Area Plan Commission meeting acting on the same subdivisions. The first one is Wellington Acres Phase 2. It is on the March agenda for APC. The final drainage plan for Wellington Phase 2 then will return to us after APC's action. The County Surveyor has reviewed the plans and recommends approval of the preliminary plan for Wellington Acres Phase 2.

Commissioner Jerrel: Is there...well, this is just a preliminary.

Commissioner Tuley: Yeah, we still need to approve it though.

Commissioner Jerrel: Okay. No, I meant I don't need to call for any--

Bill Jeffers: Any questions from the audience.

Commissioner Jerrel: Yeah, is there anyone here? Okay, seeing no one is there a motion?

Commissioner Tuley: I'll move approval of the preliminary drainage plans for Wellington Acres Phase 2 as outlined by the Deputy Surveyor.

Commissioner Jerrel: And I'll second and so order.

Kato Industrial Subdivision - Preliminary drainage plan (Withdrawn)

Bill Jeffers: The second item under preliminary plans is Kato Industrial Subdivision which the consulting engineer for the developer called this...came by this afternoon and requested it be withdrawn from the agenda at this time and be presented at the April 3rd meeting.

Commissioner Tuley: Do you need a motion?

Commissioner Jerrel: Yeah, I guess.

Bill Jeffers: I'm not presenting it at this time. It's in your notes here. It was on your agenda, but it's not to be presented at this time.

Northfield Subdivision - Preliminary drainage plan

Bill Jeffers: The next one is Northfield Subdivision. It is on the Area Plan March agenda. It's located between the 4-H Center and US Highway 41 North at the intersection of Boonville-New Harmony Road. Buehler's Buy-Low will be the anchor store we understand. The plans at this time continue to be modified at the direction of Buehler's to address an ongoing study of certain physical requirements to their needs. While the preliminary plans reviewed by our office are sufficient at this time we do anticipate some modification and improvement that will show up in the final drainage plan along with modifications that may show up on subsequent site plans for the individual lots as they come in with other retail businesses. Are there any questions or comments from the audience or the board prior to our recommendation? If not, the County Surveyor recommends approval of the preliminary drainage plan for Northfield Subdivision.

Commissioner Jerrel: There being no further questions is there a motion?

Commissioner Tuley: I'll move approval of the preliminary drainage plans for Northfield Subdivision as recommended by the County Surveyor's Office.

Commissioner Jerrel: And I'll second and say so ordered.

Christian Fellowship Church expansion - Preliminary drainage plan
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Bill Jeffers: The next item has been put under preliminary review. It's Christian Fellowship expansion. Actually, this is a plan for the expansion of the existing chapel, enlargement of the parking lot and location of other facilities including those in the recreational area to the west of the church. The plan includes diverting an existing waterway through a new lake, retaining storm water in the new lake and then discharging it to Furlick Creek through underground pipes installed at locations shown outside the existing easement. The easement I am speaking of was conveyed to the County Commissioners as part of the drainage plan for Green River Road Estates, oh, a good 15 years ago, I think. A copy of the deed conveying the easement is attached and we ask the County Attorney to review the deed language with regard to its appropriateness of the terms of the conveyance and with regard to encroachment and use of the easement by this particular plan. I have that attached on page eight, a copy of the deed language. You might want to take a look at it when you have time. In order that we have time to consult with the attorney and prepare additional easement documents required by this project we are asking only for preliminary approval at this time. Construction should not commence without a Department of Natural Resource's permit for construction in a floodway so our delay at this time will not unduly postpone groundbreaking. We do not anticipate any major plan modifications out of all of this. I have reviewed the plans and they are sufficient up to these points we want to look at further, so the County Surveyor recommends approval of the preliminary drainage plan for Christian Fellowship

Church.

Commissioner Jerrel: Is there anyone that wishes to speak about this preliminary plan? Seeing none, is there a motion?

Commissioner Tuley: I'll move approval of the preliminary drainage plan for Christian Fellowship expansion as outlined and recommended by the County Surveyor.

Commissioner Jerrel: I'll second and say so ordered.

Ashley Place Phase 2 - Preliminary drainage plan

Bill Jeffers: The last preliminary drainage plan that I have on your agenda is Ashley Place Phase 2. It's also on the March Area Plan Commission agenda. The preliminary drainage plan submitted for Ashley Place Phase 2 is very extensive for a preliminary plan. It contains a complete set of street plans as well. The plan depicts the relocation of a natural waterway with storm water detention in the reconstructed waterway. Experience advises us to examine such proposals very critically even when everything conforms to our code and appears to work on paper. Our recommendation of the preliminary drainage plan for Ashley Place Phase 2 should not be interpreted as an absolute blessing of every detail shown on the plans. As a matter of fact, we feel the house density and the lot size will be extremely difficult to achieve as shown although we're not implying it can't be. In addition we require a great deal more information with regard to the rerouting, upgrading and otherwise addressing the existing watercourses especially those that carry drainage from other property through this property and those waterways discharging onto other properties from this property. We also need some supplementary details of the various structures before recommending approval of the final plan. However, at this time and if there are no questions or comments from the audience or board the County Surveyor, in the interest of moving the project forward in a positive manner, recommends approval of the preliminary drainage plan for Ashley Place Phase 2.

Commissioner Jerrel: Is there anyone that wishes to speak to this preliminary plan? Seeing none, is there a motion?

Commissioner Tuley: I'll move approval of the preliminary drainage plan for Ashley Place Phase 2 as outlined by the Deputy Surveyor.

Commissioner Jerrel: I'll second and say so ordered.

Other drainage plans

Bill Jeffers: Under roman numeral five other drainage plans, and I am asking at this time are there any other drainage plans which need to come before the board at this time which have not been presented up till now?

Encroachment requests

Bill Jeffers: Having heard none, we'll move to item six, which are this month's requests to encroach into drainage easements, platted drainage easements. Both the requests shown on your agenda are recommended for approval by the County

Surveyor. I have the completed forms here to be recorded as well as another form of a previous request that your secretary is holding at this time. Your secretary asked our office to notify all these applicants that they must pay the recording costs and having been notified we will do so this week. If you'll sign these we will notify the applicants that they must pay the recording costs and we'll prepare and hold the documents until they do so and then we'll take them to the Recorder's Office for recording.

Commissioner Jerrel: Is there a motion to approve the drainage easement encroachments?

Commissioner Tuley: I'll move approval of the drainage easement encroachment agreements for—

Commissioner Jerrel: Rowdy Dowdy.

Joe Harrison, Jr.: There are two of them.

Commissioner Tuley: —Rowdy Dowdy Properties, LLC and the second one is for Skate World as recommended by the County Surveyor's Office.

Commissioner Tuley: And I'll second and say so ordered.

Bill Jeffers: The other one that I was referring to that is coming back to you right now is Vision.

Commissioner Jerrel: Oh, that's right. That was—

Bill Jeffers: It's in your signature file.

Commissioner Tuley: You're right, it's here.

Bill Jeffers: And these two need signatures and then Charlene can hold them—

Commissioner Tuley: This was already approved and all we're doing is signing it?

Bill Jeffers: It's already approved and it was coming back to you to be signed—

Joe Harrison, Jr.: Go ahead and make a motion.

Bill Jeffers: —after I prepared some auxiliary documents.

Commissioner Tuley: Just to prevent any misunderstanding I'll move approval of the drainage easement encroachment agreement with Vision Properties, LLC.

Commissioner Jerrel: And I'll second and say so ordered.

Charlene Timmons: Can I ask a question? Everybody will be getting back with me with the recording money, is that true?

Bill Jeffers: I'll contact them and direct them to come to the Auditor's Office. Can you tell me how much it is going to cost each one by the number of pages, is that how it works?

Charlene Timmons: Yes.

Bill Jeffers: Okay.

Commissioner Jerrel: Is Vision in the signature file?

Charlene Timmons: Yes.

Commissioner Tuley: Yeah.

Commissioner Jerrel: Oh, okay. Sorry.

Bill Jeffers: And if you just put those other ones in the signature file with it Charlene and I will follow up with that. You did other wishing to address the board. I have no other business and ask if the board has any other business?

Commissioner Jerrel: No, we just appreciate that you were well prepared tonight.

Bill Jeffers: I'll try to continue that, but there were seven more subdivisions filed in the county for review next month, I think.

Commissioner Tuley: I have nothing. I will move for adjournment if there is no other business.

Commissioner Jerrel: And I'll second and say so ordered.

The meeting was adjourned at 7:58 p.m.

Those in attendance:

Betty Lou Jerrel
Patrick Tuley
Joe Harrison, Jr.
Charlene Timmons
Bill Jeffers
Paul Rust
Others unidentified

**Vanderburgh County
Drainage Board**

Betty Lou Jerrel, Vice President

Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons.

**Vanderburgh County
Drainage Board Meeting
April 3, 2000**

The Drainage Board meeting was called to order at 6:15 p.m by President Richard E. Mourdock.

Approval of minutes

President Mourdock: Okay, good evening. We'll call the April 3, 2000 meeting of the Vanderburgh County Drainage Board to order. I know many of you have been to our meetings before. Bear with me for a second while you hear what will be old news, but the County Commission also serves as the County Drainage Board. We rely heavily on the County Surveyor...Chief Deputy Surveyor Bill Jeffers as our technical representative so he'll be bringing issues to us this evening. We do have the microphone open for anyone who wishes to comment. However, a couple of rules are in order here. First of all, all of our minutes are taken verbatim by Charlene, so if you go to the microphone please state your name and address when you first begin your remarks. Secondly, if you're here to talk about one particular issue and just before you go to the microphone someone says exactly what you wanted to say you don't need to repeat it all for us. Just go to the microphone and say ditto and we'll understand. Okay. A lot of people are here tonight and that usually means a lot of people want to go to the microphone. Again, that is quite fine, but please be brief and be to the point. Having said that, the first thing on our agenda this evening is to approve the minutes of the prior Drainage Board Meeting of last month, but I was not at that meeting, so you'll have to wait and do that when Bettye Lou is here, so we'll have to set those aside.

Commissioner Tuley: At the end of February?

President Mourdock: Yes, I was out of the country.

Commissioner Tuley: Okay.

Open bids - Maintenance on regulated drains
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President Mourdock: Okay, with that then we'll go to our schedule. Open ditch maintenance bids, Bill.

Bill Jeffers: Okay, we need to have Mr. Harrison open all the bids that were submitted by the deadline and do it now so that he can have those ready to read into the minutes under item seven.

Commissioner Tuley: I will so move at this time.

President Mourdock: Okay, second and so ordered.

Surveyor's report on Rust petition

Bill Jeffers: Under item three the Surveyor is ready to submit the report on the watercourse obstruction alleged in the Rust petition. Is Paul or Barbara Rust here tonight? Okay, the report is available to the petitioners at this time and all others present who may have an interest in it. I don't see the respondent here at this time either, so we'll mail copies to the petitioner and the respondent. If there is anyone else who is interested in the petition it will be available at that table.

President Mourdock: Just for the sake of thoroughness is there anyone here from Browning Road Real Estate Development? Okay, for the record no one here.

Set hearing date on Rust petition
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Bill Jeffers: The board needs to set a date for the hearing at which the interested parties may enter their comments into the record. The hearing should be held no later than 90 days past the filing date of the petition. The petition was filed on 2/28/2000. If you add 90 days that would make it Sunday, May 28th, the final 90 days. So the closest Drainage Board date prior to that is Monday, May 22nd, 84 days past the filing of the petition.

President Mourdock: Okay, is there a motion to schedule May 22, 2000 for the hearing date for the Rust petition?

Commissioner Tuley: I'll so move.

President Mourdock: Second and so ordered.

Joe Harrison, Jr.: Mr. Jeffers, do you want me to send out the standard notice and also a copy of the report by certified mail?

Bill Jeffers: Sure.

Joe Harrison, Jr.: To the respondent and petitioner. Is the 22nd the regular scheduled meeting date?

Bill Jeffers: Yes, sir.

Joe Harrison, Jr.: Okay, thank you.

Bill Jeffers: Here are some copies.

Wellington Acres Phase II - Final drainage plan
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Bill Jeffers: Okay, under final drainage plans we have Wellington Acres Phase II. I have all of the plans on the table if they need to be viewed. The details required for a final drainage plan have been added to the plan and the plan is ready for your approval. Are there any comments from persons in the audience on Wellington Acres Phase II?

President Mourdock: Anyone here for Wellington Phase II?

Commissioner Tuley: There was a hand raised.

President Mourdock: Yes, sir.

Bill Jeffers: Oh, that's the developer.

President Mourdock: Oh, I'm sorry. You're in support of, correct?

Bill Jeffers: Del Shanks is in support of the—

Commissioner Tuley: We thought he was about ready to close down his own development!

Bill Jeffers: He probably thought about that before.

President Mourdock: Okay, is there a motion for approval then for the final drainage plan?

Commissioner Tuley: I will so move at this time.

President Mourdock: And I will say second and so ordered.

Bill Jeffers: Our recommendation is subject to any DNR permits if they are required for construction in a floodway.

President Mourdock: Okay.

Christian Fellowship Church expansion - Final drainage plan
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Bill Jeffers: The second item is Christian Fellowship Church expansion. We explained that at the last meeting. Basically a parking lot expansion to accommodate the new chapel. The plan includes sufficient details for drainage facilities to be constructed in accordance with our drainage ordinance. There is some legal language required for vacating an existing easement and dedicating new drainage easements. That's being worked out right now. What we're recommending at this time is that the board approve the final construction plan for this project tonight and allow the church representatives to bring in the easement documents to you at a later date for your signatures. Our recommendation of this plan is also subject to any DNR permit if it is required for constructing in a floodway.

President Mourdock: Okay, anyone here for final reading for Christian Fellowship Church expansion? Seeing none, is there a motion?

Commissioner Tuley: I'll move approval of the Christian Fellowship Church expansion drainage plan as submitted.

President Mourdock: And I will say second and so ordered.

The Village at Timber Park - Final drainage plan

Bill Jeffers: The third final plan is the Village at Timber Park which is a PUD alongside Pigeon Creek behind the Evansville Day School. The engineers for this project have added all the details that our office requested and have made several improvements to the preliminary plan. If there are no comments from remonstrators at this time or no questions from the Drainage Board the Surveyor is ready to recommend approval of the final drainage plan for Village at Timber Park. Our recommendation for approval is subject to Indiana Department of Natural Resources' permits if required for construction in the floodway.

President Mourdock: Okay. Anyone here wishing to address The Village at Timber Park final drainage plan? Again, seeing none, per the Surveyor's recommendation—

Commissioner Tuley: I'll move approval of The Village at Timber Park final drainage plan as recommended by the Surveyor's Office.

President Mourdock: And I will second and so order.

Ameriquial Food Plant expansion - Final drainage plan

Bill Jeffers: The last final plan we have on our agenda tonight is for Ameriquial Food Plant expansion. This plan is for the Ameriquial Food Plant located on US 41 at Volkman Road. The original plan was approved by your board several years ago and prior to the current drainage ordinance. The approved plan accounted for the expansion of the plant. However, the engineer for Ameriquial has upgraded the plan to conform with our current drainage ordinance including the 10/100 detention requirement for the impacted drainage area along US 41 and other items. The Surveyor recommends the final drainage plan for Ameriquial. Our recommendation for approval includes the connection, drainage connection, to Pond Flat Lateral D and is subject to IDNR permits if required for construction in the floodway.

President Mourdock: Anyone here wishing to address the Ameriquial Food Plant expansion final drainage plan? I see no one.

Commissioner Tuley: I'll move approval then at this for the final drainage plan for Ameriquial Food Plant expansion as outlined by the County Surveyor.

President Mourdock: Second and so ordered.

Joseph Elpers Subdivision 2, Lots B & C - Preliminary drainage plan

Bill Jeffers: Okay, under preliminary drainage plans these are for projects...mostly for projects that are going before Area Plan Commission this Wednesday.

President Mourdock: Excuse me, Bill. Let me just highlight that since I sense a lot of you are here because of something in a preliminary plan. The plan, as Bill just said, these plans come to us as a Drainage Board for preliminary approval. If approved then those plans are submitted...the entire package is submitted over to the Area Plan Commission which will meet this coming Wednesday night at 6:00. It's also the purpose of the preliminary drainage plan to take ideas, take discussion from members of the public if they think they are somehow going to be impacted by that plan and what typically happens is people will make comments and then the developers respond to them either at this meeting or when they come back as final plans such as the ones you just saw approved. So with that bit of explanation, Bill, continue on.

Bill Jeffers: Right, and a lot of times...well, most times if something comes up during the discussion tonight we see to it that it is addressed into the final plan. Good suggestions may be incorporated into the final plan and those will probably be back at the end of this month which I believe is the 24th of April, is that correct?

President Mourdock: Sounds like a good date.

Commissioner Tuley: Sounds right. That is right.

Bill Jeffers: So most of these will be back. If you're interested in one of them it will be back the 24th of April about the same time in the evening.

President Mourdock: Assuming it passes tonight.

Bill Jeffers: Yeah, if it passes tonight. Okay, the one is Joseph Elpers Subdivision 2, Lots B and C. This plan has already been approved by the Drainage Board last year...well, about two years ago, but it was not implemented within the allotted time due to the death of the developer. The new developer's engineer has upgraded this plan and included information from the Department of Natural Resources that was pertinent and the developer recommends that the board reaffirm their approval of the preliminary drainage plan for Joseph Elpers 2, Lots B and C.

President Mourdock: Okay, anyone here to speak on the preliminary plan for Joseph Elpers 2, Lots B and C? Seeing no one.

Commissioner Tuley: I'll move approval of the preliminary drainage plan for Joseph Elpers 2, Lots B and C as recommended.

President Mourdock: Second and so ordered.

Panther Park Commercial Subdivision - Preliminary drainage plan
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Bill Jeffers: The second preliminary plan is Panther Park Commercial Subdivision. This plan basically is an expansion of the previously approved drainage plan for Casey's General Store at St. Joe Avenue and Allen Road. It expands that project out to the north one lot and to the west two lots. Are there any comments from remonstrators or questions from the board on Panther Park Commercial Subdivision?

President Mourdock: Questions from the audience?

Bill Jeffers: The plan conforms to the requirements for a preliminary drainage plan and the Surveyor recommends approval subject to Indiana Department of Natural Resource permits if required for any construction in the floodway.

President Mourdock: Just by way of definition, Bill, I presume you are working with the folks here on this one. This is a preliminary, so there is still something in the works that is being modified from the preliminary to the final?

Bill Jeffers: Very little. The only issue I had at all at this point in time was they're using a chain link fence for a safety barrier between parking and a detention basin and I just want to make sure that the chain link fence is adequate along with bumper strips to prevent a car from rolling into the detention basin. Other than that everything else conforms for a final plan, but it goes before the APC Wednesday night and if there is some change that affects the drainage plan at that point they'll have to make some modifications.

President Mourdock: Okay.

Commissioner Tuley: No comments for anybody else then? I'll move approval of the preliminary drainage plan for Panther Park Commercial Subdivision as recommended.

President Mourdock: Second and so ordered.

Dianne's Hills - Preliminary drainage plan

Bill Jeffers: The next one is Dianne's Hills. This is a small subdivision comprised of three large lots located on the north side of State Road 66 between Mesker Park Road and Detroy Road. It has an existing pond and the two and a half acre lot sizes for the three lots no storm water detention is required beyond that. Are there any comments from remonstrators or questions from the board on Dianne's Hills? If not, the Surveyor recommends approval of the preliminary drainage plan for Dianne's Hills without additional detention.

President Mourdock: Okay, anyone wishing to speak to Dianne's Hills? None noted.

Commissioner Tuley: Then I'll move approval of the preliminary drainage plans for Dianne's Hills as recommended.

President Mourdock: Second and so ordered.

Keystone Section 7 - Preliminary drainage plan

Bill Jeffers: The next one is Keystone Section 7. You're familiar with the name Keystone. This is an expansion of the existing development which takes the project all the way out along Heckel Road to the intersection of Green River Road. Because of its close proximity to Pigeon Creek this project does not require as much detention as the plan already provides. However, the developer continues to wish to construct lakes in order to enhance the subdivision and provide natural habitat. He is already way over on detention, but wishes to do that. The plan meets all the requirements for a preliminary drainage plan and the Surveyor recommends approval. Our recommendation is subject to Department of Natural Resources' permits if required for construction in the floodway.

President Mourdock: Anyone wishing to address Keystone Section 7? Seeing none—

Commissioner Tuley: I will move approval of the preliminary drainage plan for Keystone Section 7.

President Mourdock: Okay.

Bill Jeffers: The next one is Pecan Ridge Subdivision. It's located in Darmstadt on Princeton Road.

Commissioner Tuley: That was a motion.

Joe Harrison, Jr.: He didn't second.

Commissioner Tuley: Yeah, I think he did.

Bill Jeffers: It's actually in the Y between Princeton and Outer Darmstadt previously known as Mosquito Road.

President Mourdock: Excuse me, Bill. Excuse me.

Bill Jeffers: I'm sorry.

Commissioner Tuley: Joe didn't hear you. Did you second and say so ordered?

Joe Harrison, Jr.: I don't think—

President Mourdock: Maybe I didn't. For the previous one for Keystone 7 I did second and say so ordered, I thought.

Bill Jeffers: I'm sorry, I probably interrupted you there.

Joe Harrison, Jr.: That's okay. You're moving fast.

President Mourdock: Did I forget anyone? I did, thank you.

Commissioner Tuley: Joe said you just said okay.

Pecan Ridge Estates - Preliminary drainage plan
--

Bill Jeffers: Okay. Pecan Ridge is located in the Y between Outer Darmstadt and Princeton Road just north of Darmstadt, Indiana. We provided the developer's engineer with a long list of items to address regarding this plan. The extent of what we sent out there was way beyond what he will have to address. Many of the items are things that will have to be addressed by the Highway Department or others. However, I just take that shotgun approach and throw it all out there and see how much Fred Kuester can address in the preliminary plan. Okay, he addressed most of the items in the preliminary plan and he will address the remainder in the final plan when it comes to us. We anticipate there are several people here tonight wishing to address the board on Pecan Ridge. I would ask that each person who comes up here to address the board print their name and give some indication of, you know, are you remonstrating against and maybe give your address. The reason for this is so that the Recording Secretary will not misspell your name when she listens to the tape and transcribes it. I'll leave a pen up here so those people who would like to address the board with regard to Pecan Ridge may do so at this time. As I said, the plans are all on the table over here if you require them.

President Mourdock: Okay.

Fred Kuester: I'm Fred Kuester, the engineer on the project. As Bill said, we have made several changes or improvements on the plan. It's a 17 lot subdivision, 43 acres. A little over 43 acres of property. It's got several points of discharge running through the formulas as called out in the county ordinance. Actually there was no required detention on any of these areas of discharge. We refigured it using a coefficient that showed it as bare ground and by refiguring it with that instead of grass we came up with two areas that required detention and so that's...we have that in the design. The one area would be the northwest area which discharges onto a David Ellison and the other area that would have a detention basin would be on the south end and that would discharge on Charles Whitler.

President Mourdock: Okay, thank you, Mr. Kuester. Anyone wishing to address the board on Pecan Ridge?

Bill Jeffers: Before the next person let me say that what Fred was describing as

refiguring the land as bare ground originally his...his original submittal showed that because this acreage was being converted into grass lawns from currently agricultural bare ground or plowed ground that would reduce the runoff coefficient to the point that there would be less cubic feet per second running off after development than before. That's because each lot is two and a half acres or more and because the portion of the lot that will be developed and put under roof and concrete and so forth was less than one quarter acre, obviously. You know, a house...you could throw everything you want to on there, swimming pools, patios and everything and still be less than a quarter acre of covered ground and then it would be surrounded by a big grass area greater than two acres in area and the water running off the homes would be slowed down before it reached its points of discharge, so one of the things I sent out to him was okay, have the developer convert this into grass this summer. If that's the way you want to figure it convert it into grass this summer and as you build the homes make sure you maintain the lawns nice and thick and that will prove that what you plan to do is correctly figured. However, the developer indicated his wish through Mr. Kuester to continue to farm it until the lots are sold one at a time, so Mr. Kuester went back and refigured it as plowed ground, farm ground, and when he did that he found a need for detention at the two spots that he mentioned which I have put a black X across the areas on the plat.

President Mourdock: Okay.

Charlie Whitler: My name is Charlie Whitler. I live at the south end of the proposed property at the Pecan Ridge Estates. I am, if you want to say I am against the proposed plan as far as the drainage at the present time. I did not get a chance to look at the new plan with the retention in it. The plans that I saw originally discussed having grassy field or all grassed in, seeded in areas to retain water.

President Mourdock: Did or did not?

Charlie Whitler: I did not see this new plan. Not yet.

President Mourdock: Yeah, I know, but the plan you said about the grass...I'm sorry, I shouldn't interrupt you. You're saying that you did or did not see the plan with the grass?

Charles Whitler: Well, I've got a smaller drawing of it here, yes.

President Mourdock: Okay.

Charles Whitler: With some modifications done to some of the culverts and stuff going under Old Princeton Road. I do know that there is a lot of drainage that comes off or water that comes out of the fields over from Old Princeton and goes underneath those culverts into this farm land which basically all this water runs through my backyard. I have about 400 feet of area that I try to keep seeded in. I put a field tile in there. I have a small retention pond basically. I'm trying to do my best to stop the erosion of the property itself. I'm just strongly concerned that what was proposed originally would not be adequate enough to stop the erosion and stop water from just terrorizing my ground. That's why I am here.

President Mourdock: We'll make sure you get a chance to see the revised plan since you have not seen that previously.

Charles Whitler: Thank you very much.

President Mourdock: Thank you, Mr. Whitler. Anyone else wishing to address Pecan Ridge? Mr. Ellison.

David Ellison: I'm David Ellison. I live at 6913 Arla Jane Drive. The proposed subdivision which we're speaking of I've got property just west of it. I have had the opportunity to see the revised plan this afternoon of the two retention areas. One is north of the lot and one is south of the lot and I think that's a big improvement. I guess I am here also not to remonstrate so much against this, but to represent Farm Bureau, Inc., Big Creek Drainage Association and also with the Chairman of the Soil & Water Conservation District of Vanderburgh County. I think it's time that we look at this whole picture of Vanderburgh County and development and the 41 corridor and everything in the northern part of Vanderburgh County. I think in the past we did a decent job of trying to control runoff. I guess our problem is out in our area right now with the development on the 41 corridor there has been some activity out there that they submitted super good drainage plans, but was never implemented. I think this is where we're coming from out there now. There is going to be all the development on the west side and north side we are very concerned. We're trying to make a living. We know these developers are trying to make a living. All they are doing is putting more water down on us all the time every time they construct something with a roof, concrete, asphalt or what have you. What we're asking the Drainage Board, I know you've put our area in an impacted drainage area which we appreciate that, but it is not solving our problems. You know, I don't know how much you guys eat or how much you want to continue to eat, but agriculture is...you know, we're in strained times right now with sub power grain prices, with restrictions against us as far as regulations. You just go on and on and agriculture is in a bind right now and hopefully we can come out of this, but we need this Drainage Board of Vanderburgh County to help us out. There is a subdivision up on 41, Cambridge Subdivision, which is really hurting us. Nobody is really implementing the plan. Sure, we've got an erosion control ordinance out that is helping tremendously. We've got another project that was completed several years ago with Azteca. They had a good drainage plan, but it was never implemented. We're getting water off of them. You know, well you just go out there and look at the site and you can understand the water that we're...we've got some neighbors here that are getting that water quicker than we're getting it. I guess I am just wanting to sum this up, and I don't want to take all your time. I appreciate you letting us talk this evening, but we've got a drainage area in our area that don't only control Vanderburgh County it also goes to Gibson County and it also goes to Posey County. All these people in agriculture are concerned about what is going on in Vanderburgh County. We just need some help. We need some stricter guidelines as far as holding the water a little bit. We need to slow it down. We need to hold it back a little bit. I appreciate Mr. Kuester here tonight implementing a plan that will maybe help this and solve this problem. But Maidlow Ditch, you've got to remember, Maidlow Ditch is that (inaudible) in our drainage area? Until Maidlow Ditch empties nobody else empties. We back everybody else's water up, so whatever is going to go into Maidlow Ditch is going to play a big part in what drains in northern Vanderburgh County. So, again, I guess what I am asking you folks is maybe, just maybe, and this is just a suggestion, you know, through the Soil & Water Conservation District we've got a policeman with Rule 5 and I think it's doing a real good job and I think maybe you might agree. You know, you may not have the remonstrators down here that we had at one time through the Drainage Board system. I think, and I'm not pointing fingers at anybody here, but I think maybe we need a policeman to police when these drainage plans are implemented that they go through with them. That we do see

that these drainage plans are taken care of. I don't know how to tell you to do your job and I'm not here trying to tell you how to do your job, but I think that is a problem that we've got right now.

President Mourdock: Let me raise the question here because you said something that I had never heard stated before which is specifically with Cambridge that you're saying that the plan has not been implemented, the plan that was approved, is that—

David Ellison: We'll, I'm not saying...I'm just saying we've got a lot of problems out there, okay. I don't think the agriculture sector is real happy with what we've got out there and I think we've got the same problem on the west side. I don't think the agriculture sector...I don't even believe the people are happy with the plans. What I am saying, Commissioner Mourdock, is when we go into a development that big we bare the ground as much as they bare it out there it is hard to put silt fences to control all that erosion as far as...we're into water quality. I think everybody is into water quality and any time you have got erosion you know you're going to have water problems, you're going to have silt, pollution, what have you. I guess this is what I am after. We just need a little better police job of what is going on as far as any drainage plans. Hopefully, and I am sitting here pleading with you folks, that we need some help.

President Mourdock: Okay, and I am trying to respond to that plea. You said that Cambridge was not being done as it was being permitted. Is that accurate? I mean, am I quoting you?

David Ellison: I think they have put some tile in out there that was supposed to do one thing...I'm not real familiar with this, but I can get you some documentation on this. I think they have readjusted some water flows that they agreed at one time that they wouldn't do or they wasn't going to do. I think they have kind of put it all in one waterway now where they was going to divert it in maybe two or three different waterways. I ain't saying it is going against the plan, but I am saying it is going to wash out a lot of property on another man that is farming right in that area. I think you've seen the same situations maybe on the west side. Here again, I don't want to take up all your time tonight, but I am thinking if we could just sit down and maybe possibly work this out, I don't know. We need Mr. Jeffers' help. As far as the Soil & Water Conservation District we're more than able and want to help. As far as Farm Bureau, Big Creek Drainage Association, we would just like to come up with a plan that will work for all of us.

President Mourdock: Okay, and I'm going to ask our attorney a question here just as an enforcement vehicle, if you will—

David Ellison: Sure.

President Mourdock: —I'm not sure I even want to ask the question for fear what the answer might be, but under the obstructed drainage ordinance of a couple of years ago, Joe, if this board approves a plan and someone builds a development outside that plan are not the people downstream...would they not be able to use the obstructed drainage issue as a claim because there was that discussion early on as to a waterway and it said something about a...what was the language, natural waterway?

Commissioner Tuley: Natural watercourse.

President Mourdock: Or other waterway or something. Watercourse, that was the word. If in fact this board approves it and that's a designated watercourse and then someone in development changes it does that not give the people downstream the right to use that law to come back?

Joe Harrison, Jr.: It's possible, but the issue he has raised I think as far as the enforcement mechanism certainly this board would have the power to obviously question the plan if it is not in conformity with the wishes of this board, so I think it's just a manpower issue probably. I think Mr. Jeffers has appeared before this board on occasion when someone has not complied with a plan where it is seeking some modification to a plan, but certainly the plan that is approved by this board and obviously it's blessed by the Area Plan Commission is to be complied with. Times change obviously over a period of time, but certainly the initial plan should be the way that it was contemplated.

David Ellison: I don't disagree with that, Mr. Harrison, but I guess the problem that we've got is if the plan is...if it is laid out and they go ahead and put this plan in, this drainage plan, okay, I don't have the expertise to go out there and say that plan is the way it should be. I don't know if Bill has got the time to go out there and do it. I know you County Commissioners don't have the time to go out there and do it. Who is the one that says that plan is the way it should be? Who polices that plan and says that plan is the way...was put in the way it was designed? Do we have anybody that does that?

Commissioner Tuley: I'm going to guess that is the Surveyor's Office. As our technical adviser as the one that reviews the plans and comes to this board and says we recommend approval, so I would assume, and, Bill, correct me if I am wrong, but—

Bill Jeffers: You're wrong.

Commissioner Tuley: Alright, then who would that be?

President Mourdock: Well, let me take a step from that though. Even before such a thing can happen this board has to be aware of the problem. As I said at the outset, Dave, to your comment, this is the first I've heard anything of Cambridge as far as a question as to the way Cambridge is done.

David Ellison: Cambridge, maybe not, but the biggest problem is Azteca.

President Mourdock: Okay, and...go ahead, Bill.

Bill Jeffers: In the subdivisions the Area Plan Commission requires that the developer submit...his engineers submit an estimate for a letter of credit for all the improvements and then the engineer submits that and Mr. Stoll's office checks that. When the developer wants his letter of credit released because he has finished all of his improvements, then Mr. Stoll sends out his inspectors and they inspect it to see if it was close to conforming. If it is not conforming he does frequently call our office and I go out with Mr. Stoll or one of his inspectors and confirm whether or not the drainage plan part of it was done correctly. If it wasn't the only thing that happens at that point is the letter of credit is not released and if the developer wants his letter of credit to be released he has to complete the drainage plan according to the way it was approved or submit modifications that are subsequently brought before you and approved if the modifications are minor. The only problem with that

is to my knowledge no one has yet been into the penalty stage. There is a penalty in the drainage ordinance. There is the provision of a penalty with a fine for people who are out of conformance with the drainage plan. Likewise, I will say that I don't know of any time that a fine has been levied under Rule 5 in Vanderburgh County. Correct me if I am wrong. You know, it's a \$10,000 fine and there has been many, many, many, many, many violations under Rule 5 and I don't know of one that has had a fine levied against them.

Commissioner Tuley: Well, there has been at least one little one, but it sure isn't anywhere close to \$10,000.

President Mourdock: Yeah. Just to clarify that for everyone in the audience, that's not to say it is not enforced, it is said that if someone is in violation they receive a letter saying they are in violation and you've got so many days to get it fixed and then they have so many days to remedy.

Joe Harrison, Jr.: But, again, getting back to his response, I mean, you do have some input on the letter of credit.

Bill Jeffers: Yes, sir. After Mr. Stoll requests us to assist him then, yes, we do go out. But I just wanted to make it clear that we weren't the police.

Commissioner Tuley: No, okay. And I stand corrected on that statement.

Bill Jeffers: (Inaudible) we're just an advisor to the enforcement part.

Commissioner Tuley: Right. But I wonder if this is a problem, a big problem, where things are not being done, I wonder if that, and this is more of a legal question, can that ordinance be revisited and maybe there would be a way rather than going through the fine process to stop permits. Once you stop permitting and they stop building we would get a lot of attention I bet you real quick.

Joe Harrison, Jr.: Well, certainly the letter of credit, I mean, we don't have to release it.

Bill Jeffers: You don't have to release it, but you're not as a board, as the County Commissioners, I notice you're rather hesitant to assume the letter of credit and do the work yourself, so they just keep renewing the letters of credit.

Joe Harrison, Jr.: That's right.

Bill Jeffers: So we tried to address this when we were asked by the board to write the ordinance and we had a place in there where the penalty would kick in immediately and the permits would be jerked and we were asked to remove that from the draft. So when we removed that from the draft we also then assigned the County Engineer to be the inspector because we saw that we had no way to enforce it so we just passed it on, which that's the way it passed. But we remain available to the County Engineer as a technical advisor. We were asked to remove so much of the guts of the original document that came to us from Purdue after, you know, through a committee system, that's going to cost too much or this is too restrictive or that's this or this, you know how it goes with all your ordinances, so we struck it out at the request of the people who were able to tell the committee how to write the ordinance. What you have though, basically, you still have \$100 a day fine to be out of compliance if you wish to enforce that. Like I said, all you have to do is ask Mr. Stoll

to ask our office to come out there as a technical advisor to his office and confirm whether or not the plan has been implemented in accordance with your approval.

President Mourdock: I suspect if we have the \$100 a day ability right now, and I'm not questioning your memory—

Bill Jeffers: I think it's \$100 a day. I might be \$150.

President Mourdock: If it's \$100 a day and it is enforced just once or twice I bet word spreads real fast.

Bill Jeffers: But I don't want to be the one to enforce it. I just want to be the technical advisor.

President Mourdock: Duly noted. Your point, Pat, about revisiting it I think that is on line given the comments from Dave.

Commissioner Tuley: Well, I think from what Mr. Ellison has just told us and we've seen unprecedented growth like what we've got right now that maybe we need to revisit it.

President Mourdock: Right. I would certainly be willing to do that. Anyone else wishing to address Pecan Ridge?

Peter Frederick: I'm Dr. Peter Frederick. I live at 15805 Darmstadt Road. Something I haven't heard addressed yet and I haven't seen the drainage plan because we're upslope so we won't be affected by the immediate drainage, soil permeability at least on our back lot immediately adjacent to the north edge of the proposed development is extremely poor. My next door neighbor has a field bed that has not drained properly for 40 years that I know of and in fact was converted recently from a now illegal sand trap system to a more or less standard field bed. Unfortunately the water doesn't permeate down, it permeates sideways. If you dig a whole in our back lot on any given day of the year it will probably have water in the bottom coming up to the soil. I think that one concern has already been addressed when the drainage plan was converted to bare soil. If these homes to be built there have field beds I expect serious water problems. Everybody in the neighborhood has field bed problems. We're on our second one. The first one filled up and backed up into the yard. The next door neighbors have a wet yard all year long, so I expect you are looking a very high runoff coefficient with homes in use there. If sewage is provided I think that would be less of a problem, but permeability is very poor. Along with that is what sort of retention areas are under discussion? Again, I have not seen the plan.

President Mourdock: In size, do you mean?

Peter Frederick: In size and depth.

President Mourdock: Mr. Kuester can address that, I'm sure. Why don't we start with the sewer question. Is it going to be septic systems or are you going to be—

Fred Kuester: It's going to be septic systems and we have approval from the Health Department on all lots except one and that one lot may take a special design. The detention basin up on the northwest corner which goes over towards Ellison has a 35 foot bottom and it's to hold 3,800...it has been designed for 3,800 cubic feet. The

formula required 2,410 cubic feet. The one on the south end toward Whitlers is designed for 5,000 cubic feet. According to the formula there is 2,872. Once again, that is the formula used for coefficient of flat ground.

Peter Frederick: I really didn't in my semi-educated opinion there I think that probably flat ground is more likely to be representative of the actual runoff there because our back lot after a rain will have a half inch of water running down the hill for a day. The grass slows it down, but it doesn't reduce the total amount. How are these drained? Are they simply a shallow area? Is there a dike with a drain in it?

Fred Kuester: (Inaudible) detention basins. (Inaudible comments made away from mike.)

Peter Frederick: The Darmstadt Heights Subdivision retention pond holds water almost continuously and if it is a similar design I would expect the same occurrence at Pecan Ridge in that the retention area will almost always have water in it for a week or two after the rain. Unless it is surface drained it won't permeate through the soil. It will probably stand.

Fred Kuester: (Inaudible comments made away from mike.)

Peter Frederick: Okay, well.

President Mourdock: They are set up to drain surface. They don't percolate through.

Peter Frederick: Yeah, well my point is it isn't going to. Not unless you drill a hole and put a pipe in the bottom. That's all.

President Mourdock: Okay, thank you, Dr. Frederick. Anyone else have questions or comments regarding Pecan Ridge?

Unidentified: I have a question. I didn't actually come with one.

President Mourdock: State your name and address please.

Sam Williams: My name is Sam Williams. I live at 15800 Old Princeton Road. I am not in opposition in any way to the developer doing what he is intending to do there. Just a question that came to mind listening to the different conversations was concerning the actual water table. I realize there is going to be water, city water, brought to the property, or that was the last I heard that there was going to be water brought to their property. I didn't know if that meant it was brought to the edge of the property and then the individual property owners would have an option to bring water to their homes and if that was an added expense that they did not want to do if we would end up with 17 different wells pulling from that area and if that is the case if there is a lot of concrete or rooftops and a lot of runoff the water that would normally permeate into the soil because there has been some problems with wells going dry and people couldn't put a new one in? I just put a new one in myself, so has there been any studies done or anything done as far as the water table and what that many potential wells would do?

President Mourdock: I'll look to both Mr. Kuester and Mr. Jeffers.

Fred Kuester: We plan on running Evansville water along the frontage on both roads so all lots (inaudible comments made away from mike.)

(Inaudible conversation taking place away from mike.)

President Mourdock: They would always have that option, but I think 99 people out of 100 if they had the option for city water versus drilling a well they're going to take the city water just because of the supply.

Sam Williams: Well, again I say I'm not in opposition in any way, it's just a question I had. The last I heard the water was going to be brought to the property. (Inaudible comments made away from mike.)

President Mourdock: Oh, I see, yeah. No, they're going to have the city water all through the subdivision.

Fred Kuester: City water will be there. (Inaudible comments made away from mike.)

President Mourdock: Anyone else to speak to the subject of Pecan Ridge? Okay, Bill, and to summarize if I may here you were basically saying that if there is any DNR permit required you would be subject to that if there is any required. You had reviewed this and felt that it was—

Bill Jeffers: We haven't made a recommendation yet because I was waiting to see if there was any really serious problems brought before us tonight that I wasn't aware of. I had gone out and looked at it a couple of weekends ago, and like I said, I submitted a list that I mailed to two of the adjacent property owners who had called me and the list was as complete as I could make it at the time of items I had seen. Then tonight we have added that plans are not implemented as they are approved. Some examples were given and I confirmed that is true and the examples that...one example that was given is absolutely true.

President Mourdock: Meaning Cambridge?

Bill Jeffers: Azteca has resisted implementing their problems...or their approved plans since day one. There are others in the area that have not implemented the plans as they were approved so that comment was true. You have the developer here. He can pledge to implement the plan as it is approved if you wish, but that would be up to him. Field bed permeability, the reason that the lots are two and a half acres in size is because the County Health Department through the Area Plan Commission's Subdivision Review Committee of which we're all a part, all of our offices, got us to vote on that and we agreed to go two and a half acres. It used to be a half acre. They figured by the...we were taking the advice of the Health Department that within two and a half acres generally in Vanderburgh County you can find a place to have a suitable field bed and as Mr. Kuester pointed out tonight they have done so and have permit...or have the ability to do that on all but one lot at this time. I've heard from several people, one tonight and several people on the telephone, that they wonder if a sewage system couldn't be provided out there. You know, sanitary sewer lines run all the way out there. If they do so I would like to point out to those who haven't brought that to my attention that if sanitary sewers are extended to this property they could have lots 45 feet by 100 feet long, so there would be 100 lots instead of 17. Then this room couldn't hold the number of people that would be down here. As to the detention basin design it was pointed out that Darmstadt Heights holds water. Darmstadt Heights is one of the subdivisions where the detention basin is not constructed in conformance with the drainage plan that was approved by your board. The reason it holds water is because of the irregular shape of the bottom of the detention basin is so bad and so washed out that it holds

water all the time and for long periods after it rains. I've had three different individuals come to me with plans to finish the detention basin on Lot 10 in Darmstadt Heights and each one of them was a suitable plan that would finish that out properly and subsequent to the first two of them the person estimated the cost of that and in combination with the cost that the developer wants for Lot 10 he didn't think it was economically feasible to do the developer's work for him and buy the lot from him. The third person I think is still looking it over. He brought a really good...he brought the best of the plans about two months ago and I haven't heard back from him. As to the water table, again, that is not an issue. That's like sewer or anything else. That's not an issue that normally comes before this board, however city water is being provided up the front lot lines on both roads all the way to the end of the subdivision. The option will be there to get city water and all I can say is if your well runs dry I bet a plumber will be out there the next day running a line out to that city water. If they want wells I guess it's their choice. It's their land, you know, but I think you'll find most all will. Are there any other concerns here tonight or is everyone here...I see there is two people who said they are against this that got up here and spoke. Is there anyone here that is for it, this subdivision? The developer and the engineer! Is there anyone who is really concerned about this? What I am really trying to determine is this subdivision itself, is there a defect in this plan that is so gross that I should take it back to the office for another month's review or is this just an opportunity to bring to our attention several deficiencies that exist in the area not necessary associated with this plan? If there are deficiencies that exist in the area that are adversely affecting these people then yes we should address those, but should this plan be singled out as being deficient? If it is truly deficient, if there is something on this plan that is so deficient that it is not in shape to be approved at this time I will gladly take it back to the Surveyor's Office for another month, but I want to hear from someone saying that before I make a recommendation. Otherwise, I am going to recommend that it be approved as a preliminary plan and the minor adjustments that need to be made to bring it up to snuff in everyone's mind will be made within the month. However, if it is grossly deficient let me so hear that now.

David Ellison: I just got...David Ellison, I've just got one comment. As of 3:30 this afternoon, Mr. Kuester, we did not have an erosion control plan in our office, okay?

Fred Kuester: (Inaudible comments made away from the mike.)

Bill Jeffers: This isn't a final plan though. It's required at the time of a final plan.

President Mourdock: Right, yeah. Okay, Mr. Jeffers raised the correct point there which is while the entire area is something this board needs to be concerned about the vote we need to make here just in preliminary drainage is regarding this specific plan. I have not heard anyone make the point or make a point that says to use your words there is anything so egregiously wrong with this plan that it should not be approved on preliminary. Last chance.

Bill Jeffers: Before you make your motion though there is nothing that the DNR will have to approve on this plan.

President Mourdock: Okay.

Bill Jeffers: And in answer to Mr. Ellison's most recent statement this board does require...no seriously, they do require that an erosion control plan be attached to the final drainage plan before it is approved because they do respect your board out at

the Soil Conservation District and they ask me almost every time is there an erosion control plan approved for this subdivision before they vote on the final plan.

Commissioner Tuley: We've got a listing here from Mike today telling us which ones have and which ones haven't.

Bill Jeffers: Right, Mr. Wathen really keeps us up-to-date on which ones have that, right.

President Mourdock: Okay.

Commissioner Tuley: Maybe with all the discussion I didn't hear, but you did recommend approval then?

Bill Jeffers: Of the preliminary drainage plan.

Commissioner Tuley: I'll so move at this time.

President Mourdock: And I will say second and so ordered. As Bill said at the outset, the current schedule being what it is this will likely come back before us on the—

Commissioner Tuley: Twenty-fourth.

President Mourdock: – 24th of April for final approval.

Bill Jeffers: If anyone here tonight wants to take my copy of the plan with them they can do so. I can get another one from Fred. Or if anybody wants to come into the office and talk to Mr. Kuester you can get his phone number now. If there is anything you all would like to see added to this plan that you really feel needs to be added please get with us within a week before the 24th so we can address all your concerns.

Fred Kuester: Thank you.

President Mourdock: Okay, thank you.

Ivy Meadow Subdivision - Preliminary drainage plan

President Mourdock: Bill, the next one we have is Ivy Meadows.

Bill Jeffers: Ivy Meadows is a project on the west side of Oak Hill Road just to the south of Rode Road. The drainage from this plan actually discharges to and across Rode Road...underneath Rode Road. The preliminary plan submitted adequately addresses all the requirements for a preliminary plan. There are some very minor modifications which may appear between now and at the time of the final plan presentation. The engineer is here, Mr. Keith Poff, to answer any questions from remonstrators wishing to speak and also to take questions from the Board. After that the Surveyor will make the recommendation for approval of the preliminary plan for Ivy Meadows.

President Mourdock: Anyone wishing to speak on Ivy Meadows preliminary plan? Keith, do you have anything to add?

Keith Poff: Keith Poff, Sitecon, Incorporated. I'm representing my client, Charles Murphy. Mr. Murphy is a homebuilder. This will be his first land development project in this area. He is from Illinois originally. This property is located on the west side of Oak Hill Road. He is going to have 44 residential lots on the property. The preliminary plan will be put together as a single detention basin which is going to take care of our development property. We have a bypass situation from some area upstream of our property that can go through. That water currently flows through the backyards of some of the homes on Oak Hill Road. In a discussion with one of the neighbors Mr. Murphy has agreed to modify for our final plan to take that bypass water into our detention basin. It is not currently on the plan, but it will be for our final. The net result for that is instead of having a detention basin for the areas that we develop we would have about 18,000 cubic feet of storage. We're going to increase that to approximately 33 to 34,000 cubic feet of storage. That is a 10/25 calculation. We will be essentially intercepting the majority of the water that goes through the area south of Rode Road from the natural watershed now. We will hold that water, detain it in our lake, and then allow it to flow through a portion of our property that's about 50 feet wide that is south of Rode Road. It will cross Rode Road, let the water continue in its downstream flow past that point.

President Mourdock: Okay, very good. Anyone else wishing to address the board regarding Ivy Meadows? Yes, sir.

Greg Feistel: My name is Greg Feistel. I live at 5121 Oak Hill Road.

President Mourdock: I'm sorry, what was your last name?

Greg Feistel: Feistel, F-e-i-s-t-e-l. I live at the base of the lake that they plan on digging. I guess two-thirds of the twelve acres that they are going to build on consist of hillside. Where I live it was, in listening to some of the older neighbors, it used to be a lake. When we get a lot of rain now we get four to six inches of water that goes down towards Rode Road and the ditches down on Rode Road won't take it and it backs up. If they build 44 homes back there naturally they're going to increase the runoff. We haven't really actually seen the plans, you know, the lake I understand it's going to be some 12 foot off the back of my property line. They're going to increase an earthen dam. Since I live downhill from that who is going to take care of the dam on this lake in five years or six years? If it gets muskrats in it or whatever, beavers, am I going to have to take care of this or is the county going to take care of this?

President Mourdock: Let me take care of that question because we get that one all the time. Keith, do you want to deal with that question? It's a good question, by the way.

Keith Poff: The dam construction, I think it is going to have a total height of about three feet at its highest point, but it will be completely on the subdivision property. We won't get any closer than 12 feet to the edge of the subdivision. The current plan is to have the lot owners responsible for their portions of that property that surround the lake whether it be on the near side of the shore or the far side. The lot owners will maintain all the lake.

President Mourdock: There is no common area? It's not like something that a neighborhood association or a—

Keith Poff: No. We do have a lake maintenance and storm detention easement that

goes around, but the lot owners will be responsible...of the subdivision.

President Mourdock: Okay, and that easement is in favor of whom?

Keith Poff: Well, I'm not sure who the easement is supposed to be in favor of, but we are going to make the responsibility of the lot owners to take care of the lake. The request from the ordinance is to have the easement, but the county doesn't become involved and only as a last resort.

President Mourdock: Okay, okay.

Keith Poff: You have a right to enforce within that area. Anything that modifies what we put on our plan has to come through your board again for a modification.

President Mourdock: Okay, and let me repeat that back so you understand it, Mr. Feistel, and to make sure I do. The dam that would be built there, as small as it is three feet high, is actually going to be on some individual property owners and it is going to be their responsibility to maintain it, but as part of the subdivision it will also be established that there will be an easement for maintenance of that dam given to the county or in favor of the county so that should the landowners be delinquent in doing it the county would have the right to come in and do the work. Is that accurate?

Keith Poff: Yes, and I believe assess their taxes for it.

President Mourdock: Oh, yeah, we would get our money back for doing that if it ever came to it.

Commissioner Tuley: At least we have access.

President Mourdock: Yeah, right, we have access and the point being there—

Keith Poff: But that's a default situation.

President Mourdock: Yeah.

Joe Harrison, Jr.: Right.

President Mourdock: The point being there that there certainly have been dams created where the county does not have access and neighbors below it have legitimate concerns about it not being maintained and it's private property and the county doesn't have any right to it whatsoever. People come to us wanting to deal with it and in those situations we don't have that right and in this situation we would be covering that potential.

Keith Poff: I think dam is probably not an appropriate word for it. It actually is a berm. Dam heights are usually 20 feet.

President Mourdock: Semantics, okay.

Keith Poff: But the basin that we're proposing there will not be an additional height for about half of the perimeter of the lake. The other side will be a cut situation.

President Mourdock: Do you have a copy of the plans so Mr. Feistel can see it?

Keith Poff: He may have a copy. I made one available to, I think, his neighbor. I don't know if they shared that information.

President Mourdock: Let's assume not. Bill, do you have—

Bill Jeffers: I have a copy that I'll be happy to loan to anyone here tonight that wants to take it with them and I can get another copy from Mr. Poff tomorrow. It says Ivy Meadows on it and it is right here if anybody would like to look at it or take it with them.

Keith Poff: Here is a copy.

Bill Jeffers: If somebody does take it please share it with your neighbors.

Keith Poff: (Inaudible) is the watershed areas and we have essentially four of those. An area that originally would drain out in this direction is going to be developed so we'll have to bring in that. B and C together is what we set our plan up and phased it for to control that to a ten year outlet for this area combined. This area is a bypass situation that drains through this area. They come together in a pipe situation and it ends here. This gentleman has a 12 inch pipe or 24 inch pipe (inaudible) coming to a homemade indentation here. The flow line in back of the property, it's not the edge of the property (inaudible). This is Mr. Feistel's house here.

Greg Feistel: Right.

Unidentified: This is the highest point right here.

Keith Poff: The ridge is here. This is the top of the ridge. This area with our lake intercepting the flow from the ridge and everything coming to the west with our lake anyway. What Mr. Murphy has agreed to do is to take this flow which would be allowed to just pass through, we're going to take that entire length as well, so this area will not see the water that it did before.

President Mourdock: Okay.

Greg Feistel: Can I ask?

President Mourdock: Sure, go right ahead.

Greg Feistel: How wide is this?

President Mourdock: The detention basin?

Greg Feistel: Yeah. The question I've got is you say these homeowners are going to walk all the way in their neighborhood and all the way down over here and cut and clean all this?

Keith Poff: It will be their responsibility to do so, yes. There is a fence there now.

Greg Feistel: You're going to put a fence there?

Keith Poff: No, there is a fence part way back now. That's not ours.

(Several inaudible conversations away from mike.)

Greg Feistel: These neighbors here that live down on Rode Road right here, in fact here is one right now. These drains are inadequate to take this water down. They back up.

Keith Poff: (Inaudible.) Yes, I agree with that.

Greg Feistel: I mean, water backs up in here and floods this man's garage. What I am asking is when this lake overflows and it won't take—

Keith Poff: It will come out in this area here? No. There is going to be a spillway that overflows here—

Greg Feistel: So it will be diverted there.

Keith Poff: —and go out to here and cross under Rode Road.

Greg Feistel: So if it backs up here then they're just going to have a problem?

President Mourdock: Sounds like what you said they already have.

(Several inaudible conversations away from mike.)

President Mourdock: Yeah, that's the point of these detention—

Keith Poff: Yes, we have a berm that can hold a 25 year storm. It's not a 25/25. It actually holds a ten year. This area whenever we put this bypass in and you get to release it as well. It will be released (inaudible) it will not be coming through here any longer. The overflow situation is there. Those connect together and go to that ditch.

President Mourdock: Okay.

Commissioner Tuley: Question.

Unidentified: Are they going to leave the ditch along the back down there by Rode on the property that is up against this? There is a ditch there. Are you going to leave that ditch?

Keith Poff: We have set up various natural drainage that flows in that direction and of course will not be doing any alterations beyond our property line. We have to allow for the flow to come across. We will be constructing a new ditch on our property on our side all the way down through here in order to divert that water into our land. We will be constructing a new ditch on our property. What's on your property stays the way it is.

President Mourdock: Okay, thank you. Right here, this is Rode Road right along here. On his property right along here.

Unidentified: If something should happen the county is responsible for this?

President Mourdock: The county is only responsible if the property owners don't take care of it.

Unidentified: Correct, okay.

(Several inaudible conversations away from mike.)

Unidentified: Am I correct?

President Mourdock: Ask the question. I'm not sure of the question.

Unidentified: If something should happen to this raised area where it starts raising and it should erode or what have you because the property owners did not take care of it—

Commissioner Tuley: It's the property owner's obligation.

Unidentified: — and it (inaudible) on us then the county will take care of it and the county will go back after the property owner?

Commissioner Tuley: Right.

President Mourdock: It's the property owner's obligation. Ma'am. Ma'am. Miss. Your name please just for the record. Feistel, okay thank you. Make sure they have a copy please. Okay, any other questions regarding Ivy Meadows?

Greg Feistel: One more, and I don't know if the Drainage committee actually addresses this or not. Mr. Schwenker may want to get up here. Recently we've had about 80 of our homeowners out there that we're in the process and we don't even know how much it is going to cost us yet. It has always been \$350,000—

President Mourdock: You can blame Mr. Schwenker for that though!

Greg Feistel: No, no. We don't even know how much it is going to cost. Somewhere between \$4,000 and \$5,000 a person. In fact, we haven't been able to hook up to it. I know it is coincidence or whatever, but we've got a subdivision here that is going to be able to take advantage of that. I know and I have talked to attorneys and maybe legally they don't have a right, but I mean as far as public relations it would seem only right that maybe since he is going to contribute or benefit from it, he is going to at least have to run a line all the way to Oak Hill to pick up the main line, we brought one right to his property.

President Mourdock: And I am going to turn that question to the County Attorney.

Joe Harrison, Jr.: I think I have talked to Mr. Schwenker, I think, about this before. But the city will own the sewer after it is accepted for a day or two by the county. It will be given to the city because the city is in the sewer business not the county. As far as the issue you've raised the Barrett Law prohibits...it is my understanding that piece of property is how many acres?

Keith Poff: It's in excess of ten.

Joe Harrison, Jr.: Yeah, it's in excess of ten acres and anything in excess of ten acres cannot be included in the Barrett Law project. Barrett Law projects, you know, include dwelling residents or owners.

President Mourdock: But the ten acres is obviously being subdivided.

Joe Harrison, Jr.: It hasn't been subdivided yet.

President Mourdock: Okay, but–

Joe Harrison, Jr.: I understand, but the sewer...your project is going to be done way before that happens. Well, the bottom line–

(Inaudible comments made from audience.)

Joe Harrison, Jr.: Well, the other thing is once you start the project...no, I'm sorry, once you start the project you've already gone down that path.

President Mourdock: Right.

Joe Harrison, Jr.: You can't revisit the project. So that couldn't have been included in anyway at the very beginning because of–

Commissioner Tuley: Size.

Joe Harrison, Jr.: –the size factor. I can tell you that what you're talking about happens all the time. All the time.

Commissioner Tuley: Just about every one we do.

Joe Harrison, Jr.: Just about, that's exactly right.

Keith Poff: I know this is drainage, but this in effect is the way that sewers are built in Vanderburgh County. This is a group of individuals collectively coming together to do a portion of land development. Every subdivision goes through this same type of process. Downstream for their sewer system is the Keystone Subdivision which built the pump station that they connect to, so if you keep on chasing this downstream every other project took care of a piece of the system that somebody else needs. So this is land development in Vanderburgh County.

Joe Harrison, Jr.: And, again, you all unfortunately someone is paying for that. The owners that are going to purchase those lots are paying for that benefit when they buy and build a home.

Unidentified: They'll be put in.

Joe Harrison, Jr.: Well, go ahead.

Greg Feistel: Tough luck.

Bill Jeffers: Well, you need to talk to the state legislators about it because that is who you need to talk to about it.

Unidentified: I would like a definition on the Barrett Law. What is the definition of the Barrett Law?

Bill Jeffers: Really, we're going to get done with this meeting by 8:30. This is a Drainage Board meeting. By 8:00, excuse me.

President Mourdock: It is, hold on. It is a Drainage Board meeting, but there is a legitimate question here and I too don't want to get too far afield from drainage here.

Bill Jeffers: No, that's fine.

President Mourdock: But, Joe, if you would give a 30 second definition of the Barrett Law please.

Joe Harrison, Jr.: The Barrett Law provides a mechanism where the county or city or town facilitates the construction of infrastructure needs.

President Mourdock: Sometimes sewers and sometimes roads.

Joe Harrison, Jr.: Sometimes roads, sometimes water lines, etc. This particular instance in your area there is a Barrett Law project that has been started and it's almost done, almost done, and the homeowners themselves will be benefitted by the sewer to be constructed and it has been constructed, it's almost done, will pay for the sewer improvement, the \$4,000 or \$5,000 each out in that area. You are able to pay off that sum, whatever the assessment sum is, either up front...I mean, after the project is done you can pay \$4,000 or \$5,000 within a 30 day period or you can pay it off in installments over ten years. A bond is issued that the county has issued in its name and the homeowners then pay back the county. The county is fronting the money to pay for those individuals who do not pay up front for the construction of the project. So that is the county's role in it. They are facilitators. The County Engineer plays a role in monitoring the construction of the project. The county actually lets the bids on the project, but the county does not front money up front for the project. The contractors get paid at the end. That's rare. Most county projects they're paid over time during the construction phase. This is by statute. They are paid at the very end. There are some subdivisions within the county where roads for one reason or another have not been built up to county standards at the very beginning of the project and the roads weren't accepted by the county and the homeowners later on decide, hey, we would like to have our roads fixed up. They get them fixed and the county then accepts the roads and maintains the roads thereafter. As far as the sewer projects are concerned the sewer will be owned by the city utility sewer department. They will maintain it and in the next few months you'll be getting your first bills from the city for the sewer service.

Unidentified: So the Barrett Law in effect is invoked and when they say the Barrett Law was invoked—

President Mourdock: At the request of the people who live within the defined area.

Commissioner Tuley: Right.

President Mourdock: There was a petition passed around and it required, 70 percent?

Joe Harrison, Jr.: Well, it wasn't a petition. It was essentially a petition that started the project and then those who may have been opposed to it had a period of time within which to object and if it would of been a certain amount of people objecting, I believe it's 60 percent, then it would have gone to court, Vanderburgh Superior Court, for a judge to decide whether it goes forward and it did not go...that didn't happen in this particular case. I'm not too sure anyone objected on this one.

Unidentified: I was never notified.

Joe Harrison, Jr.: Oh, yes you were.

President Mourdock: Yeah, everybody was notified.

Joe Harrison, Jr.: Oh, yes you were.

President Mourdock: Okay, back to drainage.

Bill Jeffers: I'm not ready to go back to drainage.

Commissioner Tuley: I don't know if you're using the same when Joe speaks, but that was a long 30 seconds.

Joe Harrison, Jr.: I'm sorry.

Bill Jeffers: Our neighborhood was the first neighborhood in Vanderburgh County to have the drainage...I mean, have the Barrett Law invoked for a sewer. Yes. And when we told...when we were given the estimate for how much it would cost the 52 of us to do a sewer, the first estimate was \$2,600 per house, property. The bids came in well over that. The next time it was estimated \$3,100 per house. The bids came in well over that. The next time it was estimated at \$3,600 per house. The bids came in well over that and had to be rebid. It was finally rebid and it came in within the estimate and we were told it would be \$4,100 a house, okay.

Joe Harrison, Jr.: I'll just say on this one—

Bill Jeffers: This was the first one now.

Joe Harrison, Jr.: —we were way under budget or way under the estimate.

Commissioner Tuley: Estimate.

Joe Harrison, Jr.: Hundreds of thousands.

Bill Jeffers: Okay. Ours were thrown out because the estimate was not within five percent of the bid. They subsequently have taken that out of the Barrett Law because it was so restrictive that you couldn't get one built. The one they are operating under is a revised edition. This was like ten years ago or so. Okay, now what I want to tell you folks if you want to know about the Barrett Law if you take the ten year payment plan via the County Assessor you waive your right to object in court at any time to anything that happens. If you don't like something, they way it went down, if you don't think it was legal, if you don't think it was right, you cannot appeal it because you took the ten year payment plan via the County Assessor at eight percent or whatever. My wife and I borrowed the money which ended up being \$6,100 by the way to pay for that. We borrowed that money so we could pay cash so I could object and I had 26 different items I wanted to object to and I got nowhere. Among those items was the fact that since it was a brand new one and everything, I mean, they were cutting over this way and cutting over that way. They said they needed one acre of seeding. They ended up with ten acres of seeding. I mean, I could go on forever. Knocking down fences and everything else. We also had to pay the lawyer because we had people in our neighborhood who objected to it. We had three of them object to it so we hired a lawyer and we paid him about \$200 or \$300 a house. I think it was \$500 because some people didn't pay and some people did. The very first person that took advantage of what these people are complaining about was one of the remonstrators. He subdivided his property and built houses on his property. The very guy that stood up and complained and made us hire a

lawyer was the first one to subdivide his property and not have to pay an assessment on them. Some other people got their assessments waived for various reasons, so don't think...you know, I know about the Barrett Law and don't think that it's...but the thing is as soon as we had that I never smelled...I could go out in my backyard during the summer and enjoy it. Everything dried up, you know, where it used to be a mucky mess back there and the horses kept it all the stirred up back there. People had horses. There were mosquitos and I was afraid some kid was going to get malaria or something from the sewage. The next time our house was appraised when I borrowed that money it appraised about \$10,000 higher than it did just very, very recently before. So it has its good and its bad things, but what actually urged me to say all this was something was said to me right back here a few minutes ago that had nothing to do with the Barrett Law that I'm not for these people. Believe me, what we do when we review up here we have...we don't write the laws, folks. The legislature writes the statutes and passes the statutes and all we can do is abide by them. The ordinances that are adopted, all we can do is enforce them. We cannot exceed the law and this, that and the other, so basically what we're doing here is within the statute and we cannot go above and beyond that. If there is an issue with the statutes that needs to be addressed to the legislature.

President Mourdock: Okay.

Bill Jeffers: And there are very many statutes that I don't agree with and I think are very unfair—

President Mourdock: Okay.

Bill Jeffers: —but most of them are passed.

President Mourdock: With the 30 second discourse by the County Attorney and the Chief Deputy Surveyor, if the ball game goes into overtime it will end about noon tomorrow if the same time clock applied. Okay, we have before us Ivy Meadows. Anyone else to speak on Ivy Meadows? Mr. Schwenker, are you going to the microphone or going to the door? Okay. Thank you. Okay, Pat.

Commissioner Tuley: I will move approval for Ivy Meadows.

President Mourdock: On preliminary?

Commissioner Tuley: On preliminary.

Commissioner Tuley: I will say second and so ordered.

Tape change

Stonecrest Subdivision Section II - Preliminary drainage plan
--

President Mourdock: Okay, the next item is Stonecrest Subdivision Section II on the revised agenda.

Bill Jeffers: This is a preliminary drainage plan which the County Surveyor recommends approval of at this time.

President Mourdock: Is there anyone here wishing to discuss Stonecrest Subdivision

Section II?

Commissioner Tuley: Then on preliminary I'll move approval of Stonecrest Subdivision Section II.

President Mourdock: And with the recommendation of the Surveyor I'll say second and so ordered.

Daylight Industrial Park - Reaffirmation of preliminary drainage plan

Bill Jeffers: Under other plans allow me to ask you to reaffirm the preliminary plan for Daylight Industrial Park. It's on the APC agenda Wednesday. I expected some changes to be made and not be brought to us, but they brought the same plan in as was originally approved by your board last fall and I simply ask for a reaffirmation of the preliminary plan for Daylight Industrial Park.

Commissioner Tuley: So moved.

President Mourdock: Is Daylight...is that the Vanderburgh County Industrial Park? The one that–

Commissioner Tuley: No, no.

Bill Jeffers: No, this is the one that is being done by Mr. Buck next to 84 Lumber.

President Mourdock: Oh, okay. Yeah, yeah, yeah. Okay, there being a motion for–

Commissioner Tuley: Reaffirmation.

President Mourdock: –reaffirmation I will say second and so ordered.

Bid recap - Maintenance on regulated drains

Bill Jeffers: Then we can read the bids in.

President Mourdock: Okay, are you ready to do that, Joe?

Joe Harrison, Jr.: Yes.

President Mourdock: Okay.

Joe Harrison, Jr.: This will take just a few minutes. I'm going to read all the bids that were submitted for the ditch maintenance projects. I'll just start at the top.

Company name	Ditch bid	Amount bid
John Maurer	Baehl Ditch	\$861.25
John Maurer	Hoefling Ditch	\$557.10
Daniel J. Paul	Wallenmeyer Ditch	\$1,336.80
Union Township Ditch Assn.	Edmond Ditch	\$3,848.75

Union Township Ditch Assn.	Happe/Helfrich Ditch	\$3,174.50
Union Township Ditch Assn.	Barnett Ditch	\$250.74
Union Township Ditch Assn.	Cypressdale/Maddox Ditch	\$716.61
Union Township Ditch Assn.	Kamp Ditch	\$334.80
Naas Brothers Trucking	Pond Flat Main, Both banks	\$13,988.00
Naas Brothers Trucking	Eagle Slough	\$16,522.00
Naas Brothers Trucking	Kolb Ditch	\$1,350.00
Naas Brothers Trucking	Singer Ditch	\$1,225.00
RR Rexing Farms	Pond Flat Lateral D	\$641.06
RR Rexing Farms	Pond Flat Lateral A	\$743.54
RR Rexing Farms	Pond Flat Lateral B	\$391.58
Holweger Development & Construction, Inc.	Singer Ditch Silt dipping/Bank repair	\$3,601.50
Holweger Development & Construction, Inc.	Pond Flat Main Silt dipping/Bank reshaping	\$12,053.60
Jim Axton	Kolb Ditch	\$1,845.69
Jim Axton	Aiken Ditch	\$1,225.00
Martin Farm Drainage, Inc.	Pond Flat	\$19,240.00
Martin Farm Drainage, Inc.	Singer Ditch	\$2,376.50
Eldon Maasberg	Baehl Ditch	\$1,033.50
Eldon Maasberg	Maasberg Ditch	\$154.42
Eldon Maasberg	Kneer Ditch	\$303.60
Eldon Maasberg	Wallenmeyer Ditch	\$1,253.25
Big Creek Drainage Assn	Pond Flat Main Silt dipping/Bank reshaping	\$17,160.00
Big Creek Drainage Assn	Barr Creek	\$4,133.60
Big Creek Drainage Assn	Buente Upper Big Creek	\$3,837.05
Big Creek Drainage Assn	Maidlow Ditch	\$2,613.94
Big Creek Drainage Assn	Rexing Creek	\$2,051.52
Big Creek Drainage Assn	Pond Flat Main	\$6,264.84
Terry R. Johnson Constr.	Aiken Ditch	\$2,873.80
Terry R. Johnson Constr.	Harper Ditch	\$1,628.11
Terry R. Johnson Constr.	Keil Ditch	\$1,662.32
Terry R. Johnson Constr.	Kolb Ditch	\$1,901.62

Terry R. Johnson Constr.	Sonntag Stevens	\$6,122.19
Terry R. Johnson Constr.	East Side Urban So. Half	\$16,310.22
Terry R. Johnson Constr.	East Side Urban No. Half	\$12,293.80
Terry R. Johnson Constr.	Henry Ditch	\$1,818.07
Woodward Backhoe Svc	Kolb Ditch - Excavation only	\$3,250.00
Woodward Backhoe Svc	Singer Ditch - Excavation only	\$1,960.00
Woodward Backhoe Svc	Pond Flat Main - Excavation only	\$5,720.00
Carso Inc. Super Lawn		No bid
Downin's Green Grow, Inc.	Kolb Ditch	\$441.85
Downin's Green Grow, Inc.	Sonntag Stevens–Broadleaf Herbicide	\$200.60
Downin's Green Grow, Inc.	Sonntag Stevens - Sterilize ditch bottom	\$845.70
Downin's Green Grow, Inc.	East Side Urban So. Half- Sterilize ditch bottom	\$993.39
Downin's Green Grow, Inc.	East Side Urban So. Half - Broadleaf Herbicide	\$1,319.01
Downin's Green Grow, Inc.	Harper Ditch	\$233.05
Downin's Green Grow, Inc.	Keil Ditch	\$237.95
Downin's Green Grow, Inc.	Eagle Slough	\$3,304.40
Shideler Spray Svc.	East Side Urban, South Half - Broadleaf Herbicide	\$1,654.35
Shideler Spray Svc	Keil Ditch - Ditch sterilization	\$256.02
Shideler Spray Svc	Eagle Slough - Broadleaf Herbicide	\$3,604.80
Shideler Spray Svc	Keil Ditch - Broadleaf Herbicide	\$222.88
Shideler Spray Svc	East Side Urban, South Half - Sterilization	\$1,431.14
Shideler Spray Svc	Kolb Ditch - Sterilize ditch bottom	\$475.40
Shideler Spray Svc	Sonntag Stevens - Broadleaf Herbicide	\$251.60
Shideler Spray Svc	Harper - Sterilize ditch bottom	\$250.75
Shideler Spray Svc	Sonntag Stevens - Sterilize ditch bottom	\$909.92
DeAngelo Brothers	Eagle Slough	\$3,604.80
DeAngelo Brothers	East Side Urban So. Half - Sterilize ditch bottom	\$1,466.50
DeAngelo Brothers	East Side Urban So. Half - Broadleaf Herbicide	\$1,947.21
DeAngelo Brothers	Keil Ditch	\$262.34

DeAngelo Brothers	Kolb Ditch	\$487.15
DeAngelo Brothers	Sonntag Stevens - Sterilize ditch bottom	\$932.41
DeAngelo Brothers	Sonntag Stevens Ditch - Broadleaf Herbicide	\$224.40
DeAngelo Brothers	Harper Ditch	\$256.94
Bigge Excavating	Eagle Slough - Brush mowing	\$22,530.00
Blankenberger Brothers	Singer Ditch	\$2,695.00
Ray Stradtner Excavating	Singer Ditch	\$6,982.50
Ray Stradtner Excavating	Pond Flat Ditch	\$21,060.00

I would ask that you take these bids under advisement and have them reviewed for their responsiveness and appropriateness.

Commissioner Tuley: So moved.

President Mourdock: Second.

Aiken Ditch reconstruction - Preliminary report
--

President Mourdock: The next item, preliminary report on the Aiken Ditch reconstruction.

Bill Jeffers: Basically we're presenting this report to jump start the process whereby the city will reconstruct Aiken Ditch to serve as an outlet for a major project they are completing inside the city limits. The report refers to several issues the city must address in order to comply with applicable drainage statutes because Aiken Ditch is a regulated drain. Also, on the first real page of this report I list seven items in accordance with Indiana Code 36-9-27 that the Surveyor hereby reports the following and recommends that the Drainage Board act as follows. Rather than do that tonight I ask you to read this report because we really need to assign Aiken Ditch the highest priority for a regulated drain in need of construction classified as an urban drain, advance this work to reconstruct Aiken Ditch by declaring an emergency authorizing employment of an engineering firm as a contract deputy for the project, enter into an agreement with the city to compensate the county for all the costs of the reconstruction in part by employing the city's contractor as the contract deputy to prepare these plans and instruct that contract deputy to prepare all the necessary damage and assessment schedules in accordance with the applicable regulations and at the appropriate time set a reconstruction hearing by this board. Prepare and send the required notifications on behalf of this board and hold that hearing and work with the Board of Public Works to advance this reconstruction. That's all in my letter to you. Then I have backup documents in semi statutory language but it indicates the statute from which it is paraphrased letting you know that the city does have the ability to reconstruct a regulated drain if their project requires it, that employment of a contractor is done a certain way, designation of a drain as an urban drain is done a certain way, the notices for the reconstruction hearing are sent out a certain way and the letting of the contracts has to be done a certain way, etc. So if you would read this and come back on the 24th of April and take these steps it would jump start this project so that they can...Mr. Darrell Helfrich

is here from Morley and Associates. He is the design engineer who is working for Pat Keepes, the City Engineer, on this project and they came here if you happen to have any questions, but basically they'll be back on the 24th asking you to take these actions that are listed there.

President Mourdock: The only question I would have and we don't need to deal with the question tonight, but in reading through items one through seven is item three which is having this board declare this as an emergency. I don't have any problem in doing this and getting it started and everything else we need to do at the next meeting, but I just don't know if that is the right word.

Bill Jeffers: Well, that is the statutory word.

President Mourdock: In that case if it is the statutory word we just need to make sure it meets the statutory definition. Again, we don't have to deal with that right now.

Bill Jeffers: Oh, okay.

President Mourdock: Okay, very good. Is there a motion to accept the report?

Commissioner Tuley: So moved.

President Mourdock: Second and so ordered.

Bill Jeffers: That's because if you want to advance this work to a degree...because the work takes it to a degree that is inconsistent with the workload of the County Surveyor the board shall publicly declare an emergency and authorize the employment of an engineering firm as the contract deputy. In other words, they have already done the work. We can't possibly get it done as quickly as they can and they are doing it on behalf of the city.

Hirsch Ditch - Emergency obstruction removal

Bill Jeffers: Okay, the next item is I had an emergency. It was brought to our attention that there was a pipe out there in Hirsch Ditch that was almost totally clogged with debris. As you can see from the pictures the obstruction could have backed up a significant amount of water along those east side ditches all the way back up Burkhardt Road to Vogel Road. It would have caused silt to settle out in your brand new pipe along Burkhardt Road all the way back to the expressway and other problems could of occurred. When it was brought to my attention the weather forecast for that day was possibly heavy thunderstorms over the weekend, so I was alarmed. Marty Nussmeyer happened to be working on his property directly behind this ditch. He had a backhoe at the site and he was digging some building foundations and I asked him if he would remove that debris and he said he thought he could do it for about a two hour equipment charge, but he asked that I get it removed from his property as quickly as possible. He didn't want it sitting there in front of his commercial property looking like it does in that picture and you can see it's about a dump truck load there. So what I am asking you now is to authorize us to have it hauled away and to pay Mr. Nussmeyer for whatever his bill is for removing it from the ditch and hauling it away and I expect that to be less than \$500 and I truly believe it was an emergency.

President Mourdock: Okay.

Commissioner Tuley: So you're asking us to declare an emergency?

Bill Jeffers: Yeah, authorize an emergency payment or contract to remove that.

Commissioner Tuley: So moved.

President Mourdock: Second and so ordered.

Bill Jeffers: Thank you, sir, and I have no more business that I know of to come before the board at this time.

President Mourdock: Any other business before the board?

Commissioner Tuley: There are four people sitting out there. Do they have any business?

President Mourdock: Any other business before the board? Motion for adjournment?

Commissioner Tuley: So moved.

President Mourdock: Second and so ordered.

The meeting was adjourned at 7:59 p.m.

Those in attendance:

Richard E. Mourdock

Patrick Tuley

Joe Harrison, Jr.

Charlene Timmons

Bill Jeffers

Fred Kuester

Charlie Whitler

David Ellison

Peter Frederick

Sam Williams

Greg Feistel

Keith Poff

Others unidentified

Members of the media

Vanderburgh County
Drainage Board

Richard E. Mourdock, President

Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons.

**Vanderburgh County
Drainage Board
April 24, 2000**

The Vanderburgh County Drainage Board met in session this 24th day of April at 6:30 p.m. in Room 307 of the Civic Center Complex with President Richard E. Mourdock presiding.

Call to order

President Mourdock: There are several different plans we'll be looking at tonight that Bill will have quite a bit of information on and he'll present those first and then we'll open the discussion publicly.

Discussion regarding Hamilton Golf Course
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President Mourdock: Bill, if it is okay with you I think before we get started with you Mike Wathen has a report, maybe you want to do it jointly, on the Hamilton Golf Course, Mike.

Mike Wathen: Okay, Mike Wathen, Soil & Water Conservation District. I spoke with John Hamilton three weeks ago regarding the concrete dam that is across Pigeon Creek there at the golf course. There has been some concern voiced to both you guys, Mr. Jeffers' office and my office regarding flooding and the fact that the dam is an obstruction. It's my understanding the dam was put in in order to provide the ability to back up water so that they could run an irrigation system out of it. I looked at it both with Mr. Mourdock and with Mr. Tuley. I spoke with Bettye about it briefly. The time that I looked at it in the summer, the water level was all the way down to where the dam really wasn't serving as a dam except at the very bottom, and I showed that to Mr. Hamilton and what I think he feels like we could maybe do and I think would solve a lot of problems for everybody, is if we just took the top, say, three and a half foot of the dam off and eliminated it and leave the base intact. My concern is if we take the entire dam out that the creek is going to unravel and when it unravels the area above the dam will get as wide as the area below the dam and I think all those large trees, and I really don't know how far it would go, but however far it would go it would be further than what we would want it to do. But I think we can take the top off and alleviate a little bit of the backup that it is causing. I tried to get hold of John today, he called my office, and I talked to his son and he is willing to come down to a meeting and discuss it. I think he is very open to doing it. I think he is even open for paying for it himself.

Commissioner Jerrel: Would it help if we maybe put together something in a letter, a letter of agreement or something? Maybe our attorney could speak with him before he comes down and see how he feels about it?

Joe Harrison, Jr.: Or it may be that you may want to discuss it and then once you come to some agreement we can put it all in writing so we can memorialize everything and then have it go from there, but I think you may want to set forth exactly what you want and see what kind of commitments we can get and then let's get it in writing.

Mike Wathen: What I just discussed about coming down like three and a half foot and leaving the floor, I mean, he didn't have a problem with that so I think we probably already have a verbal commitment. It would just be a matter of—

Joe Harrison, Jr.: You probably want to talk about payment and that sort of thing.

Mike Wathen: Payment?

President Mourdock: Clarifying that he is going to pay for it?

Joe Harrison, Jr.: Yes.

Mike Wathen: Oh, okay.

Joe Harrison, Jr.: That's always important.

Mike Wathen: I don't think it's going to be that big of deal to take that thing down.

President Mourdock: It shouldn't be. I mean, a half a day's work with a backhoe out there ought to be able to get it done easily.

Joe Harrison, Jr.: And maybe a time frame within which it can all be done.

Mike Wathen: John was on the east side of town, he couldn't get here, but he did want to come to the next Drainage Board meeting and I'm not sure when the date of that is when, but the way...I'll handle it how you guys like, but the way it was relayed to me through his son was that he would like to be able to stand here and interact with you as the Drainage Board.

President Mourdock: That would be fine. I would encourage, Joe, if you would maybe you can give him a call or, Mike, vice versa, have him call Joe Harrison, and start those discussions. He is certainly welcome to come to any meeting. And the next one will be...?

Commissioner Tuley: May 22nd. I like the idea if we can go ahead and get it nailed down so that when he gets here on the 22nd we can just execute whatever legal we've got and then keep going.

President Mourdock: That's fine.

Commissioner Jerrel: You can talk to him and then he and Joe can make sure it all agrees and then we'll have it ready.

Mike Wathen: That's all I've got.

President Mourdock: Okay, thanks, Mike.

Commissioner Jerrel: Thanks.

Approval of minutes

President Mourdock: Now I'll turn to Mr. Jeffers.

Charlene Timmons: Did you guys approve the minutes?

President Mourdock: Oh, no we didn't. Let me do that. I did not record the—

Commissioner Jerrel: Go ahead.

President Mourdock: Okay, we have two sets of minutes tonight. The first set, Bettye Lou, I was not here for. That was on February 28, 2000 and the two of you were here.

Commissioner Tuley: I'll move approval of the February 28th minutes.

Commissioner Jerrel: And I'll second and say so ordered.

President Mourdock: Yeah. The second one is April 3rd. I was here and one of you—

Commissioner Jerrel: I wasn't.

Commissioner Tuley: She wasn't. So I'll move approval of the April 3rd minutes.

President Mourdock: And I will say second and so ordered.

Update on Surveyor's report for Rust petition
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President Mourdock: Okay, now Mr. Jeffers.

Bill Jeffers: Okay, the first item after the minutes is old business. I have an update on the Surveyor's report on the petition from Paul and Barbara Rust, 12247 Browning Road, Evansville, Indiana, received by the board February 28, 2000, requesting removal of an obstruction to a natural surface watercourse. Subsequent to that report brought to you at your last meeting on April 3rd the respondent called and reported that he believed the pond that was a part of the report existed as early as 1957. Our report found no evidence of that, so I looked through some old aerial photographs we have stored for the use of environmental people in their research and found that indeed a pond did exist or appears to have existed at that place as early as 1953. So I am asking to update that report. The hearing is coming up at your next meeting in May. I do say that the evidence noticed here and attached here does not otherwise change the finding of the obstruction of a natural surface watercourse as stated in our report, however it does correct the statement that there was no pond at that location. This aerial photograph shows that there was.

President Mourdock: So we simply need to accept that photo into the record?

Bill Jeffers: Yeah, just make it an addendum to the original report filed with you on April 3rd.

Commissioner Jerrel: And I'll make a motion to that effect.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Update on Aiken Ditch reconstruction

President Mourdock: Okay, our next item was an update on Aiken Ditch reconstruction.

Bill Jeffers: Okay, on the Aiken Ditch reconstruction basically to be very candid with

you what I am trying to do is I feel like the City of Evansville...let me state this as carefully as I can.

Commissioner Jerrel: Are we going to slam them?

Commissioner Tuley: It sounds like it.

President Mourdock: I always worry when you start a sentence that way, Bill.

Bill Jeffers: The City of Evansville determined that a public work is needed to improve drainage inside the city of Evansville and they hired a consultant to design the public work. Then the municipality also now wishes to advance the work immediately and the project requires a reconstruction of a regulated drain outside the corporate boundary in the county. The reconstruction of a regulated drain requires certain documents to be prepared and public hearings to be held. The city wishes to proceed ahead of the Surveyor's ability to prepare those documents due to our other workload. The board therefore may declare an emergency and authorize a contract deputy for the project. Okay, and I say those are very similar and almost identical to what the board did on October 6, 1997, and I have those minutes here because Mr. Mourdock had a question on whether there is a precedent in this type of action and so I am going to present that at this time to show that was done on the reconstruction of Crawford-Brandeis Ditch, so those are the similarities. Of course, you are the municipality in that case and the city is in this case. The differences are that the City of Evansville is now the municipality wishing to advance a public work rather than the county, so therefore additional documents must be prepared by, you know, the City of Evansville specifically requesting that they be allowed to do this work and declaring that they will pay for it. The only other difference is that we will request the consultant to include in his design a designated floodway at all points along the reconstructed waterway because we anticipate that after this is done the property owners would like to come back and relax the drainage entry right-of-way because of the improved nature of the ground on either side for commercial use. We would like a floodway to be designated so we can say, well, yes we'll allow you to encroach but only to the floodway line and no further. So I'm going to present this to the board at this time. We're still awaiting the City of Evansville's formal request to move forward with this, so rather than belabor the issue I'll just distribute this and we can discuss it at our next meeting after they prepare their documents.

President Mourdock: Okay.

Commissioner Jerrel: And we can just put it in the record.

President Mourdock: Right.

Autumn Hills Section 5 - Final drainage plan

Bill Jeffers: Okay, now we can move to final drainage plans. Tonight we have six. I've made an error on number one. Kato Industrial is the incorrect name for number one. That should be Autumn Hills Section 5, Phase 2. I got ahead of the agenda on that one.

President Mourdock: Autumn Hills Section 5, Phase 2?

Bill Jeffers: Right, what we're considering is Autumn Hills Section 5, Phase 2. It has had preliminary drainage approval for some time now. It's a simple subdivision with no road plans, large lots on the west side and they're awaiting their ability to record that plat. The final drainage plan has been reviewed by our department and found to be sufficient and we recommend the board approve the final drainage plan for Autumn Hills Section 5, Phase 2.

President Mourdock: Is there anyone here this evening wishing to discuss Autumn Hills Section 5, Phase 2 final drainage plan? I see no one in the audience. Is there a question or a motion?

Commissioner Tuley: I'll move approval of the final drainage plans as submitted.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

Bill Jeffers: I guess I should have said all the plans are on the table over here in envelopes marked with their names in case anyone wishes to view them, but rather than lay them out across all the tops of your other papers, you have seen them before. If anyone else wishes to view them they are here and available.

Joseph Elpers Subdivision 2, Lots B and C - Final drainage plan
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Bill Jeffers: Number two is Joseph Elpers Subdivision 2, Lots B and C. Again, this has had previous approval and is ready for final approval. Our department has reviewed it and found it to be sufficient and we recommend approval of Joseph Elpers 2 Lots B and C, final drainage plan.

President Mourdock: Any comments that we had in the preliminary plans have been addressed adequately by—

Bill Jeffers: Yes, this was the one where the developer passed away and his time lapsed and his heirs have brought it back and wish to record it and we're just bringing it up to speed.

President Mourdock: Okay.

Bill Jeffers: Everything has been reviewed. They have their DNR clearance and everything.

President Mourdock: Anyone in the audience wishing to discuss Joseph Elpers 2, Lots B and C on final reading?

Commissioner Jerrel: I'll move approval of the Elpers 2, Lots B and C.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Panther Park Commercial Subdivision - Final drainage plan
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Bill Jeffers: The next item is Panther Park Commercial Subdivision located at St. Joe Avenue and Allen Road. Again, this one came before you last month...rather at your last meeting and I told you at that time the only thing I wanted to look at was the safety features separating parking from a detention basin. I have looked at those and we will be recommending substantial parking bumpers where your tires would bump up against those rather than just the chain link fence and we will see that those are included in the site plans that are brought as each lot goes for commercial review at Site Review Committee. So Panther Park Commercial Subdivision at this time we wish to recommend that the board approve the final drainage plan for that subdivision.

President Mourdock: Anyone here wishing to discuss the Panther Park Commercial Subdivision on St. Joe and Allen Road? Seeing no one.

Commissioner Tuley: I'll move approval of Panther Park Commercial Sub as requested.

Commissioner Jerrel: I'll second.

President Mourdock: So order.

Dianne's Hills - Final drainage plan

Bill Jeffers: We might wish to move to two more simple items, number five and six at this time. Dianne's Hills is a small subdivision made up of three large lots. It passed through the review of Indiana Department of Transportation with regard to drainage and our drainage plan review finds it sufficient and at this time we would recommend that the board approve the final drainage plan for Dianne's Hills Subdivision.

President Mourdock: Did this come before us as a preliminary?

Bill Jeffers: It came before you as a preliminary on April 3rd.

President Mourdock: Okay, thank you.

Bill Jeffers: At your last meeting.

President Mourdock: Anyone wishing to discuss Dianne's Hills?

Commissioner Tuley: I'll move approval of Dianne's Hills Subdivision drainage plans as recommended.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

Keystone Section 7 - Final drainage plan

Bill Jeffers: Keystone Section 7 also came as a preliminary drainage plan on April 3, 2000 and comes back to you tonight as a final drainage plan. Both the developer and his engineers are here in the audience if you have any questions if any

neighbors have questions. Our office has reviewed the final drainage plans and recommends approval subject to any changes that are found necessary during street plan review by the County Engineer. Everything passes our standards. He may find something that I may have overlooked.

President Mourdock: Okay. Anyone here wishing to discuss Keystone Subdivision Section 7?

Commissioner Tuley: I'll move approval of Keystone Section 7 as recommended.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

Ivy Meadows Subdivision - Final drainage plan
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Bill Jeffers: That takes us back to Ivy Meadows which there were some questions at the last meeting and there are people in the audience who I anticipate may have questions at this meeting. We have reviewed the plans for Ivy Meadows Subdivision, the final plans, and found them to be sufficient. The only differences that are remarkable on that at this time compared to the plan you viewed on April 3rd is that they are now taking all the off-site drainage and routing it through the detention basin and that, we believe, benefits some of the neighbors who were still concerned about an amount of water passing through their backyards undetained. It would have been allowable to pass it through their backyards undetained, however this plan is superior and requires that the developer increase the holding capacity of the pond and make other more expensive alterations to his plan, but it does serve the neighborhood more effectively and beneficially. I'll say that we recommend the plan at this time. We recommend that you approve it, however you may ask for comments because I do believe there may be someone here that would like to make a comment.

Commissioner Tuley: Bill, is the one that is off Oak Hill Road?

Bill Jeffers: Yes, sir. It's on Oak Hill Road just north of Rode Road.

Commissioner Tuley: Okay.

Bill Jeffers: And it did have the Barrett Law sewer that went out to Beckett Court or Backett?

Commissioner Tuley: Beckley or something.

Unidentified: Bexley.

Bill Jeffers: Bexley, thank you. So it does affect the neighborhood there that you all have had contact with before and they may wish to follow up on their comments that they made earlier.

President Mourdock: Okay, anyone here wishing to speak on the subject of Ivy Meadows Subdivision? Yes, sir.

Greg Feistel: Greg Feistel, 5121 Oak Hill Road. I don't have any complaints of what

they're doing and that they're diverting water, but it was my understanding in speaking to my next door neighbor that borders the new development that the developer is planning on raising the grade of his ground by a foot by backfilling and I was just wanting maybe somebody could explain to me how that may or may not affect me by him raising my next door neighbor's grade by a foot.

President Mourdock: Is there Keith Poff? Yeah, Keith is here.

Keith Poff: I believe what Greg is referring to is we had an agreement with the north abutting property owner. He has a backyard that does not drain very well. It has some uneven areas. Water appears to stand prior to getting to what is the small channel that drains the site. We've agreed to provide some fill on that property, our adjoiner's property, in order to increase that positive flow across a portion and get it to the ditch that collects it. So all this is going to occur on Mr. Brightman's property. We're not changing any watershed area. We are taking a large area of water that would bypass our property and drain through their backyard. We're actually collecting that and bringing that into our subdivision, so there is going to be a net result of a reduction of watershed through that same ditch which goes through the backyards.

Commissioner Jerrel: So the grade is not being increased?

Keith Poff: We have agreed at his request to increase fill approximately one foot on his property and taper it out to the top of the bank of a small collection swale that is in the backyard.

Greg Feistel: (Inaudible comments made away from mike.)

Keith Poff: All this will be collecting in a small swale that is in Mr. Brightman's property. It all will collect on Mr. Brightman's property.

President Mourdock: And from there it will go on to your client's property, is that right?

Keith Poff: No, it is going to go in its natural path which is due north across all the backyards. If I may I'll get a map.

Commissioner Jerrel: Will that affect...do you know where he lives?

Keith Poff: Yes, he is immediately north of Mr. Brightman.

Commissioner Jerrel: So he will if that's the natural path he will receive the water?

Keith Poff: He does today.

Commissioner Jerrel: Yeah.

President Mourdock: Go ahead, Mr. Feistel, you want to say something?

Greg Feistel: It's yet to be seen if that is a problem. You know, there may not be any problem at all.

Keith Poff: The fill that your neighbors asked us to provide will terminate prior to getting to any of the trees that are on his property. We will not be filling up against

any of those trees, so we're going to be stopping 40 or 50 feet at the nearest point from his property. It's going to go effectively in a triangle as the fill would daylight into the natural hill. We have a very slight valley coming down to a collection area. We're going to be providing some fill partway across Mr. Brightman's property.

Greg Feistel: So the grade level like between our lots is not going to be affected?

Keith Poff: Between you and Mr. Brightman? No, we're going to be stopping half way across the lot.

President Mourdock: Okay.

Greg Feistel: Thank you.

President Mourdock: Thank you, Mr. Feistel. Anyone else wishing to ask about Ivy Meadows Subdivision? I see none and it is recommended for final.

Commissioner Tuley: I'll move approval of Ivy Meadows Subdivision drainage plans as requested and submitted and recommended by the Surveyor.

Commissioner Jerrel: And I'll second that motion.

President Mourdock: And I will say so ordered.

Five Oaks Subdivision Section 2 - Preliminary drainage plan
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Bill Jeffers: Okay, we move now to preliminary drainage plans. We have three tonight. I really don't know what order to put these in because the one I thought would not have any comments I got the most phone calls on. All legitimate concerns, but we'll just start with Five Oaks Subdivision. That was the first one submitted to me a couple of weeks ago, so we'll start with that one. It's located at the intersection of Hedden Road and Kansas Road barely a quarter mile east of State Road 57. It apparently will have sewer, sanitary sewer, extended to the site because the lots are your standard small building lots. The drainage generally is from Kansas Road south and southwest through this site. There is a substantial watercourse or waterway that goes through a pasture that has been used most recently and for some time as a horse pasture, horse paddock. Where it enters Hedden Road there is a soil conservation drop basin that may or may not remain depending upon the final drainage plan if they wish to make corrections to it or install something of a more modern design. The plan before you shows a street layout. It does have detention halfway through the site. It does have emergency overflow shown routed through the detention area and off-site in the general same path...generally the same path as the natural watercourse carries it now. There are neighbors who I anticipate may have comments. I don't believe it will have any adverse affect on neighbors to the north, east or west, specifically northwest of the site because the drainage is through the site. There may be comments of concern by neighbors on the west side of Hedden Road after leaving this site, but I hope they understand that the reason we have detention is to capture, store and release water under a controlled condition at a slower...the same or slower rate as it does naturally pass through there now. Having said that we have reviewed the calculations and the drainage plans for Five Oaks Subdivision Section 2 and found them to be sufficient for a preliminary drainage plan. We are recommending that the board approve the preliminary drainage plan and allow it to go to the Area Plan Commission the first

Wednesday of May. It will return we anticipate on May 22nd in its final form. I encourage the persons who may wish to make comments at this time to be specific so that we can include their concerns and recommendations into our review of the final drainage plan and make sure that the engineer addresses each and every one of their concerns.

President Mourdock: Okay, well said. Anyone here wishing to speak on the subject of Five Oaks Subdivision off Hedden Road and Kansas?

Glen Schlensker: Glen Schlensker, 3926 Kansas Road. Speaking on behalf of myself and my wife and Mr. Jim Kennada. Our concern is that the sizing of any water conduits, the surface water conduits, be large enough to facilitate the removal of the water from the north side of Kansas Road. Mr. Kennada probably is very impacted by this and if it is not removed at the rate that it is presently removed the basement of his house that he owns just north there would be impacted.

President Mourdock: Let me clarify something, Mr. Schlensker. You're talking about actually the culvert then that would go underneath Kansas Road?

Glen Schlensker: The culvert underneath Kansas Road at the present time is fine.

President Mourdock: Okay.

Glen Schlensker: But we can have no restriction of the water flow beyond what is there now. The county did me a great favor about five years ago. I put in a WASCOB system, a water retention basin system on my farm and the outlet pipe from that system we incorporated Mr. Kennada's basement drain into it. When the county put their new pipe in they raised it about six to eight inches from where it previously was so now we both have a pipe full of water so we really don't know exactly what has happened. I don't know whether it was purposeful or whether that was just kind of how it all turned out. But I know when Mr. Wathen designed the system for me that we stayed approximately two to three inches above the bottom of the pipe that was there at the time. So that's where our concern is that the water does get away from that side of the road. I'm not going to say very much more about that, but I will take one little shot while I am at it. I don't want to say too much about the water on Kansas Road because last time I did mention the fact that we had a little bit of water standing on the road that was a dangerous situation my property personally got the damndest ditches beside of it that you'll ever see in your life.

President Mourdock: Anyone else wishing to address the subject of Five Oaks Subdivision? Okay, seeing none, Bill, I know you've made a note there about the sizing of the pipe as Mr. Schlensker just commented. Any comments about how that relates to the plan submitted?

Bill Jeffers: We will make sure that the system will have an overflow capacity that exceeds the design storm. In other words, they are going to be designing for a 25 year storm. Then the overflow capacity will be for the 100 year storm passing through unobstructed without adversely affecting the houses within the new subdivision and we will work closely with the design engineer to make sure that overflow capacity will carry the water that Mr. Schlensker, I believe, was talking about. However, what does alarm me that he said or he mentioned is the possibly that there is a county owned or county installed pipe that may have been raised and we might want to look into that and see if there is some way to lower that pipe so that his WASCOB operates more effectively in regard to the way it was designed.

President Mourdock: Is John Stoll here? I don't see him, but would you pass that comment on to him as well?

Glen Schlensker: If I could make one comment on what was just said. Technically, Mr. Kennada and I don't care about the new houses, we care about the old houses. Your comment was that you would make sure that the system didn't make any difference to the new houses is what you just said, so you better clarify that comment.

Bill Jeffers: What I meant to say was that the overflow system that will carry the 100 year flow through the new subdivision will be designed so that the 100 year flow as it is carried through the new subdivision will not flood the new homes. That's what we feel we're required to do to comply with federal law. I do believe that system will carry all the water that will come off the hill on the north side of Kansas Road during the 100 year storm.

President Mourdock: Yeah, that's not to imply that the old houses or the houses that are there presently are somehow going to be backed up.

Glen Schlensker: Making sure that if it was verbatim, I know you're recording it, and it turns out to be exactly right.

Commissioner Jerrel: Another thing while you're here on the other side across from you I noticed they have ditches scheduled to go in on the plan. It says they'll meet the Vanderburgh County standards which are a minimum two foot bottom width by one foot depth. So are yours bigger than that?

Glen Schlensker: Well, I have no clue. This little puppy that they sent to me is barely readable. It just kind of gave me an idea of what was happening. I don't even know...I can't tell from it if anybody knows, are their lots accessing Kansas Road?

Bill Jeffers: I believe all lots must access interior roads, but that's an item that will come up at Area Plan Commission. They will determine whether or not those two lots on Kansas Road can have driveways onto Kansas. The drainage plan doesn't indicate that.

President Mourdock: It does indicate interior roads going south and out to Hedden, but it doesn't show anything—

Commissioner Jerrel: Would you like to—

Bill Jeffers: Typically they will say that those two lots will have—

Commissioner Tuley: Will not be allowed.

Commissioner Jerrel: Yeah.

Commissioner Tuley: You might want to attend that Area Plan meeting.

Glen Schlensker: We'll be there.

President Mourdock: We'll see you on the first Wednesday of the month, Mr. Schlensker.

Glen Schlensker: That should make sure that we get everything taken care of. That's what we're concerned about more than anything is that the water does move as fast as it does now. Well, actually faster because like I said, I do have a WASCOB system that is presently slowed down and that's not historic water flow. The water flow will have to be at the rate as if my WASCOB system was not there.

President Mourdock: Okay.

Bill Jeffers: I would like to make one correction. I looked at that and it appears as if those two lots will be accessing Kansas Road.

President Mourdock: Okay.

Bill Jeffers: The two northernmost lots appear that they have no other access to the interior cul-de-sac. They will most likely be accessing Kansas Road which may mean that there will be driveway pipes and those will have to be adequately sized.

President Mourdock: Alright, any other discussion on Five Oaks Subdivision? Seeing no one rushing to the microphone is there a—

Commissioner Tuley: I'll move approval of the preliminary drainage plan for Five Oaks Subdivision.

Commissioner Jerrel: I'll second.

President Mourdock: And I will say so ordered to the preliminary plan.

Quail Hollow Commercial Subdivision - Preliminary drainage plan
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President Mourdock: Quail Hollow Commercial is next.

Bill Jeffers: Okay, Quail Hollow Commercial is located on North Green River Road approximately across from Sugar Mill Apartments just south of the Timber Apartments. It's on the west side of the road. It's about, I believe, eight or nine...eight acres approximately. It has a large watercourse moving through it diagonally from southeast to northwest discharging a substantial amount of water from Green River Road and all adjacent projects into Pigeon Creek behind the Evansville Day School. We have reviewed the plans from Sitecon and found them to be sufficient for a preliminary drainage plan. We will be recommending that the preliminary drainage plan be approved by your board so that this subdivision can move forward to Area Plan Commission meeting the first Wednesday of May. It will return to us on May 22nd. Is that the correct date?

Commissioner Tuley: Uh-huh.

Bill Jeffers: May 22nd for a final drainage plan approval. I do see in the audience interested parties and will let them speak at this time. I will ask them again as with Five Oaks if they have any specific concerns please be succinct so that we can address those with Sitecon's engineers and make sure that their concerns are adequately addressed at the final drainage plan.

President Mourdock: Okay, very good. Anyone wishing to address the preliminary drainage plans of Quail Hollow Commercial Subdivision? Last call, anyone for Quail

Hollow Subdivision?

Commissioner Jerrel: I'll move approval on preliminary for Quail Hollow Business Park.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered on preliminary.

Bill Jeffers: Apparently the three persons I saw are in favor and possibly the developers themselves. I do know that the people who I see there are very, very interested and concerned and have always voiced educated concerns about the development of North Green River Road and that's why I wanted to make sure that they had the opportunity to speak on this one as well.

President Mourdock: Fair enough.

Bill Jeffers: Everything they've predicted or pointed to has come about.

Wayne Alley Subdivision - Preliminary drainage plan
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Bill Jeffers: Wayne Alley Subdivision, the adjoining property owner would like for me to make this...he just got out of the hospital. He is an elderly gentleman and he wishes for me to make this comment. His name is Marlin Silke. He and his two daughters own property either adjacent or in very close proximity to this proposed subdivision. They are served by an underground artesian spring. They have spent a substantial amount of money blasting out with dynamite a huge cistern to feed their three properties from that spring to hold enough to feed their needs. At one time there were four families using this cistern which shows you that there is an adequate aquifer there. What they are very concerned about at this time is a sanitary sewer or sanitary sewage issue where I tried to explain to the son of Mr. Marlin Silke that the Health Department would be designating where those field beds will be placed on the large lots. There is only four large lots and I did agree with him that I would be very concerned about the integrity of that spring that serves those three families currently. They do not have city water. The closest city water that I know to exist is the large water tower at Cambridge. I'm not sure it is operable at this time and that's a very substantial distance from this subdivision, so it would be a substantial investment to extend any type of city water to this site. Having said...and I told them that this was a sanitary sewer or a Health Department issue and they are taking it to the Health Department and will probably make comments at the Area Plan Commission in that regard, but I did tell them that I would say that at this time, but that our review only included surface water drainage and not subsurface. Okay, so we're talking about Wayne Alley Subdivision. A four lot subdivision in northeastern Vanderburgh County. Again, this is a very simple subdivision when you talk about four large lots of greater than two and a half acres. As a matter of fact, this one has a four acre lot, three acre lot, two and a half acre lot and a two and a half acre lot. There is a lake in the southwest corner of this subdivision and most of the drainage from the land will continue to pass through that lake and we will be asking in the final drainage plan for a certification from the developer of the condition of that lake and if it does not require any improvement we will allow it to go forward using that lake as its detention. If it requires any improvement that will be in the final plan. Again, as there are several people still here in the audience who have not made a comment. We will be recommending approval of the preliminary drainage plan for

Wayne Alley Subdivision so it may go forward to the Area Plan Commission meeting. It will be coming back to us either on May 22nd or at a subsequent meeting for final approval and if there are any comments that the neighbors would like incorporated into the review process from this point forward or any suggestion they have for improvements that might be incorporated into the plan please come forward at this time and make those comments.

President Mourdock: Okay, anyone wishing to address the Wayne Alley Subdivision? Yes, sir.

Shirley Mitchell: I would. Shirley Mitchell. As soon as he got talking about that lake—

President Mourdock: Hold on. Wait a minute. Don't start talking until you get to the microphone or our mike won't pick it up. State your name again, sir.

Shirley Mitchell: Shirley Mitchell, 3330 Schroeder Road. It don't show on this abstract here there is a drive right off from that dam. It was a preexisting driveway for 40 plus years. He elevated the ground 30 plus feet and he did not take care of the runoff for that because the first time we had a rain he...and I have some pictures if you want to see them how he tried and really insulted my wife and everything. Do you want to see them?

President Mourdock: Sure.

Commissioner Tuley: Sure.

Shirley Mitchell: He really insulted my wife and mother which are not in the 100 percent health category. This is my drive. There is a natural ditch there, see.

President Mourdock: I'll tell you what, point out where you are in relation to this.

Commissioner Jerrel: He is right here.

Shirley Mitchell: I have a drive here that has been here for who knows how long. At least more than ten years. A lot of that ground there is anyway because there is a county culvert crossover and it's supposed to actually fall under easement. He put that damn dam right here. I get runoff and I talked to four different people before they pulled out the heavy equipment to drop this down, drop this bucket down, and they agreed with me. They need to drop that bucket down and sweep that away. You come home and all the equipment is gone and they don't do nothing for you, but they agree with you. That ground has been there for years and there was a natural ditch going through here and his process of digging all this up was to change the flow of everything.

President Mourdock: Okay, let me interrupt you for just a second here.

Commissioner Jerrel: He lives here.

Shirley Mitchell: Right here is a drive. There is a building that sits back in here and it goes...my house is right over this way. It goes up here to my building, the large building, and then my house goes into my house.

President Mourdock: Okay, this is Billy Nicholson. Billy is, I presume, the engineer for the developer.

Shirley Mitchell: I went out there and the first day it rained and after I asked the people and they agreed. He has even got yard man, I don't know what his name is. I can't think of his name, he says, yeah, that's right. Yeah, the ground is elevated up.

President Mourdock: Okay, let me interrupt you for a second because Mr. Jeffers needs to hear this information. If you would please, Mr. Mitchell...sure, you'll get them back. Okay, Mr. Mitchell, don't leave. I just need to have you stand at the microphone so that your concerns are heard by Mr. Jeffers. This is a preliminary plan and we want to take these concerns and get them incorporated into the final plan, but I know you were here and he was otherwise involved with a conversation, so I just want to make sure you hear it direct. So if you would just say real briefly your concern is over on the west property line?

Shirley Mitchell: Yes, because I talked to four different people, employees of his or associates of his, because he has elevated that ground so high and so close it would make common sense it is going to run faster on your property. He has even dug out...I mean, that was rude there. I got a police report on this. I think you've got that. The date my parents and my wife told him this is not his property and he just kept going forward to tear out the stuff. They stopped it one time and then when they got back down to the house they started back up, so his credibility—

President Mourdock: So he actually got off his property onto someone else's?

Shirley Mitchell: Oh, definitely by a good 15 plus feet, you know, and it was obvious. There was a drive there, see, and he started digging the drive away. You don't dig a person's drive away. If you think that is somebody else's property or your property you don't dig a driveway away. You stop and find out for sure especially if some people are standing over there telling you they own that and that's their drive. You don't just keep going, you know. I would think. I would think you would stop and then find out for sure. Even the large equipment operator, Jack Hahn, I don't even have no respect for them people no more, but they elevated that ground. The first time it rained, and it wasn't a bad rain, I go up there with a flashlight because I work second shift and there is water and mud going towards my drive and water and mud is actually going across it. I have to get out there with a shovel so he is asking for drainage of four other lots which is another question. How in the world is this even identified as a subdivision and two and a half acre lots when no one else can buy and build on less than five?

President Mourdock: No, that's not correct. To build there is a two and a half acre for a subdivision per lot so you have to have that much if you're not on a sewer system, so that is another issue though. That's what will go before the Area Plan Commission. Okay, so your main concern is number one, knowing where the property line is and making sure he is working on his property. That's issue number one?

Shirley Mitchell: Yes.

President Mourdock: Issue number two—

Shirley Mitchell: He has already done the damage to my property that he probably wants to except now he keeps...he has not even corrected that to keep that water on his side.

President Mourdock: Yeah—

Shirley Mitchell: If it wasn't for getting out there with a shovel that water...my drive would be gone right now.

President Mourdock: Okay, issue number two is the drainage off of it and obviously the erosion control.

Shirley Mitchell: Yes.

President Mourdock: You said the mud and all. Alright, thank you.

Shirley Mitchell: I mean, it's ridiculous. The credibility, this man does not have.

Commissioner Jerrel: You want to look at these?

Shirley Mitchell: You have to read the report from the Sheriff.

President Mourdock: Is this the report?

Shirley Mitchell: Yes.

President Mourdock: May I open it?

Shirley Mitchell: Yes. I mean, this is really...that was rude towards my family. I literally had to ask people where I work to drive by the house and actually stop and make their self present because I knew he was watching my vehicle. I've had (inaudible) several times on a public road, on his property, and I've gone and I've talked to his...but as soon as he sees me coming he takes off running and jumps in his vehicle or backs his vehicle out the drive and takes off, but then I go in and come back out within about 15 minutes or maybe an hour later he is sitting back up there, but as soon as he sees me going toward him and he won't let you confront him, see.

President Mourdock: Okay, well let's stick to the drainage issues because this is a Drainage Board and that's all we can deal with.

Shirley Mitchell: He can't keep a simple bit of water over on his side, how can he drain any sewage, you know?

President Mourdock: Alright.

Shirley Mitchell: He's just trying...he's been trying...for some reason that driveway aggravates him.

President Mourdock: Okay.

Shirley Mitchell: I think some of that...see, he has already broke my shoulder down on that and I've had to have rock hauled in. A lot of that ground because of that public culvert crossover my...the water always went towards that way, but it went farther out into his property because there was a natural ditch which he closed in.

President Mourdock: Okay.

Shirley Mitchell: He closed in.

President Mourdock: That's the kind of issue we need to deal with right here, so thank you for the comments and then we'll let someone else make their comments.

Shirley Mitchell: I'm sitting around now fighting water.

President Mourdock: Okay.

Shirley Mitchell: That I don't need.

President Mourdock: Okay, thank you. Here is this, Mr. Mitchell.

Shirley Mitchell: That's sad to treat your family like that.

Bill Jeffers: I've looked at the pictures and apparently what the gentleman is talking about is that there has been equipment that was used out there that encroached onto the gravel surface of a driveway which he says is here. That being the case he apparently took the appropriate action protecting what he considers to be his property by asking the police to assist him in restraining someone from doing that. I will have to go out there and look and see what the final lake looks like between now and the final drainage plan to see if the accelerated runoff the gentleman is talking about is the cause of a change in grade which I think is what he is indicating and I will do that. However, what went on here is a civil issue between the owner of this property and the owner of this property.

Shirley Mitchell: Yes—

Bill Jeffers: It's good that you have those pictures.

Shirley Mitchell: —he was told where the boundary lines were because there was a large thicket of trees there very identifiable.

President Mourdock: Okay.

Bill Jeffers: I'm sure the...the final drainage...the final subdivision plat will determine the exact location of the property line.

Shirley Mitchell: We're under or have been told a lot of this ground even though it should fall underneath an easement by prescription—

Bill Jeffers: Okay, that should show up on the final plat.

President Mourdock: Right.

Shirley Mitchell: So that throws that chart off considerably.

President Mourdock: Okay, let's let someone else, Mr. Mitchell. Thank you for that.

Bill Jeffers: Thanks for your comments and we'll take that into the plan.

Shirley Mitchell: Will you keep us in mind for when the meetings are?

President Mourdock: Sure, this will go before the Area Planning

Commission...presuming it passes here tonight on preliminary it would go to the Area Planning Commission the first Wednesday of the month which would be May 3rd. That meeting will start at 6:00 in the big room at the end of the hallway down here. Then presuming that it would pass there it would come back here for final drainage on May 22nd. Same room, right here.

Bill Jeffers: And if not May 22nd, since you have signed up with the secretary I may have an opportunity to call you if it is a later date.

Shirley Mitchell: I would very much appreciate it.

President Mourdock: Okay, anyone else wishing to speak to the Wayne Alley proposed sub?

Roger Courtney: Roger Courtney, speaking for my parents Larry and Jean at 3130 Schroeder Road. I guess to back up the thoughts that Mr. Mitchell had was the drainage coming onto their property to the north is it going to change the natural flow which they have problems right now in heavy rains, you know, it kind of spreads. It spreads pretty bad back in there. Is it going to be changing that natural flow? I would imagine it would come across their property and Mitchell also the way it sounds like he is building it up and everything over there. That's the question we have is it going to change that natural flow back in there and create problems for us in that area?

President Mourdock: Okay.

Commissioner Jerrel: Here is where they are.

President Mourdock: Right, they're northwest.

Bill Jeffers: You're up here. The flow off that portion of the ground will continue to go across you, but most likely the house would be up closer to this area and there would be ample opportunity for that water to spread out over this large area before it arrives at this natural ravine and the increased water would be insignificant from that one house. The rest of the drainage is down through this lake.

Roger Courtney: (Inaudible comments made away from mike.)

President Mourdock: That is what Mr. Mitchell was saying and Bill—

Bill Jeffers: Oh, I'll have to go out.

President Mourdock: Yeah, Bill has not seen the site.

Roger Courtney: To come back forward to change the flow from his property.

Bill Jeffers: Okay. I will definitely examine that before the final drainage is approved.

Roger Courtney: It just goes along with asking questions.

Bill Jeffers: Yeah, absolutely.

President Mourdock: Okay, thank you, Mr. Courtney. Anyone else wishing to

address on preliminary Wayne Alley?

Delbert Fischer: I'm Delbert Fischer and I own the property directly across the road from this.

President Mourdock: Which road?

Commissioner Jerrel: He is on Schroeder.

Delbert Fischer: This is absolutely wrong. There is no share in that, the length of this property on the opposite of the road belongs to me.

President Mourdock: Which side of the road, north or south?

Delbert Fischer: On the south side of the road.

President Mourdock: Okay, so you own on the south side, that whole piece?

Delbert Fischer: Yeah. Now this whole area is in trees and grass and everything now. I'm still getting water over onto me from this. Now if they clean this off and let the water flow free and fill this pond up where this spillway is that goes into this driveway they're going to come right over into my barn. You're going to have one mad Dutchman. The overflow pipe, this PVC pipe, comes into the ditch and it runs down here to a crossover pipe and runs into my brother-in-law's farm, goes down across the field and comes right back across and goes into Mr. Mitchell's field.

President Mourdock: Okay.

Delbert Fischer: Now I have lived there for 47 years. I've seen this go from farm ground to all grewed up and now they want to make a subdivision out of it and I don't know how they're even going to put a foundation in because the top part of Lot 2 here if you go four to six inches in the ground you hit solid rock. You put a field bed in these lots on solid rock, they said you get water out of the lake, would you want to drink it? Would you want to drink it, Mr. Mourdock? Huh? Answer me that question. Would you want to drink water out of that lake when you can't put a field bed in this farm?

President Mourdock: Mr...I'm sorry, Mr. Fischer, that question, would I want to drink water out a lake in southern Indiana in itself stops right there. Would I care to do that? No, sir I would not. I live on a lake and I wouldn't drink out of that lake although some people that live on the lake do.

Delbert Fischer: Did you read what it says here?

President Mourdock: No, I have not seen the plans.

Delbert Fischer: "Individual lot owners shall be responsible to include finance and maintenance of all storm drainage."

President Mourdock: Right.

Delbert Fischer: And up here in another place it tells you where they can get water. There will be no city water. It will either be by well, cistern or out of the lake. You

can't dig a cistern unless you blast it out of the rock. I know because I live right across the road.

President Mourdock: I understand, but—

Delbert Fischer: If I hadn't lived...if there hadn't been a big gully there and we filled it in and built a cistern and then filled around it we would have been in problems.

President Mourdock: Prior to some of the early comments from Mr. Mitchell and Mr. Courtney Bill commented about the Silkes that also put in the cistern. Where are they from this property? They're southeast, so they're immediately to your east, is that correct?

Delbert Fischer: The Silkes are...where their spring is is to the south of me.

President Mourdock: Okay.

Delbert Fischer: This spring runs north and south. In fact, Mr. Mitchell, the back of his lot there is a spring that comes up on top of the ground that is all tied into this and Mr. Perigo, which is down here over in here up past Scherer there, he has got a spring out of this and then Silke and Campbell has got a spring out of it and what they're afraid of is that this water is going to go down in the ground and contaminate those springs.

President Mourdock: Okay.

Delbert Fischer: Well, I'm not too much worried about that because I've got a cistern, but if it contaminates my cistern then there is going to be somebody to catch some heck.

President Mourdock: Is your cistern filled just with surface water?

Delbert Fischer: It is filled with roof water off of the house. But I also was there the day that they tore Mr. Mitchell's driveway out. Anybody with any common sense all they had to do was look and they could see a fence line up through there. A fence line means a property line.

Commissioner Jerrel: Have there been any borings made on this?

Billy Nicholson: What's that?

Commissioner Jerrel: Have there been any borings made?

Billy Nicholson: I couldn't tell you.

Commissioner Jerrel: You don't know?

Billy Nicholson: No.

Commissioner Jerrel: Because—

Billy Nicholson: Mr. Alley had built the place prior to my getting involved.

(Inaudible comments made away from mike.)

Delbert Fischer: As far as the two acre lots, I don't see how you get two acre lots. You've got two 25 foot easements off of there and you've got the lake out of it. You can't get a two and a half acre lot out of that with the lake in there and the easements around it.

President Mourdock: Well, the lake is included in the lot size.

Delbert Fischer: How can you include a lake into a lot size when you've got to have that much ground for your septic system and that?

President Mourdock: It's the way the coding, the county code, is worded.

Delbert Fischer: But like I say, this water is going to run into my barn and I'm going to be one mad Dutchman.

President Mourdock: Okay. Alright, thank you, Mr. Fischer. Anyone else have any comments regarding Wayne Alley proposed subdivision? Okay, Bill, do you want to summarize anything or just have us move approval?

Bill Jeffers: All I can say in summary is that I apparently have a whole lot of work to do between now and May 22nd to satisfy all these questions, concerns and statements. So this subdivision may very well not come back to you on May 22nd if I am not able to do that. So if those persons will leave their names and phone numbers on that sign in sheet and just put Wayne Alley Sub out to the side so that I can go down to the Recording Secretary's office and get your names to call those who are interested in having a call and let you know if it is not coming back May 22nd due to the nature of all of the questions that Mr. Nicholson and I will have to go over. I can call these folks and let them know which meeting it will come back to.

President Mourdock: And just to clarify, the point that Mr. Fischer was making I answered the question quickly and I think it's correct, but if in fact there is a two and a half acre lot and if in fact one and a half of that two and a half acres is under water it still meets our code, does it not?

Bill Jeffers: That's a guideline that was suggested by the Health Department some years ago and incorporated into your subdivision code. From time to time the question comes up in Subdivision Review Committee meetings are we going to allow the right-of-way of the road, because some of the lots actually go to the center of the road.

President Mourdock: Right.

Bill Jeffers: And I think that may be the case on these lots. Are we going to allow the surface under the roadway, within the right-of-way, under the lake, etc., and basically the answer comes back to us only if the Health Department can find a suitable location for a field bed of the size that will be required for the size house that is going to be anticipated.

Commissioner Jerrel: Well, that was the question that I asked. You said there was rock under there. Well, they'll have to first find out—

Bill Jeffers: Right.

Commissioner Jerrel: —if they can actually put it in there.

Bill Jeffers: If the Health Department representatives that go out to this site are unable to find a suitable location for a field bed of the size that is going to be required they'll say two and a half acres isn't enough.

Commissioner Tuley: Right.

Bill Jeffers: That's just what we're shooting for so Mr. Nicholson divided the property equally up into two and a half acre lots. I was mistaken earlier when I said four. I saw a lot number four and said four acres. It's actually two...they're all two and a half acres and it does include under the lake and under the roadway. So Mr. Nicholson on behalf of his client divided it up that way. If the Health Department says we can't find enough ground here for a field bed they'll have to make the lots larger or abandon the project.

President Mourdock: But they would do that after everything else has already happened?

Bill Jeffers: That should...they should know that by the time it gets to APC.

President Mourdock: Okay.

Commissioner Jerrel: Mr. Mitchell has a question.

Shirley Mitchell: Should he be allowed to have kept me from having water running out of my property, too, you know like a culvert?

President Mourdock: I didn't understand the question.

Shirley Mitchell: The culvert there.

President Mourdock: Right.

Shirley Mitchell: I mean, he has actually just diverted the water away from it over to my property.

President Mourdock: No, he cannot do that. No one can—

Shirley Mitchell: It's going on right now.

President Mourdock: Well, that's something else, Bill, if you would when you go out check and see.

Shirley Mitchell: You can see what I done with a shovel because it was going across my drive, mud and water.

President Mourdock: Okay.

Shirley Mitchell: Let alone there is another family on that plot as far as...I don't see them, they didn't show up. Jacksons. They might of not couldn't...maybe something come up that they couldn't or maybe they're not concerned, but I know they put in a nice pool a few years back. I imagine they don't want this crap going through their yard either, you know.

President Mourdock: Okay. We need to—

Shirley Mitchell: Then after this all gets corrected I hope he can't do nothing because he can't control a little bit of rain water how can he control this other?

President Mourdock: Okay.

Shirley Mitchell: And he don't show no regards because before he pulled the equipment out I talked to four different people. Yeah, that sounds right and then they went through another.

President Mourdock: Okay, well it's—

Commissioner Jerrel: Excuse me. I was just going to say you understand tonight everything you've said, all your concerns, we'll just preliminarily put it out here—

Shirley Mitchell: Yes.

Commissioner Jerrel: And then they will come out and investigate everything.

Shirley Mitchell: I would very much appreciate it and I would like to be there personally, too. I have had to take off work several times because of this. I've had to take off work as rude as them people were that day that they did this, and see they done all this work after I left and not a word was said to me earlier. They done more...they was still...it's just amazing how rude this man is.

Commissioner Jerrel: Did you give Mr. Jeffers your phone number?

Shirley Mitchell: I can. I wrote it on that paper, but I want to stay above this personally.

Commissioner Jerrel: Okay.

Shirley Mitchell: I think Jacksons might would like...something might of came up and they're not there.

Commissioner Jerrel: Maybe you could tell them.

Shirley Mitchell: I honestly had to get out there with a shovel or my drive would have been gone.

President Mourdock: Okay.

Shirley Mitchell: I have a building and a house to get to, too, from that drive.

President Mourdock: Okay, well thank you for the information.

Bill Jeffers: I tell you what I'll do. I'll take this plan over here and all your names are on here such as Courtney, Mitchell, etc., all around here and if you just put your phone numbers next to your names I'll take this back to the office and I'll call each one that would like to have a phone call.

President Mourdock: Okay, as Mr. Jeffers said he has got a lot of work to do, but to get that process moving is there a motion on preliminary for this particular property?

Commissioner Jerrel: On preliminary I recommend approval.

Commissioner Tuley: I'll second on preliminary.

President Mourdock: Okay, and I will say so ordered.

Shirley Mitchell: This is aggravating, you know.

Bill Jeffers: I can see your point.

President Mourdock: Again, what this means by approving on preliminary unless something else happens differently with the developer it will likely come to the Area Plan Commission 6:00 on May 3rd in the big room down here at the end of the hall.

Bill Jeffers: Thank everybody for your comments.

Other drainage plans

Bill Jeffers: Okay, the next item...are you all finished with your motion? I'm sorry.

President Mourdock: Yes, we are.

Commissioner Tuley: Yeah.

Bill Jeffers: Are there any other drainage plans that have not been presented at this time?

Recommendations to let contracts for annual ditch maintenance
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Bill Jeffers: Hearing or seeing none the next item is for the board to accept the Surveyor's recommendation and direct us to let contracts for annual ditch maintenance to our regulated drains. The cover letter explains that the Vanderburgh County Surveyor recommends that the board waive any minor discrepancies, any irregularities, etc., and award the following bids to the lowest bidder and best bidder in each case. That is on your spreadsheet. We also show the current balance in each account. In cases where the balance or where the contract will exceed the balance we will repay that account as provided by statute within three years from the general account. Overall, for all the work anticipated in the next three years barring any emergencies we have well over the amount sufficient to repay any borrowing between accounts that may occur due to the recommendations. I will say that the lowest bidder on Pond Flat Main for additional maintenance withdrew his bid. His withdrawal letter immediately follows this page.

President Mourdock: Okay.

Bill Jeffers: Basically, I'll take the blame for that. I think he did not understand the full scope of the project with regard to laying the banks back two and a half to one and moving that dirt because his bid was so low that I was alarmed that he would suffer a substantial loss if he proceeded without going out and reevaluating his bid and he respectfully withdraws his bid. We recommend that you let it to the next lowest and best bidder. Each case Ms. Freeman has shown you account by account and then the final sheet is the spreadsheet.

President Mourdock: Okay, is there a motion to make the contract award as

recommended by the County Surveyor?

Commissioner Jerrel: I recommend that we accept the lowest or lowest and best bid as recommended by the Surveyor's Office and can be entered into the record.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered and pass this copy on to Charlene as our official entry into the record.

Ditch maintenance claims

Bill Jeffers: We have no ditch maintenance claims submitted at this time to bring before you and I personally have no other business to bring before you. Unless you have some my portion of the meeting is concluded.

President Mourdock: Okay, any other business to come before the board this evening? Is there a motion for adjournment?

Commissioner Jerrel: I move that we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered. We are adjourned.

The meeting was adjourned at 7:35 p.m.

Those in attendance:

Richard E. Mourdock
Betty Lou Jerrel
Patrick Tuley
Joe Harrison, Jr.
Charlene Timmons
Bill Jeffers
Mike Wathen
Greg Feistel
Keith Poff
Glen Schlensker
Shirley Mitchell
Roger Courtney
Delbert Fischer
Billy Nicholson
Others unidentified
Members of the media

**Vanderburgh County
Drainage Board**

Richard E. Mourdock, President

Bettye Lou Jerrel, Vice President

Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons.

**Vanderburgh County
Drainage Board
May 22, 2000**

The Vanderburgh County Drainage Board was called to order at 6:40 p.m.

President Mourdock: I'll call the Drainage Board meeting of May 22, 2000 to order. We have a lot of folks here tonight. Let me give you kind of ground rules for how we proceed. We do have an agenda that some are over here on the counter, I suspect, if you would like to see those. We do welcome comments from anyone. However, if you're going to make a comment regarding a specific petition we ask that you not repeat the same information over and over. If someone comes to the microphone and states what you want to say it isn't necessary for you to restate it. If you want to simply say ditto or something that is fine. Also, the Drainage Board consists of the County Commissioners. As you can see Commissioner Tuley's seat is absent tonight. Unfortunately he is over in the hospital having had a little accident over the weekend, but because we do have a quorum present we will still be able to act as the Drainage Board. Our technical representative tonight from the County Surveyor's Office is Linda Freeman who is behind the podium there, so she will be presenting all the information.

Approval of minutes

President Mourdock: The first thing on our agenda is to approve the minutes of the previous meeting. Bettye Lou?

Commissioner Jerrel: I'll move approval.

President Mourdock: And I will say second and so ordered.

Receive City Engineer's request to reconstruct Aiken Ditch

President Mourdock: Just to change the order a little bit on the agenda, since I know one of these items will take longer if we can, Linda, let's jump to number two under old business which is any comments you might have on receiving the City Engineer's request to reconstruct Aiken Ditch. I know there are a couple of people here who are looking to deal with that issue. By the way, give Linda a little break here tonight. This is her first time doing this, so we're going to put her on the spot.

Commissioner Jerrel: Second time.

Linda Freeman: Yeah.

President Mourdock: In that case don't give her any breaks at all.

Linda Freeman: Yeah. Bill's youngest daughter, Blair, is graduating from Central tonight. Like last week he goes, oh, I won't be there Monday. Tag you're it, so here I am. Basically, Bill has different things that he has written down for me to kind of script me along. You have copies. The City Engineer, Pat Keepes, is going to address the Board also, right?

Pat Keepes: Yes.

Linda Freeman: Okay. He has a written request to file with the board asking consent to use Aiken Ditch, a regulated drain, as an outlet for a public drainage project known as Jeanette and Cass Drainage Improvement. Bill says the request meets

the requirement of Indiana Code 36-9-27-22 governing such requests. The peak discharge from the project into Aiken Ditch, he's got 580 cubic feet per second, stated in the request exceeds the capacity of Aiken Ditch as it exists now. Attached to a copy of Mr. Keepes' request is a written report from the County Surveyor stating Aiken Ditch is inadequate to handle the additional flow from the proposed project and the Surveyor includes in his report the need to reconstruct Aiken Ditch to handle the additional flow from the project. It appears that the City of Evansville has resolved to pay the cost of reconstruction of Aiken Ditch as a part of the proposed public drainage project and the City of Evansville asserts the need to proceed immediately with the project. The County Surveyor affirms his workload is such that he is not able to prepare a set of plans, estimate the cost of implementing the plans and complete other preparations required to move the project forward within a time frame satisfactory to the City Board of Works. Indiana Code 36-9-27-32 enables the board to authorize employment of an engineer or firm of engineers to act as a contract deputy for the reconstruction of a regulated drain. The contract deputy performs the duties otherwise assigned to the County Surveyor for such projects. The City Engineer has retained an engineer, Daryl Helfert, from Morley and Associates to prepare the plans, obtain all the permits and supervise the construction. The plans are complete and the permits are issued. Some of the permits have expiration dates therefore it may be considered an emergency to proceed with the project immediately. To address the emergency, the Surveyor recommends the board act in accordance with Indiana Code 36-9-27 which basically is assign Aiken Ditch the highest priority of regulated drains in need of reconstruction, classify Aiken Ditch as an urban drain, declare an emergency, authorize the employment of Daryl Helfert of Morley and Associates as the contract deputy for the reconstruction of Aiken Ditch to be paid by the City of Evansville, set a reconstruction hearing for June 26th and direct the contract deputy to immediately notify all affected property owners by mail and publish a notification in the newspaper. He also has a note that notification must occur no less than 30 days prior to June 26th of 2000. Then enter into an agreement with the City of Evansville to compensate the County Drainage Board for all costs associated with the reconstruction Aiken Ditch. Construct the contract deputy to prepare a schedule of damages and assessments pertaining to the project and hold the reconstruction hearing on June 26th. Show the plans and schedule damages and assessment at the hearing. Then we've got...in your packets you've got the letter from Pat Keepes addressed to the Drainage Board and then Bill has got a further letter attached to that that basically is asking you to find the request, then he is stating his 580 cubic feet per second during the design storm and basically just what I told you in the other notations that Bill has. He just kind of, I guess, basically kind of expanded on what he has written in the letter.

President Mourdock: Okay. Mr. Keepes, do you have anything to add to that or clarify? Who is doing it with Morley?

Linda Freeman: Daryl Helfert and he is here.

President Mourdock: Is Daryl here?

Linda Freeman: Yes.

President Mourdock: He is? Oh, okay.

Linda Freeman: Hiding behind the podium.

President Mourdock: Another one behind the podium.

Pat Keepes. I won't bother to repeat what Linda has just gone through, but I am Pat Keepes. I'm the City Engineer and on May 4th I did submit a written request on behalf of the city to reconstruct Aiken Ditch and use it as an outlet for our Jeanette/Cass drainage improvement. This request is a requirement of statute along with the other ones which Linda just outlined. Tonight we are asking the Drainage Board to allow us to proceed with this project by following Mr. Jeffers' recommendation as it relates to what Linda has just outlined.

President Mourdock: Okay.

Pat Keepes: And I am here to answer any questions that the Drainage Board may have.

President Mourdock: Bettye Lou?

Commissioner Jerrel: I don't have any questions.

President Mourdock: Okay, I guess we need probably four separate motions then as we go through this.

Commissioner Jerrel: Well, you outlined the nine points that need to be in the motion and I'm going to give Charlene the nine points which would...I'm not going to repeat by reading them, but I'm going to give them to her, so that takes care of all the pertinent issues regarding the regulated drain and needed in the highest priority for reconstruction and that is in the form of a motion.

President Mourdock: Okay. And I will say just to clarify that motion specifically includes that we are declaring an emergency for this situation, that we're setting a hearing date for June 26, 2000, that we're designating the contract deputy as directed or suggested by the County Surveyor's Office and that we are authorizing notification per the statute, so with all those things included in the—

Commissioner Jerrel: That's all the nine including the hiring.

President Mourdock: Yeah. With all those things included I will say second and so ordered.

Pat Keepes: Thank you.

Charlene Timmons: Can I ask just one quick question? The notice, is that something that you'll have me do or will they do it as the contract deputy?

Joe Harrison, Jr.: We will have to...they're going to send out the notice by certified mail to the homeowners regarding the project. However, we will also have a notice that will appear in the paper and that particular notice we will give to you for publication purposes and we may want a separate motion by the board for that as well and I will provide you with that after I speak with Morley and Associates again.

Commissioner Jerrel: Is that the motion that must appear before the 26th of this month?

Joe Harrison, Jr.: They're going to be notified by mail. Is it possible to get it in on

Friday?

Charlene Timmons: This Friday?

Joe Harrison, Jr.: Yes.

Charlene Timmons: If I get it early enough tomorrow.

Joe Harrison, Jr.: Today is the 22nd.

Commissioner Jerrel: That was the request, was it not?

Joe Harrison, Jr.: That would give us enough time. There are 31 days.

Commissioner Jerrel: Well, he wants it so if you could get that in.

Joe Harrison, Jr.: Okay. Is there a motion to that effect?

Commissioner Jerrel: There is a motion to...well, that was one of the nine.

Joe Harrison, Jr.: I don't know if it included publication in the paper.

Commissioner Jerrel: Yeah, it did.

Joe Harrison, Jr.: Did it? I'm sorry.

President Mourdock: Yeah.

Joe Harrison, Jr.: Then we're okay.

President Mourdock: Okay, thank you, Pat.

Pat Keepes: Thank you.

Hearing - Rust petition to remove drainage obstruction

President Mourdock: Okay, now back to our stated agenda here. Let's go back to number one, the hearing on the rust petition to remove a drainage obstruction. Linda, if you would lead us through that one.

Linda Freeman: Hopefully I have more copies. Okay, basically it's a petition regarding an obstruction removal from Paul and Barbara Rust. The petitioner is Paul and Barbara Rust. The respondent is Browning Road Estate Development Corporation, William J. Wittekindt, President. The petition was received by the board and stamped filed on February 28th and also the \$100 filing fee was paid by check on that same date. A hearing is required within 90 days after the board's receipt of the petition. May 22nd is 84 days past that receipt of the petition. The required Surveyor's report was completed on March 10th and filed with the board on Monday, April 3rd. The Surveyor's report confirms the existence of an obstruction to a natural surface watercourse consisting of the same or similar materials and located at or about the same place as alleged in the petition. The Surveyor now describes the obstruction, confirmed in the report, generally as an unspecified quantity of earthen fill allegedly placed or caused to be placed by the respondent in a previously

open watercourse. Which watercourse originally conveyed storm water from the surface of the respondent's land located on the west side of Browning Road thence westwardly and downhill through the tributaries of Little Pigeon Creek. Photographic and mapping evidence is attached to the report to augment the Surveyor's description of the watercourse. The petitioner alleges in the petition that the respondent caused certain actions during 1999 which forced storm water from an intense rainfall eastward and across Browning Road onto the land of the petitioner. That natural surface water flow pattern of storm water from the petitioner's land is shown on the same photographic and mapping evidence to be in a southwestwardly direction into tributaries of Firlick Creek and thence to Bluegrass Creek and separate from the natural surface water flow pattern of storm water from the respondent's land. The natural surface flow patterns as described here do not take into account any pipes or other manmade alterations for which the Surveyor has not specific descriptions, specifications or other evidence. While discussion of such alterations may arise and may only complicate the issue, the Surveyor has addressed only natural surface water flow patterns of storm water related to natural surface watercourses. The Surveyor does not find in his reading of Indiana Code 36-9-27.4 that the board must make a finding on the same date as the hearing. Refer to Section 14 if after hearing the board finds, he has got noted here. Therefore, if the board wishes to continue its consultation with the Surveyor after hearing the petitioner and the respondent on May 22nd, and if this board interprets the statute the same as the Surveyor, the board may extend the hearing or set another date for its findings and determinations or the board may make its findings and determinations at the May 22nd meeting. Like I said, basically I think you've got all the information from the previous reports and things that Bill has filed.

President Mourdock: Okay.

Linda Freeman: His report dated March 10th, you have a copy of that and I have to assume that you have cruised through that. Then all the pictures that he has attached to it to show what he found in the field and then also in previous, you know, photographs from like 1953 and then the 1960s, the 1968 map, and then also the 1990 maps and then, like I said, also what he found in the field.

President Mourdock: Okay, is there anyone here representing the petitioner or the petitioner himself? Are you Mr. Rust, I presume?

Paul Rust: Yes.

President Mourdock: Okay. And I see Mr. Wittekindt in the audience also. Mr. and Mrs. Rust, do you have comments in addition to what Linda has just put into the record as far as status of the obstruction and alleged obstruction?

Paul Rust: Other than a picture—

President Mourdock: You need to come to the microphone, please. I forgot to mention at the start of our meeting if you do wish to say something all of our notes are kept verbatim on tape, so please come to mike and the first thing you need to do is state your name and address.

Paul Rust: Okay, my name is Paul Rust. I live at 12247 Browning Road, Evansville, Indiana.

Joe Harrison, Jr.: Sir, if you don't mind what I do is swear in anyone who wishes to speak concerning this particular petition. If you could raise your right hand. Do you

swear or affirm that the testimony that you are about to give, sir, is true and accurate so help you God?

Paul Rust: Yes, I do.

Joe Harrison, Jr.: Anyone else who wishes to speak with this? Did I get everybody else?

President Mourdock: Yeah, Mr. Wittekindt held his hand up.

Joe Harrison, Jr.: Okay, thank you.

President Mourdock: Okay, sorry.

Paul Rust: The ditch that fed the pond, the water that fed the pond, ever since I have been in the location was open at one time. It did have another way of draining into the pond at that area, but the stormwater has reopened the area to drain to the west. I noticed last summer that there was a pile of dirt and I took pictures prior to the filling of the ditch. I took pictures afterwards. I don't have those with me here at this meeting. Unfortunately somebody else has those at this time. The only thing I can say is that what is happening is the water from the west side of the road that should go to the west is coming over to the east. It's eroding my property. It's flooding my basement and it is doing a lot of damage. It has already done a lot of damage over the last few years, but since the obstruction was placed in there we had flooding where we never had it before in our basement. It's...we tore our carpets out. We've tore the flooring out and everything else. I don't know what more to cover, but that's basically what our problem is.

President Mourdock: If you would maybe you come here and clarify and just show me on the map. I'm sorry we don't have a big map for everyone here to see, but here is the lake. This is identified as your tract I take it?

Paul Rust: There is another lake down here that they're referring to.

President Mourdock: Okay.

Paul Rust: This is the Alexander lake. The water historically had come through this section and down. Let me be sure I've got myself right.

President Mourdock: North is towards you.

Paul Rust: Okay, I'm upside down, I'm sorry. This is north.

President Mourdock: Okay, let's do it this way.

Paul Rust: Okay, this is the Alexander lake, okay. The water normally would have gone down through here except a pond was built at one time or the other, but to feed the pond there was a drainage pipe to it, but I guess it clogged and what have you and it washed a natural drain into the pond which fed the pond over the years. What happened is because of the water not having enough room to go this direction because of the pond some if it came this way and this is where my home is right now. Somebody, somehow, some way, put a pipe under the road, just a steel pipe at one time or the other and cut through the road prior to my purchasing the property which caused eroding in my property which brought the west water which normally

would have gone that way in this direction. When they filled the...when they obstructed the natural drainage into the pond that had been washed over the years then all the water came across the road and therefore it filled my front yard and my basement.

President Mourdock: So you're saying there is no longer water coming this way that is making it to this lake?

Paul Rust: Well, there is right now because the first rain that came along washed the obstruction out. I have a photograph.

President Mourdock: So is the obstruction still there today?

Paul Rust: No, it got washed out the first time. It's washed out here and this is what was there, but what I would want to prevent is it being replaced.

President Mourdock: So, and I'm not belittling at all what your petition is here, but as far as this board is concerned right now we don't have to do anything with what is out there physically, you just want protection in the future?

Paul Rust: No, it's still partially obstructed. It's still—

Commissioner Jerrel: There is still dirt.

Paul Rust: It's still filled in here.

President Mourdock: Okay.

Paul Rust: Okay? In the lower part, it's just when it gets up to the road height it comes...goes in the pond instead of coming over to my place until they fill it back in.

Commissioner Jerrel: Just for the record when did you move in there?

Paul Rust: 1986, January.

Commissioner Jerrel: Okay, and the problem did not exist then?

Paul Rust: The problem did not exist. We did have a problem with where the pipe was underneath the road.

Commissioner Jerrel: Right.

Paul Rust: Washing out the property on the north end of our home, but the water coming in on the north end of our basement did not exist until this fall. The first rain after that was filled up.

Commissioner Jerrel: After the dirt was placed there?

Paul Rust: Yes, ma'am.

Commissioner Jerrel: And after that...that would have been in '99?

Paul Rust: Yes.

President Mourdock: Let me ask just again, since we don't have one big map, Mr. Wittekindt, can you come up here and maybe Linda, too. Linda, have you been on-site out here on this one?

Linda Freeman: No, I'm sorry I haven't.

President Mourdock: Okay.

Linda Freeman: Bill has several notes. I mean you can see there are several different--he has got where he has been on-site and showing, you know, what he found and what was there prior.

President Mourdock: Alright, I'll try to restate this, Mr. Rust, but if I say it wrong you stop me. The basic sources of the obstruction...first of all, let's clarify this is the tract that you have, Mr. Wittekindt?

Bill Wittekindt: That's my property right here.

President Mourdock: Okay, and the comment has been made that somewhere in this area is some dirt that wasn't there previously.

Bill Wittekindt: I would like to explain that in my presentation (inaudible).

President Mourdock: Alright, the floor is yours, go ahead.

Bill Wittekindt: Okay.

President Mourdock: And you can do it from there or if you need a map...I just want to have a map to look at.

Bill Wittekindt: I've got a few things I want to mention.

Commissioner Jerrel: Okay.

Bill Wittekindt: So I would rather go up here.

President Mourdock: Okay, alright.

Bill Wittekindt: For the record, my name is Bill Wittekindt, Jr. I live at 12431 Red Gate Road, Evansville, Indiana. To begin with I don't believe this Surveyor's report is all accurate. To start out, in the fall of 1999 I saw this hole in the berm of this pond so I asked Mr. Koberstein of Koberstein Trucking in Princeton to come out and fill it up because I figured it washed. So then we had the January 3rd rain and it opened it up again. So I met with Mr. John Stoll and Marion Koberstein at the site on January 7, 2000. It's in this report, Surveyor's report, there is nothing mentioned about a pipe, a 12 inch culvert that is in front of this lake or pond.

President Mourdock: In front--

Bill Wittekindt: It runs east and west under Browning Road. We looked at that and it was stopped up that day. We kind of concluded, the three of us, that if the pipe was unclogged 95 percent of our problem would be solve and as of last Saturday at 1:30 p.m. I looked in the pipe and I saw no daylight at all between my property and Mr. Rust's property, so it is still clogged to the best of my knowledge. This pond was

built between 1949 and 1954. I have a picture here, I'll be glad to show you, dated February 26, 1966 and I'll show you the pond. It's right here.

Commissioner Jerrel: I think we've got a picture of this. That's pretty much—

Bill Wittekindt: Pretty much. Okay.

President Mourdock: Let's turn it the same way here so we can see what we're looking at.

Bill Wittekindt: This is north.

President Mourdock: North is towards you there? Yeah, okay.

Bill Wittekindt: This is the pond right here. You can see the tree line and that was not put in. That would had to be...this is aged, it has been there a while. That is not a new pond.

President Mourdock: Okay, I am confused on something. The pipe is underneath the road?

Bill Wittekindt: Underneath the road right about where my, basically, where right here. Roughly half way the distance of the pond. It runs east and west a 12 inch culvert.

President Mourdock: Okay, and as I look at the map—

Bill Wittekindt: It's not on here. This map is not correct.

President Mourdock: Okay, but this is where Mr. Rust's property is?

Bill Wittekindt: Right.

President Mourdock: I'm missing something because it seems to me if you open that up you're going to make the problem worse instead of better.

Bill Wittekindt: The county did have a pipe in there.

President Mourdock: But you said it's plugged.

Bill Wittekindt: It's plugged up now. It's got dirt and debris in it.

President Mourdock: But if he is getting water over here and we open the pipe isn't that going to make his problem worse?

Bill Wittekindt: Well, it's between the line. Between his house and the other house. It's going down in that area.

President Mourdock: Ah.

Commissioner Jerrel: What we're really dealing with today is an obstruction.

Bill Wittekindt: Okay.

Commissioner Jerrel: Because that is what it is about. They maintain that you placed dirt in that area and they say most of it has been washed away. They want to make sure that no more dirt is placed in there. That's the only issue we've got.

Bill Wittekindt: But I am not...let me go back to my note. I have not ever...to my knowledge there was never a pipe in there. There was never a pipe in there that goes to the pond from that ditch. There never was a pipe there.

Commissioner Jerrel: I don't think that's what...they're just talking about, unless I misunderstood, they're just talking about the obstruction. They're not talking about pipes.

Bill Wittekindt: Okay, the obstruction is they accused me of putting an obstruction in that area there where there was a pipe there. To my knowledge there never was a pipe in there across that berm anyway in the first place. It was a solid piece of solid berm.

Commissioner Jerrel: But, again, I mean I am trying to stay on the...we have a real narrow function here tonight. We have a function. There is a natural waterway that runs along that area—

Bill Wittekindt: Okay.

Commissioner Jerrel: —and dirt was placed maybe on the berm originally but it washed into that natural waterway. That's the dirt that they are talking about. That's the only thing it's about.

Bill Wittekindt: Okay, now wait a minute now. Back a couple of years ago we had a swale go all the way down in front of my property there. The county came along and they dug the ditch out and they followed it all to that pipe because the county crew said, well, this pipe is going to take care of the water. They spent about two and a half days total on that ditch. They had one of these big backhoes on their truck. They said we're going to take care of the water and it's going right in this pipe and going down that way. That was a couple of years ago. The only ground that is going in there, my ground is about 30 to 40 feet to the west, from Browning west. About 40 feet of my ground actually flows into that ditch. The rest of it goes on west.

President Mourdock: That being the case I'm with Bettye Lou here on this. I don't know that's dealing with the issue. John Stoll, are you familiar with this enough to make a comment or to point something out to me?

John Stoll: Sure.

President Mourdock: Okay, come here if you would and look at the map. Either Mr. Wittekindt or Mr. Rust, either one of you are welcome to witness this here. Explain this to me. I'm hearing there is a pipe plugged here.

John Stoll: Right.

Joe Harrison, Jr.: Can I have you swear first since I had everybody else?

President Mourdock: Sure.

Joe Harrison, Jr.: I'm going to make you swear. Do you swear or affirm that the testimony that you are about to give is true and accurate so help you God?

John Stoll: Yes.

Joe Harrison, Jr.: Okay.

Commissioner Jerrel: Have we determined that's a county pipe?

John Stoll: I've not seen any record that says the county put it in.

President Mourdock: Okay.

Paul Rust: I was told at one time by my neighbor, who is since deceased, that this was an illegal cut and the pipe was put under the road to drain from the other side.

President Mourdock: That's not an unusual occurrence, that's possibly correct.

Paul Rust: But I don't have any evidence.

Bill Wittekindt: But I did not put that pipe in.

President Mourdock: We understand you did not put the pipe in under Browning Road.

Bill Wittekindt: Right.

President Mourdock: Now is there another pipe that goes from the pond to the ditch alongside the road?

Paul Rust: I looked over prior to the actual covering, I looked over and there was a brown, like a fired plate pipe about six inch and the bell side was on the pond side. That is the only source of water to that pond over the years has come from that ditch.

President Mourdock: So it was above the pond coming into the pond?

Paul Rust: Yeah, from the ditch into the pond.

President Mourdock: And when you say from the ditch do you mean along the drainage way or do you mean the road ditch?

Paul Rust: The road ditch.

President Mourdock: Okay. So you've got a road ditch here and you've got a pipe that is leading into a pond that is out here somewhere.

Paul Rust: Right, directly across from another larger pipe that is a spillway for the pond.

John Stoll: That's the only pipe that I saw.

President Mourdock: So that it should be going this way.

John Stoll: Correct. That's the only pipe I saw.

Paul Rust: I cannot find that pipe at this time.

President Mourdock: Okay, now if that is the pond where is this obstruction that we're alleging?

Paul Rust: Where the pipe was. The pipe going from the ditch to the pond.

President Mourdock: Okay, so the water...so you're saying, okay, the water that you're saying was going into the pond is now blocked off from going into that pipe so it is coming out here and going across the road?

Paul Rust: Yes, across the top of the road.

President Mourdock: Okay. And, Mr. Wittekindt, you're saying if in fact this pipe was opened—

Bill Wittekindt: Open.

President Mourdock: —then that water would go under the road and presumably—

Bill Wittekindt: It would go straight down between Mr. Rust's house and this other house to the north.

Paul Rust: That is incorrect. It goes on my property entirely and it is eroding away where my air conditioner is and adding more problems to the north side of my basement.

President Mourdock: But would that be the case if the pipe under the road were cleaned?

Paul Rust: If it were cleaned I would have a bigger problem.

President Mourdock: Okay.

Paul Rust: It was clean when I moved there, by the way. I'm assuming it has clogged up over the years, but I don't have the big deep ditch I had.

Joe Harrison, Jr.: So you don't want it unclogged, if I may ask?

Paul Rust: Oh, no because it's just destroying the north end of my home.

President Mourdock: Yeah, that's what was throwing me off before.

Bill Wittekindt: And I think it should be unclogged because it was put in there.

Commissioner Jerrel: But there is no record of the county putting it in.

Bill Wittekindt: Well, it has been that way for years.

Commissioner Jerrel: I know, but if we don't have any record that we put it in it's just like a road, if we don't have any record that the road is accepted we can't maintain it.

President Mourdock: Okay–

Joe Harrison, Jr.: I thought he said that was the issue.

Bill Wittekindt: But to my knowledge we did not have this problem until the county...okay, if you can't maintain this pipe why did the county spend two days digging this ditch out?

President Mourdock: Good question.

John Stoll: That I could not tell you. The only involvement that I had in this ditch was there was some complaints from somebody up on this end of it and they were complaining about the size of the ditch, but I wasn't really involved with the Highway Department crews when they were doing this segment.

Paul Rust: This ditch drains way up here.

John Stoll: Right.

Paul Rust: And brings all the water down and has historically brought it down and through where the pond area would be. As it got closed...when this ditch was dug out and it truly was last summer–

Bill Wittekindt: That was a couple of summers ago, I think.

Paul Rust: No, it was last summer and this ditch was dug out and at the same time this ditch was dug out a large mound of dirt appeared at the northern end of the pond and that's why I decided to take pictures.

President Mourdock: Okay.

Bill Wittekindt: That's where the dirt came out of so we put it there because I was out there with the county crew and I said when you dig this out don't put it up here just put it right here and I'll use it for other purposes.

Paul Rust: And that purpose was filling up this.

Bill Wittekindt: No, the purpose was...I used part of it to fill it up, but it wasn't a...the berm was solid then.

Paul Rust: The mound of dirt stayed there until the day that the obstruction was made and the amount of dirt that was removed from there went to the obstruction, but to my knowledge that day it disappeared and what disappeared from the pile was the same day that the obstruction was made and there has not been any dirt removed from there since. I have pictures–

President Mourdock: But you're saying that dirt was moved with all the erosion that took place during that one storm event when you said it washed out? You said earlier that there was a mound of dirt that was there that had come through and been washed out.

Paul Rust: No, there was a mound of dirt there that was used to obstruct the water flow from the ditch into the pond.

Bill Wittekindt: That was last fall because I saw a hole, so I had Mr. Koberstein take part of that dirt and fill in the hole.

Paul Rust: The bottom line is, and what it really gets down to is the water on the west side of the road drains to the west and the water on the east side of the road drains to the east. What I would like—

President Mourdock: Let me interrupt you for a second. John, do you agree with that statement?

John Stoll: Based on the historical contour maps, yes.

Bill Wittekindt: Question. If this map is correct how come that pond isn't there? How do we know it flows this way really, technically?

Commissioner Jerrel: Well, the topography.

President Mourdock: Yeah, it's going to flow downhill. We can assume that.

Bill Wittekindt: Well, I know, but this map here shows no pond where this 1990 map shows a pond.

Paul Rust: The topography is still there though.

President Mourdock: I interrupted you a minute ago, Mr. Rust. Finish saying—

Paul Rust: I probably lost my train of thought there.

President Mourdock: Well, you were saying on west it ought to flow one way.

Paul Rust: Yeah, it's on the west side of the road. If you look at the layout of the land it should be flowing to the west and on the east side of the road it flows to the east and all I ask is that there not be any obstructions placed in there to cause it to flow in my direction at my expense rather than it go to the other person that it's their water in the first place. You know, I just don't want water that don't belong to me, that's all I am asking.

Bill Wittekindt: Would you have water before the county dug this ditch?

Paul Rust: I had water at all times coming through that drain pipe.

Bill Wittekindt: But did you have water as much—

President Mourdock: Did you have a problem before the county dug the ditch?

Bill Wittekindt: —before the county dug that ditch? Did you have that same problem?

Paul Rust: Yes. I had a problem, a slight problem, but what happened is when that obstruction was placed in there I had an enormous problem. I have never had water in the north end of my basement. It comes in within minutes now instead of days.

Bill Wittekindt: We had a swale here and every time it rained it just kept on...actually, from roughly here. Say that's 40 feet.

President Mourdock: Uh-huh.

Bill Wittekindt: Okay, the rest of my water goes that way. I've just got that little bit there that goes in that ditch that is on my property.

President Mourdock: That's a little bit until it gets into somebody's basement and then it's a lot.

Paul Rust: Yeah, it's an awful lot.

President Mourdock: And the question I have and you raised a very good point on what the county did here.

Bill Wittekindt: Yeah.

President Mourdock: And you raised an interesting question on having them spot that dirt wherever they spotted it because obviously they were off the county right-of-way when they did that. I mean, I presume our right-of-way there, John, is normal county highway widths? I mean, you have no reason to feel differently?

Bill Wittekindt: It's where the telephone poles are basically.

John Stoll: Right, I would guess it would be probably 30 feet maximum on that side and I doubt it's really that much.

President Mourdock: Yeah, that would be a whole lot, yeah.

Paul Rust: Here is a picture of the ditch, by the way. It's dug...that's the way they dug it out and then this is where some of the dirt was placed, I guess from the ditch.

Bill Wittekindt: The reason I put it there was because I thought it washed and it was a solid berm before, so that is why I filled it in. I didn't want to cause Mr. Rust any problem. I was trying to be a good neighbor and keep the lake from coming back in the ditch.

President Mourdock: Okay, well that makes a good point. Let me just ask the question first. You wanted to put the water into that pond or into that lake, is it not—

Bill Wittekindt: Who are you talking to now?

President Mourdock: You.

Bill Wittekindt: Okay.

President Mourdock: Is it possible, and isn't that what you just said?

Bill Wittekindt: No, I said—

President Mourdock: You wanted to be a good neighbor.

Bill Wittekindt: I wanted to be a good neighbor, there was erosion there so I figured to fill it up to keep the water from backing out of the lake into the ditch.

President Mourdock: Which would cause the water to come this way?

Bill Wittekindt: No, it would probably go this way and come out this way.

President Mourdock: I'm looking at the topography here and all of this water is running this way on this topography.

Bill Wittekindt: That's right. I thought maybe that since there was a cut in here anyway in the first place—

President Mourdock: Uh-huh.

Bill Wittekindt: Okay, and I figured since there was a cut there if we get a real hard rain maybe then it would come out into the road and flood the road, the lake would fill up.

President Mourdock: At this point, since you were wanting to be a good neighbor, this outlet pipe coming out of this lake—

Bill Wittekindt: It's open.

President Mourdock: Is it open?

Bill Wittekindt: Yes, and I figured if that couldn't take it then it would come over the road.

President Mourdock: Which apparently it is.

Bill Wittekindt: Well, no. It hasn't been up there yet. The outlet here has not been...since in January what is not—

President Mourdock: Have you had any problems since January of this year.

Paul Rust: Since January we haven't had the rains.

President Mourdock: Right.

Bill Wittekindt: Even after it was roughly would you say, John, about that much below the water? If this was the pipe the water was about—

Paul Rust: Could I clarify something?

President Mourdock: Okay, go ahead, Mr. Rust.

Paul Rust: First of all, the water level when it reaches the outlet pipe—

President Mourdock: On the lake?

Paul Rust: On the lake or the pond, when it reaches the outlet level it is still 12 to 18 inches below the bottom of the new ditch as deep as it has been cut, so the water could not flow backwards into the ditch. It would actually go over the top of the dam because the outlet flow is only about that much below the very top of the low spot of the dam to the left of the outlet. I don't know if you've seen it full of water, but I have and when it was right up to the overflow thing it was that far below the dam where the outlet side...on the far side of the pond and it was still 12 to 18 inches below the ditch, the bottom of the ditch, that has been cut even deeper than it has ever been.

By the way, the ditch has been cut quite deep.

Bill Wittekindt: Did you shoot that with a surveyor?

Paul Rust: No, but I sure can look down and see the difference between 12 and 18 inches. I give a lot of room in there. If anybody wants to go and look at it is more than welcome.

President Mourdock: I don't know that we've ever had under the drainage obstruction law that is out there one that seems as muddled, at least in my mind, as this one is.

Paul Rust: I agree.

Bill Wittekindt: Why don't you two come out and look at it? I'll meet you out there.

President Mourdock: I'll be more than happy to come out and look at it.

Paul Rust: I'll be glad to meet you too.

President Mourdock: Okay. Would you both be willing then...let's just carry this petition forward to next month if I go out and look at it and if we...go ahead, Bettye Lou. Did you want to say something?

Commissioner Jerrel: Okay. That's alright, but I want to satisfy myself on a couple of things.

President Mourdock: Sure.

Commissioner Jerrel: If we...whatever happens from this point forward the dirt won't go back into the ditch?

Bill Wittekindt: Unless if the dirt...if you rule that way it won't. I can't. If you say I can't.

Commissioner Jerrel: Okay.

Bill Wittekindt: But I won't do anything with it until Mr. Mourdock comes out. I mean, I might use the dirt, but it won't be to fill in that.

Commissioner Jerrel: Just so the dirt doesn't go in the natural berm.

Bill Wittekindt: It won't go in there until we have a final say. Until you have your final say, but I might use the dirt for some other purpose.

Commissioner Jerrel: I'd be glad to join you, but it's right out near your neck of the woods.

President Mourdock: Right. Okay.

Bill Wittekindt: When would you like to meet?

President Mourdock: I'm in town this week and I can do it how about tomorrow evening around 5:00?

Bill Wittekindt: Sounds good.

Paul Rust: Good with me.

President Mourdock: Okay.

Paul Rust: We'll meet at the pond?

President Mourdock: Well, meet right there along the road somewhere.

Bill Wittekindt: If you can't find Mr. Rust's house—

President Mourdock: Tony, would you make a note and be sure to e-mail me so I remember that.

Bill Wittekindt: At 5:00?

President Mourdock: Five o'clock, right there in front of, I guess it is Mr. Rust's house.

Commissioner Jerrel: And this actually...I mean, we can defer it a month, but I can make a motion to defer this until such time as Mr. Mourdock brings back the information we need to make a decision which could be at a regular meeting.

President Mourdock: Right, and we would—

Joe Harrison, Jr.: I'm sorry, I was talking with John.

Commissioner Jerrel: Is that correct that we could make this...we could declare a Drainage Board meeting any time?

Joe Harrison, Jr.: If you so desire, but for right now what you may want to do is hold off and just continue this particular petition until the next Drainage Board meeting and if for some reason you want to do something before June 26th is the next Drainage Board meeting at 6:30.

Commissioner Jerrel: But if we choose to—

Joe Harrison, Jr.: We'll notify you all.

Commissioner Jerrel: The three of you talk about this and if we want to do it sooner than that we could do it.

Bill Wittekindt: Would you notify me and Mr. Rust?

Commissioner Jerrel: Sure. You'll be part of it.

President Mourdock: Let's just do it this way. Let's do it as a continuance. Automatically then it will come up at next month's meeting.

Joe Harrison, Jr.: Yes.

President Mourdock: And I'll report back as to what I see.

Joe Harrison, Jr.: So that will be June 26th, I believe is the next Drainage Board meeting, at 6:30.

Commissioner Jerrel: So I'll make the motion that this be continued until June 26th at the next Drainage Board meeting.

President Mourdock: Okay, and I will second and say so ordered.

Paul Rust: Appreciate it. Thank you very much.

Commissioner Jerrel: Thank you.

President Mourdock: And let me say to everyone present that when you run for County Commissioner you never know you're also running for judge, but under the drainage law that the state legislature passed a couple of years ago that is the position it has put us in and we don't like that, but the state—

Commissioner Jerrel: And I go look on my end of town and he looks on his end.

O'Day Discovery Lodge/Burdette Park - Final drainage plan
--

President Mourdock: Okay, is Linda still here?

Linda Freeman: Afraid so.

President Mourdock: Okay, we now go to drainage plans and the first one that we have on the agenda is the O'Day Discovery Lodge/Burdette Park.

Linda Freeman: Right, and you've previously viewed preliminary plans for each of the final plans under consideration tonight. The final plan simply incorporates additional details required by specific conditions and to make the preliminary plans more complete. I'm not going to lay this stuff out in front of you because you guys have got plenty to look at. They're right over here if anybody needs to look at them or wants to look at them. The final drainage plan for the O'Day Discovery Lodge, Bill has found it sufficient to meet the requirements of our review and we recommend approval. Our only suggestions center around the need to employ exact erosion control measures at each point where concentrated storm flow discharges from pipes onto unprotected ground. Our recommended approval of the drainage plan for the O'Day Discovery Lodge project includes the condition that a detailed erosion control plan be added to the file. So I guess we'll be taking that up with Morley. He is taking care of all that stuff? Oh, Lee is, okay.

President Mourdock: Is there anyone else here to comment then on the final drainage plans for Burdette Park? Were there any other notes to be had there?

Linda Freeman: No.

Commissioner Jerrel: I'll make the motion to approve the O'Day Discovery Lodge final plan with the understanding that the requested drainage issues for erosion be settled.

President Mourdock: I will note for the record that the Soil & Water Conservation District has also signed off on this plan, so with that I'll second and say so ordered.

Quail Hollow Commercial Subdivision - Final drainage plan

President Mourdock: Next is Quail Hollow Commercial Subdivision.

Linda Freeman: Quail Hollow. Final drainage plan for Quail Hollow Commercial Subdivision substantially meets the requirements of the ordinance and the County Surveyor recommends approval. We are unsure of the status of the erosion control plan at Soil & Water Conservation as our contact there was on vacation last week, so I'm not sure if he...do you guys maybe have something?

President Mourdock: Yeah, Mike Wathen had sent us some notes and his comment is that it needs an erosion control plan and they said they sent letter requesting the erosion control plan on 3/21. Is there anyone here representing Quail Hollow Commercial Subdivision? Keith, do you want to give us an update or an explanation as to why the request for the erosion control plan went out on 3/21 and they haven't heard anything?

Keith Poff: Normally, the actual plan that is sent to the Soil Conservation includes a notice of intent letter which also bears a copy of the public notice and those include dates of construction. Until we have the opportunity...this particular project does not have Area Plan Commission approval yet, so the project is not in place. We have provided copies of preliminary and supplemental erosion control plans with both of our drainage plans. Those have been in the hands of the County Surveyor's Office, but not yet to Soil Conservation or IDEM.

President Mourdock: Okay, and before anything would happen as far as construction you would be putting the erosion control plan into action?

Keith Poff: Certainly.

Commissioner Jerrel: With that understanding I would like to move approval of Quail Hollow Commercial Sub.

President Mourdock: And I will second and say so ordered.

Linda Freeman: Just a note on that Quail Hollow that Bill will be reviewing each plan when, you know, each lot gets developed just like any of the other commercial subs.

Stonecrest Subdivision Section II - Final drainage plan

President Mourdock: Okay, next one is Stonecrest Sub Section II.

Linda Freeman: Right, Stonecrest Section II also substantially complies with the ordinance and the Surveyor recommends approval. There have been some areas in the development where erosion control practices have been insufficient to completely protect storm water facilities from damage, but the developer has most of those areas under control at the present and we hope he continues his vigilance in the future.

President Mourdock: Okay, anyone here wishing to address Stonecrest Subdivision Section II final erosion control plan? Seeing none.

Commissioner Jerrel: I would like to make the motion to approve the final plan for Stonecrest Subdivision Section II.

President Mourdock: Second and so ordered.

Evansville Star Minor Subdivision - Final drainage plan
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President Mourdock: Evansville Star Minor Subdivision, commercial.

Linda Freeman: The final drainage plan for this project represents an updated improvement of a previously approved plan for two out lots at the northeast corner of the Super K-Mart property at Lloyd and Burkhardt. The changes that will be made would be to capture all the runoff and convey it into the existing detention basin, upgrade the detention capability from a 10/25 to a 10/100 storm situation and secure an agreement for the developers to clean and maintain the detention basin which has become somewhat of an eyesore. The Surveyor recommends approval of the final drainage plan for Evansville Star Minor Subdivision.

President Mourdock: Anyone here wishing to address Evansville Star? Seeing none.

Commissioner Jerrel: I'd like to move the final approval for the Evansville Star Minor Sub.

President Mourdock: And I will say second and so ordered.

Four S Properties/Basden RV Sales - Final drainage plan
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President Mourdock: Four S Properties/Basden RV Sales.

Linda Freeman: Basically the same comments can be made regarding the Four S Properties that I just made for the Evansville Star Minor Sub. The Surveyor recommends the Four S Properties' final drainage plan for Basden RV Sales at Baseline and US 41.

President Mourdock: Okay, and I would just note that on Mike Wathen's report he says he has no information on that one yet, so apparently he needs to see that and I'm sure he is going to come back to say make—

Linda Freeman: Okay, we would like to see an erosion control plan then probably?

President Mourdock: Exactly. Okay, anyone here to speak to the Basden RV Sales/Four S Properties.

Unidentified: We'll need to check into that, Linda, because I believe that erosion control plan is filed by Sitecon when phase one was constructed. This is actually phase three of the project.

Linda Freeman: So maybe that's...we'll have to ask Mike.

President Mourdock: Yeah, please double-check with Soil & Water Conservation District. Okay.

Commissioner Jerrel: I would like to move final plan approval for Four S Properties.

President Mourdock: And I will say second and so ordered.

Clear Creek Subdivision Section IV - Final drainage plan

President Mourdock: I understand Clear Creek Subdivision which is on our agenda has been deferred for one month.

Linda Freeman: Right, they just didn't get it ready.

Pecan Ridge Subdivision - Final drainage plan

President Mourdock: Pecan Ridge Subdivision.

Linda Freeman: Pecan Ridge, Bill had a meeting with the Farneys, and Fred Kuester and then some other concerned citizens that live out that way on Pecan Ridge on...that was Friday?

Unidentified: Thursday.

Linda Freeman: Was it? It was late last week and they were all in the office and Bill went through a lot of things with all the parties and after the consultation that he is talking about, he feels that the final drainage plan for Pecan Ridge substantially complies with the ordinance and the Surveyor recommends approval. If there are any questions regarding the revisions made in the past week, the developer and his engineer are here to explain any questions.

Commissioner Jerrel: What are those revisions? I mean, since it's part of the issue could you—

President Mourdock: Yeah, Mr. Kuester, why don't you come on up.

Fred Kuester: The main revisions are we had two detention basins. One on the west side of the property which was against Mosquito Road, and we moved that basin approximately 20 feet or so so that no part of it was really on the county road right-of-way. The other basin was on the south end of the property pretty much adjacent to the property line on the south end, and we moved that basin probably, I would think, about 30 feet so that it would give the water out of the discharge pipe there to give it time to go across some rip rap and that kind of softened the blow on it. Then there were several general notes that Bill wanted about existing subsurface drain structures on this farm and we worked out all those details.

President Mourdock: Okay, and for the record that was Fred Kuester of Kuester Engineering.

Fred Kuester: Kuester Engineering and Land Surveying, Ft. Branch.

Commissioner Jerrel: I don't have any other questions. I just wanted to hear those.

President Mourdock: Okay, anyone else wishing to address the Pecan Ridge Subdivision?

Commissioner Jerrel: With that I would like to move final approval of the Pecan Ridge Subdivision.

President Mourdock: And let me just also add since Mike submitted that he had in his notes, Mike Wathen, that the final plan is okay, so I will say second and so ordered.

Wayne Alley Subdivision - Final drainage plan
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President Mourdock: Next is the Wayne Alley Subdivision.

Linda Freeman: Right. The final drainage plan for Wayne Alley Subdivision substantially complies with the ordinance and the Surveyor recommends approval, but he has got quite a few things that he wanted to address on that. The final plan shows an emergency overflow route which will carry all overflow downhill and away from the barn across from Schroeder Road from the lake. Bill and the crew went out there, and Carl Hanswert and Bill Nicholson were both there, and they took some elevation shots and that's what they found to be true. The plan also shows the vast majority of runoff from the driveways and houses carried into the lake and discharged at a lower rate. One neighbor, Mr. Mitchell, his complaint is that there is a small puddle along his property line after a rain. The puddle is about five feet long and two or three inches deep and takes a day or two to dry up. We're asking the developer to see that the small puddle is fixed so it doesn't cause the neighbor's drive to become soggy. Other than those two issues the only remaining complaints we are aware of involve the natural drinking water supply from the artesian springs and lakes in the area. The neighbors feel the new field beds may contaminate their water supply. This is actually a Health Department issue. Bill talked to a lady in the Health Department and found out that the Health Department allows the field beds and designates their locations on the lots. Anyone who wishes their drinking water to be tested may call the Health Department. She informed Bill that it's a \$10 fee and the results are available like within 24 hours. So if they were concerned about that maybe they could, you know, have their water tested prior to and then after. But basically, as far as the drainage plan as all the surface storm water related issues have been addressed, Bill recommends approval.

President Mourdock: Okay, anyone wishing to address the Wayne Alley Subdivision?

Wayne Jackson: My name is Wayne Jackson. I live at 20110 Barton Road which is directly north of the Wayne Alley Subdivision. I was unable to make the first meeting because we didn't get out notice until that morning. We had other plans. I'm concerned about the drainage in the land and where the septic systems have supposedly been placed that it is going to be uphill from our front yard and especially lot number three would drain into our front yard. I know septic systems are in theory supposed to be two foot away it is supposed to be drinkable, but I wouldn't bet on it all the time and I sure wouldn't bet on it coming downhill. The land is basically a bowl with the houses built on the top and a lake on one side of the bowl and on one side and corner of the other side of the bowl is our front yard. I know that they are probably concerned about it too because they've chosen to have their septic systems on the opposite side of the hill from their lakes.

Commissioner Jerrel: I have a question regarding that. I spoke with Marlin Silke today and he was raising those concerns about the bowl shape and the fact...and

we did speak to the Health Department today and the issue of having your drinking water tested, I have a legal question to ask. Let's say Mr. Mitchell and Mr. Silke or anyone else has their water tested now and it's fine and these field bed septic systems are put in and there is contamination to their water. What recourse will they have?

Wayne Jackson: Well, and the question I had at the end is who is responsible for it?

Joe Harrison, Jr.: Well, it is a Health Department issue.

Wayne Jackson: Right, we understand that, but after you have drank it and got sick or whatever or you find that it is contaminated then you can do something about it, but it's a little late.

Joe Harrison, Jr.: Well, I mean there are county ordinances and state statutes regarding source points for contamination. If it is found that someone is responsible maybe for the contamination that will be dealt with by either the local Health Department or the State of Indiana in the form of request for remediation of the problem or some other measure. But that's what our Health Department and the state do.

President Mourdock: That wasn't necessarily addressing Bettye Lou's question.

Commissioner Jerrel: No, my question is—

Joe Harrison, Jr.: You're wanting to know about probably this board?

Commissioner Jerrel: Well, this board or what...let's just say that this is a situation. This is what they're worried about and they're being assured by the designer, the people that are doing this field work that everything is going to be alright. You know, you have to trust people. I mean, that's what we get asked all the time. We have to trust people, but what if it doesn't work out, who are they going to sue?

Joe Harrison, Jr.: Well, that will be up to them.

Commissioner Jerrel: Well, that's a lawyer's answer.

Joe Harrison, Jr.: There is probably only a few people though.

Commissioner Jerrel: Well—

President Mourdock: Do you know of case law, Joe, with a specific Health Department issue like this where someone had clean water in their well before and something happened upgrading it from them and they did not have clean water afterwards? First question, do they have the right to sue that person for that contamination?

Joe Harrison, Jr.: I would think they might have a case.

Wayne Jackson: It just took place not too long ago in Florida and it went to the Supreme Court with that. I mean, that's...everybody was already sick and it was too late. That's the problem.

Commissioner Jerrel: Well, that's the point. Now the Health Department did

say...well, I'm going to let Tony tell you. He spoke...we spoke to them and I'll let him tell you what he found out, but I wanted to address this issue first.

Tony Greubel: I talked to Dwayne Caldwell in the Health Department and he said that the soil out there does meet state standards for septic systems. They have four extra inches. You need at least 34 inches below the trench line and that's going to have 38 inches, so it does go a little bit better. It does go beyond state specs in that sense.

President Mourdock: That infers to me, Tony, that they have already tested the specific sites where these septic systems are planned, is that accurate?

Tony Greubel: They tested the sites. I don't know if they know exactly...I assume it's in a specific issue where it is going to be the septic tanks are, but Dwayne has been out there.

Commissioner Jerrel: Would that be true?

Bill Nicholson: Oh, I didn't understand what she said.

President Mourdock: He said that according to the Health Department with the types of soils that they have there that there is adequate soil depth to allow percolation and my question was or the implication from that is to me that someone has gone out there and tested each of those four lots specifically at the spot where the septic system is going to go in. Is that correct?

Bill Nicholson: Well, he's got specified areas out there, but I'm not sure that I have that with me.

President Mourdock: Come to the microphone, Billy. Well, that's not what I am asking.

Commissioner Jerrel: Come to the mike.

President Mourdock: Come to the microphone, yeah.

Bill Nicholson: Bill Nicholson. I don't know whether I have the test results with me or not.

President Mourdock: But the question has to your knowledge has someone from the Health Department been to that site?

Bill Nicholson: Yes, I have results in hand, yes.

President Mourdock: And each of the four lots—

Bill Nicholson: And they specify the areas where the tests were made and where they should be...where the disposal system should be put in.

President Mourdock: For each of the four lots?

Bill Nicholson: Yes.

Commissioner Jerrel: Would you...I mean, I'm doing this because I promised

someone and he is an older gentleman and I promised him that I would ask these questions. Would you make that information available to Mr. Jackson and to Mr. Silke?

Bill Nicholson: Certainly.

Commissioner Jerrel: What the Health Department's records are.

Bill Nicholson: I'll show the areas on the plat.

Commissioner Jerrel: And I want something from the Health Department.

Bill Nicholson: Okay.

Commissioner Jerrel: For them to have.

Bill Nicholson: As far as draining onto his property, I mean, the natural drainage course is that way, but in talking with Dwayne Caldwell at the Health Department with the modern construction of the field bed systems it's not likely for them to fail like they used to when they had the different dial...putting them in deeper and not putting the curtain drains around them where they catch the lower drainage below ground into the field beds.

President Mourdock: Okay. Mr. Jackson, do you want to add something there.

Wayne Jackson: I'm glad he is so confident in field beds because I would like them to move them to the other side of the hill where the lake is. I mean, that would satisfy me because I'm not. We've lived out there and I know in the spring they don't work real well sometimes.

President Mourdock: When was yours put in?

Wayne Jackson: In 1979, the people that built that house. Then when we bought the house in '91 it didn't pass and a fair amount of work had to be done to get it to pass for that.

President Mourdock: Where do you live on the hill? I mean, are you uphill?

Wayne Jackson: Pretty much level with part of them. I think that would almost be the highest point that there is around.

President Mourdock: The property he owns?

Wayne Jackson: Yeah.

President Mourdock: I understand that. I was asking where you live relative to that. I presume you're not clear at the bottom.

Wayne Jackson: No.

President Mourdock: So you're above somebody else, too.

Wayne Jackson: Right.

President Mourdock: Mr. Nicholson, just to clarify it here the regulations that were in place in, what did you say, Mr. Jackson, '81?

Wayne Jackson: '91 when we bought we didn't pass.

President Mourdock: Okay, have they been changed since '91?

Bill Nicholson: Only the methods of construction of them.

President Mourdock: Has been changed?

Bill Nicholson: I think the requirements of so many lineal feet for bed room and so forth has not changed.

President Mourdock: The construction methods have changed, but the standard hasn't?

Bill Nicholson: The construction methods where they use the larger diameter pipe and flood the outer trickle system where they have it coming right directly out of the septic tank into the field bed where it trickles continuously. They have a holding tank and then they pump it about every six hours or depending on the flow and it floods the whole system at one time.

President Mourdock: Do you know if it is possible, as Mr. Jackson is suggesting, that these systems be moved to the other side?

Bill Nicholson: The other side of what though?

President Mourdock: As I understood it there is a ridge kind of through this property and they have put them on the down...on his side of the ridge as opposed to the lake side of the ridge.

Bill Nicholson: Well, again that has to do not only with the types of soil, but the slopes determine where you can put it. He has picked the best location. We can look for other sites, but the way the lot arrangement is we can't put all of them on the other side of the hill, so to speak, because the lots just don't run that way.

President Mourdock: Okay. Someone else wants to speak here.

Delbert Fischer: I'm Delbert Fischer and I have lived at 3501 Schroeder Road for the past 47 years. I think I know this piece of ground better than anybody that's in this room because I have picked strawberries on it, I've hunted rabbits on it, I've plowed it and everything else that there is to do. I'll go along with Mr. Jackson that you cannot get a percolation bed on solid rock. I can take you out there, Mr. Mourdock, on the top of that hill and take a spade and I can dig down three feet and hit solid rock anywhere on top of that hill.

President Mourdock: Okay, but the question isn't the top of the hill and that's why I was surprised with the—

Delbert Fischer: I'm talking about the whole hill. When we plowed that there is points in that field that you couldn't plow over six inches deep because you was on top of the rock.

President Mourdock: Okay, let me clarify that then with a question, Mr. Nicholson, when they drilled or took their samples out there how deep or how much soil did they have.

Bill Nicholson: I presume they were drilled. I wasn't out there when they did that.

Delbert Fischer: When did they do this?

President Mourdock: You said you had the records with you?

Bill Nicholson: I didn't look.

Delbert Fischer: When did they do this?

Bill Nicholson: I'll have to look it up. I can't tell you off-hand.

Delbert Fischer: That's what I want to know when they done it. I'm retired and unless they did it last week, Monday, Tuesday or Wednesday, they haven't been out there.

President Mourdock: While he is looking do you have any other comments, Mr. Fischer?

Bill Nicholson: Well, I don't think he would have given me the results he did without making some sort of test or examination of the soil.

Delbert Fischer: Well, this is one reason we're concerned. Now is the time to put the stop to it sooner than like Bettye Lou said there, too, can we sue? If we can stop it now why have a lawsuit. You're going to have somebody there with \$300,000 worth of house and lot and you can't squeeze blood out of a turnip. Once the damage is done, it's done.

President Mourdock: And the word lawsuit is always a good one to use in this building because, again, one of the things that we work under as the Drainage Board even though we're talking about this Health Department issue the only issue by law that we can rule on is the drainage issue. The health issue is one really through the Health Department and basically through the courts and that was part of Linda's comments there as well. From the Health Department.

Bill Nicholson: I don't have the file with me.

Delbert Fischer: As far as the drainage if they don't change anything as far as the lay of the land the surface water is no problem.

President Mourdock: You've got that now.

Delbert Fischer: What we're concerned about is the subsurface water.

Commissioner Jerrel: And you know I agree with you to this degree I think you have the right...we're going...we can approve a drainage plans, but I think you have the right to see that health report.

Delbert Fischer: Yes, I want to see when they did this.

Commissioner Jerrel: I think they do have the right to see it.

President Mourdock: Absolutely.

Commissioner Jerrel: I could approve a drainage plan right now, but I wouldn't be...I wouldn't feel honest if I couldn't have them look at that.

President Mourdock: So you're saying you want to continue?

Commissioner Jerrel: I'm saying that I would like to have it continued and I would like to have that made available to these people.

President Mourdock: Okay. I'm fine with that as far as a continuance and Linda made the comment when she and I were speaking earlier about looking at the geology of this and having a geologist look for it and I don't think Linda knows this, but I have a master's degree in geology so I am more than happy to look at it.

Delbert Fischer: Well, there was a fellow that stopped and asked me the other day about this particular one lot there right across the road from me and he asked me about the water supply. Now I have lived there for 47 years and when we moved there we had Gus Kruse to drill four wells. We started at 300 feet and the last one was 800 feet. We had white water sand in each hole, but it was just as dry as this floor. There is no water. Yet on Mitchell's ground, the back part of theirs, is a spring that comes up on top of the ground. But in that particular area from Mitchell's property line up to Barton Road and across Barton Road for I guess maybe six or 700 feet there is no water. So you either get city water, you dig a cistern or you haul water.

President Mourdock: Okay. Mr. Nicholson, on behalf of your client...let me ask first, anyone else wishing to speak to this particular issue?

Unidentified: I just wanted to ask what Betty Lou—

President Mourdock: Come forward and state your name, please.

Erma Courtney: I'm Mrs. Courtney, I live on Schroeder Road. If you get the maps...not maps, but report from the Health Department could you get it for more than just the two?

Commissioner Jerrel: Sure.

Joe Harrison, Jr.: Can you give your address?

President Mourdock: Yeah, state your address ma'am.

Joe Harrison, Jr.: Can you state it?

Erma Courtney: Now?

Joe Harrison, Jr.: Yes.

Erma Courtney: Okay, 3130 Schroeder Road.

President Mourdock: State your name again.

Commissioner Jerrel: Courtney.

Erma Courtney: Courtney. But we are listed as a Haubstadt address.

President Mourdock: Okay.

Commissioner Jerrel: Yeah, we'll get it because I think in all fairness to everybody.

Erma Courtney: We are—

Commissioner Jerrel: We want you to see it and be...I want everybody to be satisfied that it was done and that it was done carefully and it is either correct or whatever.

President Mourdock: Yeah, I agree. We don't want to have the situation where someone's well six months from now is contaminated. That's not doing our job right.

Commissioner Jerrel: So then I am going to move that we continue.

President Mourdock: On behalf of your client are you willing to accept a continuance then, Bill?

Bill Nicholson: Yeah, I guess. But this lake was dug and I don't think they ran into any rock whatsoever in that.

Delbert Fischer: They hit shell at the bottom.

Bill Nicholson: Shell probably, but that's 25 feet deep.

Commissioner Jerrel: Well, I mean you'll find that plan or we'll have Tony check with the Health Department and mail them out.

Delbert Fischer: One thing he said there was no rock at the bottom of this lake.

President Mourdock: He said shell.

Delbert Fischer: You have to remember that this was a fill.

President Mourdock: It was a what?

Delbert Fischer: It was a fill. It was a natural valley and it has been filled over the years and I would say they had white shell and if they would have went down another five or six feet they would have hit solid rock.

President Mourdock: Uh-huh, okay. Well, we...did you make the motion?

Commissioner Jerrel: I made the motion.

President Mourdock: Okay, there was a motion for a continuance then for the final plan for Wayne Alley and I will say second and so ordered.

Joe Harrison, Jr.: June 26th.

President Mourdock: And we will continue that on June 26th and in the meantime, Mr. Nicholson, if you would the three folks or the three people who spoke, Courtney,

Fischer and Mr. Jackson, if you would make sure that you get them copies and also what you have on the septic that would be very helpful.

Joe Harrison, Jr.: And the Health Department...I'm sorry, the Surveyor's Office will want a copy as well.

President Mourdock: Right.

Church Road Estates - Reaffirmation of original plan

President Mourdock: Okay, Linda, that was the last one we had on final, I believe?

Linda Freeman: Yeah.

President Mourdock: So we have preliminary drainage plans for Church Road Estates?

Linda Freeman: Right, and basically he is just kind of representing Church Road Estates to redivide some of the lots to satisfy some of the buyers. The original drainage plan approved by the board approved on February 28th remains essentially the same so Bill is recommending...or the Surveyor is recommending approval of the preliminary plan for Church Road Estates.

President Mourdock: Okay, is there anyone here to speak to Church Road?

Linda Freeman: That is also Mr. Nicholson's. You were trying to get your approval to go forward?

Bill Nicholson: Yeah, to go forward to the Planning Commission.

Linda Freeman: Right.

Commissioner Jerrel: And I'll move approval for that preliminary.

President Mourdock: And I will say second and so ordered for preliminary.

Ditch maintenance claims

President Mourdock: Okay, we have the ditch maintenance claims that I believe you have submitted.

Linda Freeman: Right, and the only thing that is not a regular or an annual maintenance for the contracts that were awarded for the year 2000 are the...Mr. Nussmeier with the Southwest Engineering with the obstruction...some dirt, I think. I don't have the invoice. It was like some debris and obstruction type things and it was \$475.

President Mourdock: Okay, and it is submitted as a blue claim?

Linda Freeman: It was an emergency thing that you guys—

Commissioner Jerrel: Right, we approved it for \$475.

Linda Freeman: Yeah, right.

President Mourdock: So is there motion then to approve the ditch claims?

Commissioner Jerrel: I would like to move approval of the ditch maintenance claims.

President Mourdock: Okay, and other business we have one agreement to encroach on a drainage easement.

Commissioner Jerrel: Are you going to second that?

Linda Freeman: Right, with paved parking.

President Mourdock: Yeah, I second and so order the ditch maintenance claims.

Encroachment agreement - Vision Properties, LLC
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President Mourdock: Okay, now go ahead, Linda.

Linda Freeman: Then we have an agreement to allow Buffalo Wings 3 to locate on Eagle Plaza on Lloyd Expressway west of Red Bank Road and provide customer parking as required by APC. The agreement follows the form written by the board's attorney and the Surveyor recommends the board sign the agreement allowing BW3 to encroach the drainage easement.

President Mourdock: And, Joe, you're okay with that obviously?

Joe Harrison, Jr.: Yes.

Linda Freeman: Charlene has a copy, but we don't have the exhibits.

Charlene Timmons: Yeah, I need to ask a question about those two because, I believe, left over from the February meeting—

Linda Freeman: Right, and the people aren't—

Charlene Timmons: —that the people are not giving us the money for the recording and are not attaching their exhibits so I wonder if there isn't something different that we can do.

Linda Freeman: Make them come up with the money—

Joe Harrison, Jr.: Well, it's not going to be approved...I mean, it's not final—

Linda Freeman: Until it's recorded, but yeah.

Joe Harrison, Jr.: Yes.

Charlene Timmons: I don't know if there some different way we can approach it.

Linda Freeman: Make them submit their monies—

Charlene Timmons: I don't have any dealings with the people.

Joe Harrison, Jr.: I think from now on what we ought to do is maybe...there can be a motion to the effect that when they sign the agreement that they are requested when they mail it in to have a check for the amount of money to be submitted with the check and this board will not consider approval of the same until the money is with the agreement. Does that make sense?

Commissioner Jerrel: Makes sense.

Charlene Timmons: I caught Vision Properties, I did have three of them, and Vision Properties came into the office the other day and they did pay for their recording, but I do still have Skate World and Rowdy Dowdy.

Joe Harrison, Jr.: We'll leave it up to the Surveyor. If the Surveyor's Office says they failed to submit their—

Linda Freeman: Their money?

Joe Harrison, Jr.: —funds then you're not going to bring it to the board's attention.

Linda Freeman: Which ones?

Charlene Timmons: Skate World and Rowdy Dowdy.

Linda Freeman: Rowdy Dowdy.

Charlene Timmons: Those two.

Linda Freeman: I guess what we could do is send them a letter saying, you know, we've got your paperwork, but it's not recorded so therefore it's not really a binding agreement.

Joe Harrison, Jr.: Whatever you want to tell them.

Linda Freeman: Until they—

Joe Harrison, Jr.: In the future on new ones you're not even going to bring them to the board unless you have your money.

Charlene Timmons: Okay.

Receive petition to remove obstruction - Jeremiah Roll

Linda Freeman: And then Tony informed me that you had a petition for an obstruction removal by a gentleman named Mr. Jeremiah Roll.

Joe Harrison, Jr.: So we'll need to accept that formally.

Charlene Timmons: How will I type that into the minutes?

Commissioner Jerrel: Linda and I have lost it!

Linda Freeman: My softball team will be happy I'll be able to make the game.

Commissioner Jerrel: Good.

President Mourdock: We need a motion.

Commissioner Jerrel: I'll move to accept the petition to remove obstruction filed by Jeremiah Roll.

Linda Freeman: I assume he sent his \$100 in since we're talking about money.

President Mourdock: Okay, and I will say second and so ordered. Then I think—

Linda Freeman: I think we've got it covered.

President Mourdock: Yeah, I don't know that we did act on the agreement...on the encro...now you've got me doing it. Encroachment drainage easements. Bettye Lou, we need a—

Linda Freeman: We want to pend maybe approval upon them sending us the money? If they send us the money then it's—

Commissioner Jerrel: I'll move approval of the agreements to encroach drainage easements if the property fees are paid.

Linda Freeman: And their attachments, exhibits.

Commissioner Jerrel: And their attachments, exhibit attachments.

President Mourdock: Okay, and I'll say second and so ordered to that.

Linda Freeman: So I just need to get hold of them.

Contracts - 2000 ditch maintenance contracts

President Mourdock: Last but not least we need a motion to sign the year 2000 regulated drain maintenance contracts and in the past, because those are quite voluminous, we've done them by stamp. We need that motion to include that.

Commissioner Jerrel: I do, I will make that motion.

Linda Freeman: We actually have them all here this time.

President Mourdock: Okay, so did you do that?

Commissioner Jerrel: Yes, I did move approval.

President Mourdock: I'll second then the motion to sign by stamp the 2000 regulated drain maintenance contract. Anything else before us this evening?

Linda Freeman: I think we've got it covered.

President Mourdock: Fine job, Linda, thank you.

Linda Freeman: I didn't get too tough-tied. I hope Bill is having a good time. Well,

it's just getting started at Robert's Stadium.

Commissioner Jerrel: Well, that's a big evening.

Charlene Timmons: Did you adjourn?

Commissioner Jerrel: Yes, I move to adjourn.

President Mourdock: Second.

Linda Freeman: We're done.

The meeting was adjourned at 7:55 p.m.

Those in attendance:

Richard E. Mourdock	Bettye Lou Jerrel	Joe Harrison, Jr.
Charlene Timmons	Tony Greubel	Linda Freeman
Pat Keepes	Paul Rust	Bill Wittekindt
John Stoll	Keith Poff	Fred Kuester
Wayne Jackson	Delbert Fisher	Bill Nicholson
Erma Courtney	Others unidentified	Members of the media

Vanderburgh County
Drainage Board

Richard E. Mourdock, President

Bettye Lou Jerrel, Vice President

**Vanderburgh County
Drainage Board
June 26, 2000**

The Vanderburgh County Drainage Board was called to order at 6:44 p.m.

Approval of Minutes

President Mourdock: Good evening. We will call the June 26, 2000 meeting of the Vanderburgh County Drainage Board to order. I see a few new faces in the crowd so I'll just mention, very briefly, that the County Commissioners also serve as the County Drainage Board. The Chief Deputy Surveyor, Mr. Jeffers, is our technical advisor, and he will be presenting information during the meeting. If you wish to address the Board, it is absolutely, critically important and mandatory that you come to the microphone and state your name and address for the record. All of our minutes are taken verbatim so they're all on tape. If you don't get your name in there, it makes it difficult for our Recording Secretary, Jane Laib. With that, Bill, first thing on our agenda is for the minutes of our previous meetings, it says meetings but I think there was only the one meeting, was there not? Do we have two sets of minutes to approve or just one?

Jane Laib: Just one.

President Mourdock: Is there a motion to approve the minutes of the last meeting?

Commissioner Jerrel: I move approval of the last Drainage Board minutes.

President Mourdock: I don't believe you were here, Pat, so I will say second and so ordered.

Commissioner Tuley: May 22nd? I was not here. I was in the hospital.

President Mourdock: Anything to get out of a Drainage Board meeting.

Rust Petition to Remove Drainage Obstruction

President Mourdock: Okay, beginning with our old business. First thing, we have a petition on a drainage obstruction that began last month known as the Rust Petition. I understand the Mr. Wittekindt is present, Mr. Rust, and representative for Mr. Rust.

Mark Miller: Yes. Mark Miller appearing for Mr. Rust.

President Mourdock: Okay, and just to kind of...I think we can move this pretty quickly. I visited the site with Mr. Rust, Mr. Wittekindt and our County Engineer, John Stoll. At that time, we discussed that if it would be possible, and I think it was agreeable to all parties, if the water that's on the west side of the road can stay on the west side of the road, and the water that's on the east side of the road can stay on the east side of the road. To make that happen would require a small notch, if you will, be cut in the berm on Mr. Wittekindt's property to go into the pond that's there. Mr. Stoll has reviewed the information from the county highway plans and the county right-of-way maps. The county does not have the right-of-way to perform the work on Mr. Wittekindt's property where that notch needs to be cut, but we certainly, we the county, would be seeing this problem go away if, in fact, you can flow that drainage through there. Is that something you're willing to do, Mr. Wittekindt? If so, I think everybody's happy.

Bill Wittekindt: For the record, my name is Bill Wittekindt, Jr. I live at 12431 Red Gate Road, Evansville, Indiana. What is the question, sir?

President Mourdock: Okay, as we discussed the day we were out there, we said if the water that otherwise is on the west side of the road can be routed back through the pond, that solves Mr. Rust's problem. All it would take to have that happen would be for a notch to be cut so the drainage along the ditch could go back to the west through that pond.

Bill Wittekindt: Yes, subject to the water...Mr. Alexander's, Tom Alexander's lake can handle the water.

President Mourdock: Yes, and John has checked that and that's what I'm saying. John has checked that the amount of water difference going through that lake does not affect the freeboard of that lake or the storage capacity of the lake, so that's something that would work.

Bill Wittekindt: If that would work. Another question is, how are you going to handle my—what I call my ditch from the culvert north on Browning Road that the county cut out?

President Mourdock: That's a totally separate issue as far as this petition's concerned. Let me set that one aside for the moment because it's not affecting the drainage, it's affecting your maintenance of the ditch, I understand.

Bill Wittekindt: Right, but I want a fair hearing on that.

President Mourdock: Okay, but let's deal with one issue at a time.

Bill Wittekindt: Okay, I don't see no problem.

President Mourdock: So you'll go ahead and cut that notch?

Bill Wittekindt: Well, you can cut it, if you want. Your people can cut it.

President Mourdock: Okay, if that's the case, we need a temporary easement since we don't have the right-of-way.

Bill Wittekindt: I'll grant you that, that's no problem providing also that I would like a certificate of workman's compensation and liability.

President Mourdock: Yes, indemnification insurance type. John, would you get a property description as to what we need for that temporary right-of-way then to do that work?

John Stoll: Just for the berm and the lake, not for the roadside ditch?

President Mourdock: That's right, just to cut that notch so the drainage on the west side of the road, stays on the west side. If you can get that property description drawn up and get it to Joe. Joe, if you'll make up that temporary access agreement, technically is what we are talking about.

Joe Harrison, Jr.: Temporary right-of-way.

Bill Wittekindt: How much pipe in footage are we talking about?

President Mourdock: Pipe? What do you mean?

Bill Wittekindt: Going over to the pond, how much pipe are we talking about?

President Mourdock: I don't think we are talking about pipe. I think we are just talking about cutting the notch. Don't need a pipe.

Bill Wittekindt: The notch is already half way there.

President Mourdock: Right. Exactly. Are you saying you'll do the other half?

Bill Wittekindt: No, I thought when we discussed...when you were at the meeting with Mr. Stoll that you were going to consider a pipe through there. A notch is okay. It doesn't make me any difference.

President Mourdock: Thank you. We need a motion to direct the County Attorney and County Engineer to go ahead and draft that temporary right-of-way agreement.

Commissioner Jerrel: I'll make that motion.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered. Okay, Mr. Miller?

Mark Miller: Is there a time frame on that, Mr. Mourdock?

President Mourdock: Good question.

Mark Miller: By the next meeting?

President Mourdock: Yes, excuse me, John, can we get this done by the next meeting? To get that property description put together and get everything done and executed?

John Stoll: Yes.

Mark Miller: The work would be? If the county is doing it...so my client is aware of some kind of time frame. Fortunately, we are entering the dry season here and it shouldn't be a big problem.

President Mourdock: Why don't we say sixty days. Is that?

Mark Miller: I'm sure that would be fine. Yes. Will the petition remain until the work has been completed or will there be some order on the petition tonight?

President Mourdock: I guess the petition will remain in effect conditional upon the carrying out of this work.

Joe Harrison, Jr.: As long as that's agreeable.

Mark Miller: That's agreeable to us.

Joe Harrison, Jr.: That has to be agreeable with Mr. Wittekindt as well.

Bill Wittekindt: What do I have to agree on now?

President Mourdock: We are just saying that the petition they filed stays in place until this work is done. Obviously, we are saying we are going to get the work done.

Bill Wittekindt: That's fine. Now, when are we going to discuss my ditch going north?

President Mourdock: Mr. Wittekindt's other problem is that along Browning Road north of this specific site, the county went through and opened up a drainage way that was in the county right-of-way?

John Stoll: Not based on what we found out. I spoke to Mr. Wittekindt earlier today, and he didn't think there was any documented right-of-way along Browning Road, and based on what we found after talking to him, he is right. We couldn't find anything along any of the Browning Road frontage out there. The ditch was cut where the county crews thought there was county right-of-way based on the utility pole locations, but it's not a documented right-of-way. It's not listed on the deeds nor is it listed in the old historical road records.

Commissioner Jerrel: You mean the utility...they're just there?

John Stoll: Yes. Not the first and, definitely, not the last.

Bill Wittekindt: They were put there in the 40's, I know that.

President Mourdock: So along Browning Road, the road crew went in and did a very nice job with the gradall and opened up an area that you use to mow with a bush hog or something.

Bill Wittekindt: Right up to the road.

President Mourdock: Now the slope is steep enough that he cannot mow on the roadside conveniently, to put it mildly. Joe, what are our options here?

Joe Harrison, Jr.: It's essentially the same thing probably. If we've been out there before and he wants to either formally grant us the right-of-way for the long haul, that would certainly be an option. If it's temporary, that would be an option, or it's his dilemma and that's the way it is.

Bill Wittekindt: What about temporary...what about Sigeco poles?

Joe Harrison, Jr.: That's not us.

President Mourdock: Take that one to Sigeco. That's not ours.

Bill Wittekindt: Wouldn't that still come under common right-of-way since it's been in there over 50 years?

Joe Harrison, Jr.: I think you're probably on the right track there, but that's something that the Engineer can come back to us, maybe next month, with a recommendation. Did you check on the right-of-way there as well?

John Stoll: Yes, that's the area John is saying he did check, where this ditch has been very well...

Joe Harrison, Jr.: When is the last time the gradall went in there?

President Mourdock: About two years ago.

Joe Harrison, Jr.: Years ago?

Bill Wittekindt: Two.

Mr. Rust: The ditch was dug out last summer.

President Mourdock: It's fresh enough that the sides are still very well standing. Without question, I understand and agree with the argument that it is very difficult for Mr. Wittekindt to mow that area presently. I understood what you said, Joe, as far as what our options are here. I don't know where to go.

Bill Wittekindt: Couldn't you put a pipe, one of these heavy plastic pipes—12 inch pipe. Connect it to the culvert and go north? The culvert where we drove into the field. Then fill it up with dirt?

Joe Harrison, Jr.: Again, all that's fine but before we would do anything, before the county could do anything, they'd have to have right-of-way granted to them either permanently or temporarily.

Bill Wittekindt: It's not my ground, it would be common right-of-way.

Joe Harrison, Jr.: It is your ground.

President Mourdock: It seems to me that you are making two arguments at the same time. On the one hand you're saying—

Bill Wittekindt: It's on the other side of the poles. It's between the electric poles and the black top.

President Mourdock: I understand, but there is no record that the right-of-way was ever granted to the county. On the one hand, you're saying it looks like under common law and usage that the right-of-way was granted, but technically, it never was formally granted. The highway crew went out there working obviously thinking there was some formal documented right-of-way but there wasn't. I think, if I heard Joe correctly, what he is saying is before the county could do anything to mitigate the problem that now exists—

Joe Harrison, Jr.: Now that we're on notice.

President Mourdock: Now that we're on notice, to use a legal phrase. We have to receive right-of-way from you to do something with it.

Bill Wittekindt: Well, can I give you a temporary right-of-way to put a pipe in and fill it up with dirt?

Commissioner Tuley: If we took dirt out, why don't we put the dirt back in and reseed it?

John Stoll: I don't think a pipe is going to work. The plastic pipes require a foot of cover, minimum, and I don't think there's any way you're going to get a 12 inch diameter pipe with a foot of cover and still allow for drainage to go from the edge of pavement to a swale on top of that pipe and keep the road drained properly. I don't think that pipe would be an option.

Bill Wittekindt: Like Mr. Tuley said, can we just fill it up with dirt again?

Mark Miller: If I might speak on that subject?

President Mourdock: I thought there would be a vested interest here by someone.

Mark Miller: To return it to the way it was, would be fine. Mr. Rust would agree with that. The art would be to return it to the way it was not to a higher grade that would then constitute a further obstruction of the natural water flow that would get us back here. We have no objection in this, it's not our case, but just as a note to not make the problem reappear.

Bill Wittekindt: There was a swale on Browning Road.

President Mourdock: Why don't we do this, Mr. Wittekindt, obviously there are other people here with drainage issues as well. John, in drafting up the meets and bounds for the temporary right-of-way to do the first work we spoke of, why don't you do the same thing for this stretch where this ditch has been excavated. We will also contact the county garage and see if they have a source of materials that they could come back and back fill that in so it maintains the grade, as you're calling it the swale, but also would provide some way for better maintenance.

Bill Wittekindt: That's agreeable with me.

Joe Harrison, Jr.: What you may want to do is...at the next Drainage Board meeting, we want to make sure that everyone is on the same page on what's going to happen next. Before anybody does anything, we want to make sure that everybody is in agreement on what course of action needs to be taken after the easement has been granted.

Bill Wittekindt: That would be a temporary easement on that.

Joe Harrison, Jr.: That is correct.

John Stoll: In addition to that, it would prevent the county from doing any future work so you can maintain the swale again from there on out.

Joe Harrison, Jr.: That would be it.

Mark Miller: Has the next meeting been scheduled yet?

President Mourdock: It's the fourth Monday of next month, whatever that is.

Joe Harrison, Jr.: That would be September—

President Mourdock: How about July?

Joe Harrison, Jr.: Jimminy Christmas!

Mark Miller: You guys have the summer off?

President Mourdock: Only if we break a leg.

Joe Harrison, Jr.: July 24th, does that look right? At 6:30.

John Stoll: One other thing, once that notch is cut back in that berm to drain to the pond, do you want us to proceed with plugging the pipe under Browning Road permanently? Fill it full of grout or something just so it won't drain back towards Mr. Rust's property?

President Mourdock: I think that would be appropriate. The pipe is not something that the county's put in.

Drainage Plans

President Mourdock: Now we move to our drainage plans and Mr. Jeffers?

Bill Jeffers: First drainage plan is Wayne Alley Subdivision final drainage plan. I think I put one of these agenda cover talk sheets on each of your places.

Joe Harrison, Jr.: Bill, are you going to do the Aiken Ditch?

Bill Jeffers: Excuse me.

President Mourdock: I'm sorry.

Aiken Ditch Proposed Reconstruction
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Bill Jeffers: The second item, Aiken Ditch hearing, is a continuation of a city project that was started a couple of months ago. The Board should ask for and against speakers who may be here due to the notification that was sent out by your Contract Deputy, Darryl Helfert. After listening to the speakers, move on to authorize the reconstruction of Aiken Ditch per Morley and Associates plans.

President Mourdock: Is anyone here wishing to speak for or against the reconstruction of Aiken Ditch? For or against? Seeing no one.

Joe Harrison, Jr.: This was advertised in May for the public hearing concerning the reconstruction of this ditch.

Commissioner Jerrel: Will we have a second hearing?

Joe Harrison, Jr.: No, this is it. I think, Mr. Helfert and Mr. Keepes probably want to come up on this matter.

Bill Jeffers: You might ask your Contract Deputy from Morley and Associates for the green cards showing the persons or interested parties have been mailed their notice and anything that he, or the City Engineer, might wish to say at this time.

President Mourdock: Mr. Helfert?

Darryl Helfert: Do you want the cards themselves?

Joe Harrison, Jr.: Yes, if you can give them to the Recording Secretary. If you could maybe indicate to whom they were sent for the record...state your name.

Darryl Helfert: My name is Darryl Helfert with Morley and Associates. Contract Deputy on that project, I guess. We sent notices to the various landowners where this project is involved. Do you want me to read them all off?

Joe Harrison, Jr.: Yes.

Darryl Helfert: Jerry & Celesta Kreitzer; Richard & Penny Christ; Texas Gas Transmission Corp.; Mulzer Crushed Stone; Westbrook Corporation; Celia May Loge & Et Al, two properties there, and then the State of Indiana for the property where I-164 is located. We received the cards back on all of them. I don't have anything else unless there are questions.

President Mourdock: Any questions from the Board? Again, any speakers for or against?

Pat Keepes: Good evening, I'm Pat Keepes, City Engineer and I'm representing the Board of Public Works, the owner of this project. We are here to get the Commissioners approval to reconstruct Aiken Ditch, a part of our Jeanette/Cass drainage improvements. As required by statute, we have secured all other necessary permits including those from the Department of Natural Resources, Indiana Department of Environmental Management, INDOT, and the Corps. of Engineers. This is one of the final steps in completing the plans and moving forward with this project. We are here to do whatever we can to expedite this project. We appreciate the Commissioners attention.

Commissioner Jerrel: I would make the motion to move that we proceed with the reconstruction of Aiken Ditch.

Commissioner Tuley: Second.

Wayne Alley Subdivision - Final
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President Mourdock: So ordered. Thank you, Pat. Now we go to drainage plans.

Bill Jeffers: That's going to make a lot of people on the East side real happy that have been waiting to hear that Jeanette/Cass will go forward. It's a particular neighborhood that stands in water a lot. Okay, back to Wayne Alley Subdivision. This is a continuation of the final approval of that subdivision which you set aside last month, for one month, until Mr. Nicholson could come back with a soil description from the Health Department. We wanted the Health Department's input on whether or not the septic fields would work properly and not contaminate the water supply of the neighbors. Otherwise, our recommendation was to approve the final drainage plan for Wayne Alley Sub as we were simply looking at the surface storm water and this was a separate issue that you wanted to take a further look at.

Bill Nicholson: Bill Nicholson, Veach Nicholson Associates. I furnished copies of the soil report along with the letter, I believe I left a copy at the Commissioner's office, notifying the neighbors that you asked to be notified. I've heard no report from them

or anything.

President Mourdock: You had soil tests done on all four of the four lots?

Bill Nicholson: All four and they were acceptable and talked to Wayne from the Health Department and he said it's good soil and of sufficient depth as any in Vanderburgh County.

President Mourdock: Anyone wishing to speak for or against the petition for Wayne Alley? Seeing none.

Commissioner Jerrel: I move approval of the final plan for Wayne Alley Subdivision.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered. We appreciate that you went the extra step there, Bill, because obviously there were a lot of folks very concerned.

Green River Oaks Shopping Center - Final

Bill Jeffers: The next item on your agenda is Green River Oaks Shopping Center. It's located at the corner of Green River Road and Morgan Avenue. More specifically, the north boundary of this subdivision is Oak Grove Road. This requires, since it's in the city, this requires only an approval by the Board of the connection of a new 15 inch tile drain into Hirsch Ditch, a regulated drain in Vanderburgh County. All new drain connections require the Drainage Board approval per statute. We do have the drainage report that was submitted to the city. It does show detention on the site. All of the details are in compliance with our ordinances as well. At this time, the Vanderburgh County Surveyor recommends that you approve the connection of the new drain from Green River Oaks Shopping Center into Hirsch Ditch.

President Mourdock: Again, anyone wishing to speak for or against the recommendation of the final plan for Green River Oaks Shopping Center? For the record, I see none.

Commissioner Jerrel: I move approval of the Green River Oaks Shopping Center final plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Five Oaks Subdivision Section II - Final

Bill Jeffers: The next item is Five Oaks Subdivision Section II. This plan has been before you in it's preliminary form. At this time, the Surveyor recommends approval of the final plan for Five Oaks Subdivision II.

President Mourdock: Anyone wishing to address Five Oaks Subdivision II final drainage plan? Seeing none.

Commissioner Jerrel: Move approval of Five Oaks Subdivision II final plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Daylight Industrial Park - Final

Bill Jeffers: The next subdivision is Daylight Industrial Park located at Baseline Road and Green River Road. The Surveyor recommends approval of the final plan for this project with the following conditions: One, the County Engineer's approval of street plans be appended to this; and second, all modifications of this final plan must be reflected in final modified plans transmitted to our office or through a set of "as built" after the project is complete sent to our office. The reason for conditioning thus is because of some pipes that we noticed that are very close to having minimum critical cover. I don't want the County Engineer to be forced into a position, if they don't meet with his recommendations under pavement. Which is not something we normally look at in the Surveyor's office. The reason I say modifications have to be run through our office and documented is because it's apparent that the developer may wish to retain the right to move or modify one of his drainage basins for marketing reasons. It's on a lot that they may want to move it to another lot or to another position. I want to leave that option with the developer. Having said that, the Surveyor recommends approval of the final plan for Daylight Industrial Park.

President Mourdock: With three conditions?

Bill Jeffers: Two conditions. The County Engineer's approval of street construction plans be a part of this and that all modifications of this plan be reflected in "as built" or modified plans sent through our office.

Commissioner Jerrel: With those two caveats, I move approval of Daylight Industrial Park final plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Kato Industrial Subdivision - Preliminary
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President Mourdock: We now move to preliminary plans.

Bill Jeffers: We may have another final one somewhere in here. Kato Industrial Subdivision located on St. Joe Avenue about a quarter mile south of Mill Road. Surveyor recommends approval of the preliminary plan for Kato Industrial Subdivision recognizing that it may be modified due to any Indiana Department of Natural Resources requirements for construction in a floodway. The plan is such that those modifications are anticipated and can be made and still detain and release storm water in accordance with our ordinance. Therefore, we recommend approval of the preliminary plan for Kato Industrial Subdivision.

President Mourdock: Anyone wishing to speak on the issue of Kato Subdivision?

Commissioner Jerrel: This is a preliminary plan, and I move approval of it.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Charlestown on the Lake - Preliminary
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Bill Jeffers: Charleston on the Lake is an industrial or commercial subdivision located on the east side of I-164 on the county line with Warrick County north of Lloyd Expressway. All the water from this subdivision is collected into a large lake that's going to be constructed in Vanderburgh County with some lots around that lake. The water will be discharged from Vanderburgh County into Warrick County, into a legal drain in Warrick County, and carried all the way through Warrick County never entering into Vanderburgh County again. This plan has been before the Drainage Board in Warrick County. It has been submitted to us as a preliminary drainage plan. We recommend approval of the preliminary drainage plan and also would like to say that our recommendation includes allowing the developer to begin moving dirt immediately upon Area Plan's approval of the plat. We anticipate a final drainage plan to come back July 24th showing all drainage into Warrick County. It's just a formality that they will be coming back to us because this plan is really final enough for me.

President Mourdock: Question though. As far as giving them permission to begin moving the dirt, it's going to APC for zoning?

Bill Jeffers: For subdivision plat review the first Wednesday of July. If it's approved there, they would normally be able to come back and record there plat and get the permits. The reason I say move dirt is that this lake—secondary purpose of this lake is require fill to start building their streets. Warrick County, I believe, is ahead of us on the approval schedule so they may have to come in and move dirt immediately to work in Warrick County while they wait another 30 days to finish up with us.

President Mourdock: One more time, this is north of the Lloyd, east of 164 along the Warrick County line?

Bill Jeffers: Right on the Warrick County line. It straddles the Warrick County line. It will be accessed from Epworth Road in Warrick County.

President Mourdock: Off Stahl Road? Is that called Stahl?

Bill Jeffers: Yes sir. I have a drawing here, if you'd like to take one with you. I have several.

President Mourdock: That's alright. Charleston on the Lake is a residential subdivision?

Bill Jeffers: It's a commercial subdivision, is it not? Commercial/Industrial subdivision.

President Mourdock: So your recommendation is for approval on preliminary?

Bill Jeffers: Yes sir.

Commissioner Jerrel: I'd like to move approval of preliminary plans for Charleston on the Lake.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: Excuse me. I left a "w" out of that name. It's Charlestown. Being a Southern boy, it's just Charleston to me.

President Mourdock: Duly noted. It should be Charlestown on the Lake.

Castle Creek Subdivision - Preliminary

Bill Jeffers: Next up subdivision is Castle Creek Subdivision. It's a, I believe, commercial subdivision located at the intersection of Schroeder Road and US 41 North directly across from Rusher Creek Road. It is a preliminary plan. We are still awaiting a floodway study as mandated by Indiana Department of Natural Resources. The plan has been reviewed in its preliminary form and is adequate for our recommendation. We do recognize that it may be modified due to IDNR requirements for construction in a floodway of Rusher Creek. Surveyor recommends approval of the preliminary plans for Castle Creek Subdivision.

President Mourdock: Anyone here wishing to address Castle Creek Subdivision? Went into auto pilot there.

Robert Goebel: Robert Goebel, Indiana State Police. I only had some preliminary questions since it is the first drawing. As to some of the drainage and how it might affect the Indiana State Police Post there on Highway 41. I'm not sure who I need to speak with on that.

President Mourdock: Mr. Jeffers can probably answer that.

Bill Jeffers: We have a set of plans here which you may take with you. I have two or three more sets of plans.

Robert Goebel: I appreciate it.

Bill Jeffers: You're south of Schroeder Road. I believe some of your water goes north along the highway right-of-way into Rusher Creek and this will not interfere with that. This does not interfere with any water that has already entered US 41 right-of-way. Mr. Farney here is the Engineer for Bernardin Lochmueller & Associates. His number is here on the cover, if you would like to take this with you, if you have any further questions. It will be back on the 24th of July for the final.

Robert Goebel: Thank you.

Joe Harrison, Jr.: Did you want to give him your number in case he had any

questions?

Commissioner Jerrel: With those comments, I would like to move preliminary approval for Castle Creek Subdivision.

Commissioner Tuley: Second.

President Mourdock: So ordered. Which one are you here for? We will get you on the agenda momentarily.

Walton Subdivision - Preliminary

Bill Jeffers: The next item is Walton Subdivision which is the new proposed SAM's Wholesale Club at the corner of Burkhardt Road and Virginia Street just north of Super Wal-mart. The Surveyor recommends approval for the preliminary plan including the relaxation of right-of-way for Crawford Ditch to a distance of not less than 30 feet from the center line of the eastern most pike now occupying Crawford Brandeis Ditch. We will have a drawing for you in the final plan showing the exact footage. It's going to be up to 35 feet that we will have left to work within on that pipe. Then on the north end of the sub, it might be slightly less. It will give us adequate working right-of-way even after the relaxation which you can do now or you can do it at your meeting next month after looking at the final drawing. I asked them to locate that pipe and show adequate green grassed right-of-way from the edge of that pipe over to the closest pavement of SAM's development. Then anytime we have to get in there to repair that pipe, we wouldn't have to tear up pavement. Mr. Farney from Bernardin Lochmueller is the local representative for the engineering firm that's doing that out of Bentonville, Arkansas. He has shown me preliminary drawings guaranteeing that we will have that right-of-way left. Having said that, Surveyor recommends approval for the preliminary plan including the relaxation of Crawford Brandeis right-of-way to a distance not less than 30 feet from the center line of the eastern most pike for Walton Subdivision.

President Mourdock: Anyone here to speak on Walton or Walden?

Bill Jeffers: Walton. W A L T O N. Like Sam Walton.

President Mourdock: That would make sense, wouldn't it?

Jim Farney: This has also been submitted as a subdivision plan. Area Plan has decided that they do not want to use the name Walton. So the name this subdivision is really going to be called is Glass Subdivision.

Bill Jeffers: That was Jim Farney. I'm sorry, it is on the Area Plan Agenda as Glass Subdivision. It was previously Walton.

Commissioner Mourdock: Is there a motion then for Glass Subdivision?

Commissioner Jerrel: There is a motion to approve preliminary plans for Glass Subdivision.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Oak Hill Christian Church

Bill Jeffers: Next item is Oak Hill Christian Church expansion. This is an addition to an existing church. I don't want to get this discussion real complicated, but there is a place for a detention basin at the northwest corner of the property. However, it may be adjacent to an area that's used for recreation purposes by children. While I have asked the Design Engineer at Bernardin Lochmueller, Jim Farney, to show a detention basin design for that place, if it becomes, in anyone's mind, a liability to the children that play in that area, this property is in close enough proximity to Pigeon Creek. I've had them map that out. It's immediately adjacent to the flood plain. Along it's northern boundary, the water from this site will flow through a 100 foot Sigeco right-of-way to the creek so it will not adversely affect anyone along the way down that 100 foot right-of-way that goes all the way across Pigeon Creek over to Hirsch Road. Being in close enough proximity to Pigeon Creek, the Board may waive the requirement for detention because that's a major stream into which it will directly flow. So I'm asking you to approve Oak Hill Christian Church site drainage plan and to waive the requirement for detention and allow them to decide whether they feel they want the detention basis there or whether it represents a liability to their children.

Commissioner Mourdock: That's an interesting one.

Bill Jeffers: No, I didn't want to make it complicated.

Commissioner Mourdock: No, no. I said it was an interesting one.

Bill Jeffers: I don't think it's going to hurt anything for it to flow down that Sigeco right-of-way to the creek without detention. However, the plan originally showed a little detention basin, and if they choose to use that somehow, that's fine with me.

Commissioner Mourdock: Is there anyone here to speak to this issue? Seeing none.

Commissioner Jerrel: Move approval of the Oak Hill Christian Church expansion and also allow the waiving of the requirement for detention.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Reaffirm Joe Elpers Lots B & C

Bill Jeffers: The next item then is to reaffirm Joe Elpers' Subdivision lots B and C. The Surveyor recommends reaffirmation of a previously approved final plan that expired because it went past the 18 months in APC records. That was due to the death of the developer, Mr. Joe Elpers. All other pertinent approvals from DNR and so forth are had and the heirs of Mr. Elpers wish to proceed with this project at this time. It only requires that you reaffirm a previous approval of the final drainage plan for Joe Elpers sub lots B and C.

Commissioner Mourdock: Anyone here to address this issue? Seeing none. Is there a motion?

Commissioner Jerrel: Reaffirm the Joe Elpers B and C final plan.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Ditch Maintenance Claims

Bill Jeffers: Next item is ditch maintenance claims for the current work year on the current contracts that we are under with our maintenance contractors. All the paperwork is attached. The claims are signed. The Surveyor recommends that we pay for them.

Commissioner Jerrel: Move approval of the claims.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Jeff Korb Encroachment

Bill Jeffers: Next item is Jeff Korb's signed agreement to encroach an easement and hold you harmless so he could construct certain facilities associated with a swimming pool in his backyard. You've already approved this in a Commissioner's meeting a week or so ago. You desired to follow that up by approval at Drainage Board tonight. Again, the pertinent documents are in the possession of the Auditor. I believe they've already been recorded. It only requires that you make that approval tonight in this Board as well.

Commissioner Jerrel: Move approval of Jeff Korb's agreement to encroach on the easement with a pool.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Candie Weber Encroachment

Bill Jeffers: The next item is almost identical. It's an agreement that I have now obtained from Ms. Candie K. Weber, in the audience here with her daughters, requesting to encroach a drainage easement at 742 Trillium Way which is shown in these pictures.

Commissioner Mourdock: Is this on the agenda as Jeremiah Roll?

Commissioner Jerrel: Here it is on the discussion items, item 4 in your packet.

Commissioner Tuley: I didn't get one of those.

Bill Jeffers: It's under agreements to encroach drainage easements. I had two of them tonight. The first one being Korb's and the second one being Ms. Weber's. On the Weber request, I show you those two pictures to show you that her swimming

pool and no part of it is interfering with drainage in that easement. As you can see, there are utility structures and it's not interfering with them. I have told her, Ms. Weber, that she might wish to consult or look into the utilities with the various utility companies. She's up at the very top of the hill. All the water from her yard flows down. There are no houses to be built above her. She's at the top of a ridge. The houses in section two of this subdivision will flow the opposite way. She won't be blocking anyone's drainage unless she does something further that might block her own. We are recommending that you sign this encroachment agreement that she has filled out and affixed her signature to. She does have exhibits A, B, and C attached to this. She is in the audience if you have any questions for her.

Commissioner Mourdock: Do you have anything to add, Ms. Weber?

Candie Weber: I have gotten in contact with all of the utility people too. I have a letter stating that my pool is not going to bother those utilities.

Commissioner Jerrel: I'd like to move approval of Candie Weber's request for encroachment on the drainage easement in order to have her pool installed.

Commissioner Tuley: Second.

Commissioner Mourdock: And I will say so ordered. It will be recorded.

Bill Jeffers: Ms. Weber should be aware...I can't keep up with all these anymore, there's just too many of them. Once they go across your desk, they should stay down at the Auditor's office until the person who wants them recorded comes to the Auditor's office and carries them over to the Recorder's office and pays for them to be recorded. That was the wish of the Board originally. I'm like three or four behind where I'm holding them. They need to be held by the Auditor and then I can send a letter to the person. In this case, Ms. Weber is here in the audience.

Jane Laib: I can get a check from her tonight.

Bill Jeffers: Right, if you know how much that's going to cost to be recorded. Some of them, the Recorder wants to look at them first. I will notify everyone from now on that theirs has been approved and they can now go to the Auditor and take it over to the Recorder, if they didn't come to the meeting.

Commissioner Mourdock: That's as close to a slam dunk as we ever get. We appreciate your patience.

Bill Jeffers: She is in the APC loop. That's how it came to us was from APC so she's in the loop and not in violation.

Meisler Encroachment

Bill Jeffers: The next one is a request to encroach a regulated drain right-of-way and connect a new drain to Keil Ditch. This one is from Meisler Truck Rental, Inc. It's signed by Donald and Ronald Meisler. This is only slightly different than encroaching an easement. What we did was anywhere it said drainage easement, we substituted legal drain right-of-way in the document. I've shown the document to Mr. Harrison. He said to bring it to you tonight. This request is to allow Meisler

to encroach Keil Ditch right-of-way with a parking lot, fence, and a detention basin, and also allow them to connect a new drain from the detention basis into Keil Ditch. The Board must also allow that connection by statute. We have sent Mr. Meisler several sheets of information on other statute regulations that may be applicable, so he is aware of all those. He has sent us back a letter saying he would take the fence down if we had to come in and excavate Keil Ditch. He signed the encroachment agreement that was prepared by your Attorney other than us changing easement to right-of-way. Mr. Easley is here, this is in the city and Mr. Easley did design the site. The site plan has been otherwise approved by all other agencies. It's only awaiting your Board to allow him to make a connection to Keil Ditch and encroach the 75 foot legal drain right-of-way with a fence, parking lot, and a detention basis. Of course, with the agreement that would be removed if we have to get in there. He also said he will..."At this time Meisler Trailer Rentals, Inc. agrees to maintain that portion of Keil Ditch adjoining the property on Hitch & Peters Road. We will be responsible for any regular maintenance involving mowing and clearing. Said maintenance will match or exceed standards set and practiced by the county. If, at any time, a fence in erected around the property, Meisler will be responsible for the removal of the fence if access if required for any county dredging, excavating, etc". We recommend you sign this, please.

Joe Harrison, Jr.: The only thing I would add is that maybe that letter can also be a part of the agreement. Is that okay?

Bill Jeffers: You can record that with it. That might not be the original copy. That was faxed to me and it does contain a signature though.

Commissioner Jerrel: I'll move approval for the encroachment on Keil Ditch right-of-way with a parking lot, fence and detention basin for Meisler.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Jeremiah Roll Petition

Bill Jeffers: Next order of business is, I must have skipped one. Receive the report, back on number two, to remove an obstruction filed by Jeremiah Roll, I'm sorry. I left that off my cheat sheet so I forgot to talk about it. This is the Surveyor's Jeremiah Roll Petition. The petition was filed by Mr. Roll at your last meeting, May 22, you referred the Vanderburgh County Surveyor for his report. The petition and other exhibits are attached to this report. I'm reading from the report and you can just read it at your leisure. "I examined the petitioner's property and the drain along the north line Tuesday afternoon, June 20th after a two day period of light rain. I took some photographs, color photographs, which are attached to this report. I've described what's in each photograph. I say that these photographs display proof that the property owners west of and downstream from the petitioner have taken positive actions to remedy certain conditions alleged to or alluded by the petitioner to exist in the drain. In fact, I was out there and I saw several things in the drain that are no longer there. If it were to come to that, I can get more specific, but I'm telling you that these photographs show that people have been working for the last 30 to 60 days to fix this problem. The photos also show evidence that the work they are doing is "in progress" and not complete as of June 20th. I ask the Board, at this time,

to order me to consult with the petitioner and the respondents to make a closer examination of the drain—like taking my survey crew out there and determine if there are any high spots or low spots that could be leveled to eliminate the ponding, the small amount of ponding water, that's shown in these photographs and cause a more effective storm water drainage. You should still set a hearing date of July 24 for the hearing of this petition and to hear any comments that may come from the petitioner and respondents in accordance with the statute. We hope that at the hearing we'll be able to report to you that the petitioner and respondents have completed all the necessary work to make this drain flow properly. They are well on the way, at this time. That's my report".

Commissioner Jerrel: I move that we accept the report of the Jeremiah Roll petition and set the hearing date for July 24, 2000.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Joe Harrison, Jr.: And I guess, order him to go out—

Commissioner Mourdock: To consult with per his recommendation.

Bill Jeffers: I can do that under this statute, but I just want it made real clear that you've sent me out there to help these folks finish up what they've started.

Commissioner Jerrel: I include that in my motion.

Commissioner Tuley: Second.

Commissioner Mourdock: Again, so ordered.

Sonntag Stevens Ditch Project

Bill Jeffers: The last order of business that I have is a change order to extend two pipes into Sonntag Stevens Ditch Project. What's happened here is we are just about finished with a job that we started earlier this year. The original bid was \$22,700.00 dollars. It was a rip rap to fix some erosion along Sonntag Stevens Ditch. In the process, we came across two drain tiles coming off of private property that we had not noted because the damage was such that it had completely covered up those drain tiles. When we uncovered them, Mr. Ray Stratner, who is our contractor on the job, said the increase in cost to extend those pipes out through the new repair ditch bank—he estimated that cost at \$200.00 dollars. We are asking, at this time, that you approve a change order for \$200.00 dollars to complete the Sonntag Stevens additional work project along Hitch Peters Road.

Commissioner Jerrel: I would move that we approve the change order.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Bill Jeffers: I believe we use the change order form that the County Engineer uses

for that. We hardly ever have a change order so we referred to him. That concludes all business the Surveyor has to bring before the Drainage Board tonight.

Commissioner Mourdock: Any other business to come before the Drainage Board this evening?

Commissioner Jerrel: Motion to adjourn.

Commissioner Tuley: Second.

Commissioner Mourdock: So ordered.

Meeting was adjourned at 7:38 p.m.

Those in attendance:

Richard E. Mourdock	Bettye Lou Jerrel	Joe Harrison, Jr.
Jane Laib	Tony Greubel	Bill Jeffers
Pat Keepes	Paul Rust	Bill Wittekindt
John Stoll	Mark Miller	Robert Goebel
Bill Nicholson	Darryl Helfert	Jim Farney
Candie Weber	Others unidentified	Members of the media

**Vanderburgh County
Drainage Board**

Richard E. Mourdock, President

Bettye Lou Jerrel, Vice President

Patrick Tuley, Member

**Vanderburgh County
Drainage Board
July 24, 2000**

The Vanderburgh County Drainage Board was called to order at 7:06 p.m.

President Mourdock: We're going to go 30 minute quarters, maybe it will be something shorter, but we'll have a few interruptions tonight.

Approval of Minutes

President Mourdock: Having said that the first thing on our agenda is the approval of the minutes from the prior meeting.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered.

Initial hearing - Jeremiah Roll petition

President Mourdock: The next item under old business is the initial hearing of the Jeremiah Roll petition which if it is old business how can it be the initial hearing might be the logical question.

Bill Jeffers: I'll be happy to turn over the editing of the minutes to your assistant next month.

President Mourdock: Okay.

Bill Jeffers: The reason this is called the initial hearing is because I'm going to recommend that we postpone and reschedule the hearing for October...excuse me, August...

President Mourdock: Until our August meeting?

Bill Jeffers: August—

Commissioner Jerrel: Twenty-fourth?

Joe Harrison, Jr.: Eighth.

Bill Jeffers: Twenty-eighth. I am going to file with your board and ask that your secretary include it in the minutes a supplement to the initial report that was filed last month. The supplement explains conditions discovered by our office to exist July 18, 2000. Rather than read the report into the minutes I'll just ask that it be included. Some of the conditions include that the property owners have initiated repairs to the drain, that we found no intentional obstructions remaining in the drain as of July 18th, that all the remaining obstructions that are in the drain appear to be natural and unintentional, such things as natural erosion that has slumped off of one bank and partially obstructed the flow line, just a natural occurrence. Another in particular being a large oak tree that is growing on a bank of the drain and the root system has grown up into the ditch and is trapping water and soil. I consider that to be natural and unintentional. Another condition is if the board were to order all the remaining obstructions removed, the cost of the removal would have to be apportioned among

all the properties served by the drain because it's unintentional obstructions. So if you were to right now order all the remaining obstructions to be removed, we would have to hire a contractor to go out there and do some expensive work and then divide the cost among all the approximately six property owners. Another statement I would like to make is that the Surveyor is willing to supply additional assistance and information to all the property owners along the 500 foot of drain that we've studied to help them remove the remaining obstructions and restore a serviceable drain. I won't go into detail on how we can do that, but it is included in the report. I'm asking that the board consider postponing and rescheduling the hearing of the Jeremiah Roll petition until August 28, 2000 to give individual owners time to complete the removal of the remaining natural and unintentional obstructions. That's based upon the part of the statute that says that you can postpone and reschedule a hearing due to fairness, in consideration of fairness, and that is explained in my report. Also, so that we may renotify all interested parties that they should take additional actions to completely restore the drain. They have already taken a substantial amount of...done substantial amount of work and we think, in all fairness, we should postpone it one more month.

President Mourdock: Okay, is there a motion to that effect?

Commissioner Jerrel: I so move.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Continued hearing - Rust petition
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Bill Jeffers: The second item that I have under old business is to continue or the continued hearing on the Rust petition that was discussed last month and is in your approved minutes. At this time the County Surveyor is only able to confirm the existence of an obstruction to a natural surface watercourse. The obstruction consisting of the material and existing at the location both alleged by the petitioner.

President Mourdock: Bill, I thought this one...I'm confused here, I thought we had this one resolved last month.

Bill Jeffers: Have you made a determination?

President Mourdock: I thought we did last month.

Joe Harrison, Jr.: Well, the board officially hasn't made a determination on the record as far as a finding of an obstruction, but that's my understanding. I don't think that was found and I don't think there was a determination by the board that it was done intentionally by the respondent.

President Mourdock: Okay, I guess my thing was that I thought when we were here last week, we pretty well...everyone left in agreement as far as what was going to happen.

Joe Harrison, Jr.: Yeah, I think you're right about that. That was my understanding.

President Mourdock: Okay. I guess it was my assumption at that point that with

everyone in harmonious agreement that—

Joe Harrison, Jr.: Something would be worked out.

President Mourdock: Well, that the petition itself kind of disappeared, vaporized if you will.

Joe Harrison, Jr.: And I am assuming that didn't happen or they wouldn't be here.

Bill Jeffers: I went out to the site and I was able to identify the exact location of the obstruction and confirmed that it exists exactly where the petitioner said it existed. I was able to determine the material that the obstruction consists of and it is exactly the material that is alleged by the petitioner. I was unable to present a plan at this time or in the near future to make alterations or repair other parts of the respondents private property as requested by the respondent at the last meeting. In other words, the ditch repairs, the filling, piping, rerouting, etc, when I went out there with my crew this month, I was unable to come up with an easy comprehensive cure for all the things that the respondent, Mr. Wittekindt, wishes us to address on private property. I also could not coordinate that with the applicable statute. So what I am saying, at this time, is that I am here to restate that the report that I gave you and the opinion I still hold is that an obstruction exists at and consisting of the same material as alleged at the place and consisting of the same material as alleged by the petitioner and it needs to be removed and that we remain available to your board and to your County Engineer. Our office remains available to assist him in planning or executing the rest of what you all talked about last month, but I think it's a separate issue.

Mark Miller: Mr. Mourdock, on behalf of Mr. Rust can I address your comment?

President Mourdock: Go ahead, Mr. Miller, yeah.

Mark Miller: Thank you. Again, Mark Miller on behalf of Paul Rust, the petitioner. I believe where I understood it was left last time is sort of in between, that there was an understanding that matters would be worked out, that this obstruction would be removed. There were other matters that were being discussed, however, that somewhat clouded the question as to the resolution of our petition and that has to do with the ditch and the other things that Mr. Jeffers has just related. It was my understanding that the petition was continued to today at the petitioner's request merely for a status on the only thing that matters to him which is that this obstruction be removed. So that is why I am here. I understood that I was to come back for a status, basically, on that one issue.

President Mourdock: Okay, alright.

Mark Miller: So we're here to see what the status is of removing the obstruction and that's the only reason why we're here.

Bill Wittekindt: My name is Bill Wittekindt. I live at 12431 Red Gate, Evansville, Indiana. Mr. Mourdock, that part of the berm when you and John Stoll was out there it hasn't changed, so I don't know what the obstruction is where it can still go through that area.

President Mourdock: The berm hasn't changed so water can still go through it.

Bill Wittekindt: Right. When you and Mr. Stoll—

President Mourdock: Wait a minute, let me back up. When we were here last week or last month, we spoke about putting a notch in what I think you're calling the berm.

Bill Wittekindt: Right.

President Mourdock: Okay, so that notch is not in the berm.

Bill Wittekindt: That notch is still there. It's the same way it was when you and Mr. Stoll looked at it in June or the end of May.

President Mourdock: But correct me if I am wrong...John, correct me if I am wrong here, the problem was that there wasn't a notch there in June and that is what some of the—

John Stoll: There was one there. It was one that had been cut by the channel just trying to cut itself back through there, but it wasn't an excavated type notch.

President Mourdock: Right.

John Stoll: It's just an eroded area where the water, like Mr. Wittekindt said, can get through there, but it has not been graded out with any kind of slopes or anything like that.

President Mourdock: Okay, was it your impression, John, that from where we left this last time what was going to happen was that notch was going to be open to some lower elevation so that the water could flow through that way?

John Stoll: Right, and one of the things was temporary easement.

President Mourdock: Right.

John Stoll: I didn't know...did you intend for the county crews to do this, if we got the temporary easement?

President Mourdock: That's why we were getting the temporary easement.

John Stoll: Okay. Well, I just got this put together today. We had a hard time finding any deeds that showed where the property lines lie out there. We finally found one that dates back about 50 or 60 years but at least referenced the property in question, so that's what I wrote this temporary description on.

President Mourdock: Okay.

Bill Wittekindt: What about...does that also include a temporary easement on the ditch that runs north of the culvert?

John Stoll: No.

President Mourdock: The ditch that runs north of the culvert?

John Stoll: This only covers...I estimated a 35 foot by 75 foot area down by the pond. The ditch—

President Mourdock: Let me say the same thing I said last month, Mr. Wittekindt.

Let's leave that out of this for a second because the Drainage Board is going to deal with the drainage issue. I understand what your concern is there and I said, and I think the other Commissioners agree, that we were going to deal with that issue, but at least for this discussion let's leave that out for a second just to make it simple.

John Stoll: And at this point I'm not sure what property Mr. Wittekindt owns. There has been so many pieces transferred over the years that, like I said, we couldn't find a deed that specifically dealt with the property in question here, so until we know specifically what all Mr. Wittekindt owns, knowing things like Hunter's Ridge Subdivisions and things like that have been cut out of these parcels, I couldn't begin to write a legal description for a temporary or permanent right-of-way for the ditch improvements that Mr. Wittekindt is talking about.

Joe Harrison, Jr.: But as far as the obstructed area the legal that you've come up with satisfies that particular issue.

Mark Miller: If I may, it's the same legal that is described in the petition.

Joe Harrison, Jr.: Oh.

Mark Miller: The land upon which the...where the—

Joe Harrison, Jr.: Come on up.

Mark Miller: I'm sorry. I don't mean to interrupt you, Mr. Harrison.

Joe Harrison, Jr.: No, that's okay.

Mark Miller: But I just asked my client the very question that seems to be of question here which is who owns this land, well, the legal description in the petition is owned by Mr. Wittekindt. That is where the problem is and that is where...that's the only thing that I think this board needs to deal with at this point.

President Mourdock: And I agree. I think what John's point was though the specific description within that larger description as far as easement. In other words, we're not getting an access or an easement to get on the entire property. We're trying to narrow it down.

Mark Miller: True, that is true. But it is temporary easement and it seems to be a rather simple matter.

President Mourdock: Sorry, I shouldn't laugh. A simple matter in this—

Mark Miller: Well, I would just like to add to what the Surveyor has said, and I don't mean to...I hope this has been worked out, but we came back, you know, in a month and it hasn't happened yet, but one of the things that I would just like to show the board is a picture that I don't think was available for the board previously. This is a picture after the property had been...where this cut was filled. It is perfectly obvious from this picture that it is an intentional fill. Here is a picture that some of you have actually seen of the washout of that fill there. Those are...members of the board can examine that. I'm still, on behalf of my client, prepared to work this out in whatever manner is agreeable to the board and to Mr. Wittekindt, but I want the record to be clear that this is, in our opinion, an intentional obstruction and as such pursuant to Indiana Code 36-9-27.4-15 and 16 this board has the authority to order Mr.

Wittekindt to repair this at his expense. Now, I'm not asking for that today. We just want the problem to go away, but I think that Mr. Wittekindt needs to understand that he has some liability here and he needs to work together with the board and Mr. Rust to get this thing resolved.

President Mourdock: Let me go back to again where I thought we left it last time. We have now drafted an easement, a temporary easement, that John would need to get executed with Mr. Wittekindt, is that right?

John Stoll: Right.

President Mourdock: Okay. If we do that what...go ahead, Joe.

Joe Harrison, Jr.: The first thing I would do would be to consider...the board should consider assuming the evidence of what you've heard this evening in that there is an obstruction.

President Mourdock: So we need to make the determination—

Joe Harrison, Jr.: And that the obstruction was an intentional obstruction.

Bill Wittekindt: I object to that.

Joe Harrison, Jr.: I'm just...hang on a second. If that's considered by the board then there is a need to remove the obstruction. The way to remove the obstruction, one of the ways would be to have Mr. Wittekindt remove it. Another way would be for the County Surveyor to remove the obstruction, but for the County Surveyor to remove the obstruction he has got to have a temporary easement to get on the property and to remove the obstruction. So that's where we are.

President Mourdock: Bill, your comment earlier as far as doing this according to the statute, if we rule that there is the petition there...what's the term? It just went through my head. The determination. If we rule to make that determination that rights what was otherwise procedurally wrong in what you saw from our minutes last time, is that accurate? If not wrong at least incomplete.

Bill Jeffers: That would bring you to the point in the hearing where you made the determination, yes, sir.

President Mourdock: Okay.

Joe Harrison, Jr.: Obviously, Mr. Wittekindt may have a different view but you're not going to disagree that there is an obstruction there?

Bill Wittekindt: There was never a pipe going through that berm in the first place.
Joe Harrison, Jr.: I'm not too sure that's the issue though. There is an obstruction there, isn't there?

Bill Wittekindt: Not now. The water...Mother Nature took care of it.

Joe Harrison, Jr.: Well, there is some dispute as to that, I think.

Bill Wittekindt: Well, if you remember—

Joe Harrison, Jr.: Some dispute in your mind.

Bill Wittekindt: If I remember, check the minutes in May. I drove by there. I forget, it was in November and there was a wash there. Okay. I figured there was never a wash there before. It was all solid berm, but the water went through the pipe under Browning Road and I saw that berm so I asked Mr. Koberstein of Koberstein Trucking, Inc. to fill in that obstruction...in that wash and he did. Then it rewashed out. There was never a pipe going through that berm in the first place. All the water ran under Browning Road on that culvert. That's why I filled it in.

Mark Miller: Again, I just—

Bill Wittekindt: I'm willing to work with anybody, but I don't want to be accused of deliberately obstructing it because I didn't.

Mark Miller: I think based on the report of the Surveyor, I think based upon the evidence of whether it is a drain or a natural watercourse doesn't make any difference. Mr. Wittekindt has, and the evidence is clear anyway, acknowledged that he caused the drain/watercourse, natural watercourse, to be filled in and this board could enter an order that it was intentional. It's basically, as you well know, a two step process. You make a finding of an obstruction and then the board may make a finding of intentional...whether it is intentional or not. I'm suggesting that we stop at the finding of an obstruction. If there is an agreement that has been worked out and it is executed, Mr. Rust will be satisfied with that. If we can't get that done, we're going to be asking that the court make a finding of whether it was intentional or not, and under the statute, the board shall make Mr. Wittekindt responsible for it. I would think that he ought to know that and that is why I'm saying it again because it is in his best interest right now to work with the board to get this matter resolved and not bring up collateral issues about the ditch and anything else. We need to get this matter resolved and then we go home.

President Mourdock: We have several options here. One is where I thought we were last time which was this was moving towards the point where we were going to have the temporary easement, have some of our folks get out there and do that since it's so closely adjacent to the right-of-way where we otherwise worked. Apparently, that has kind of gone by the wayside. I don't know that I should say that. John has prepared that document and we're ready to move that way. So that's one option. The other is to go more formally with the determination that there is the obstruction and we can go that way.

Mark Miller: If I may say, Mr. Harrison, I haven't seen this easement, I'm not sure we care. It's really more between—

President Mourdock: I don't know why you should, yeah.

Mark Miller: —the various departments here. But if that easement is ready to be signed and Mr. Wittekindt is of a mind to cooperate he could sign it right now.

President Mourdock: And then you would withdraw your petition pursuant to the work being done that is contemplated by that easement?

Mark Miller: Subject to the work being completed, yes, sir.

Bill Wittekindt: In all due respect, if it is correct, I'll sign it, but I'm not going to sign

it tonight until I have a chance to review it.

President Mourdock: That's fair. In fact, our attorney needs to sign it as well because John drafted it.

Joe Harrison, Jr.: Or I need to look at it again, but what we would be glad to do is give you a copy of it, take it with you and get back to this board I would say within a week or two weeks.

Bill Wittekindt: That's fair enough.

Joe Harrison, Jr.: As a County Commission body. But I think certainly a finding of an obstruction would be something that this board may want to consider, at this point. As far as the intentional aspect of it is considered, it may be that you may want to consider that at your next meeting, if something is not resolved by that time.

Commissioner Jerrel: Well, let me try this motion on for size. I would like to move that this board begin action to remove an obstruction that was placed in the right-of-way, and we need a temporary easement to enable the county to get in there to remove that obstruction, and we need for Mr. Wittekindt to sign that. I move that's what he does and we have a week to come back and we'll postpone this final action until next Monday and that will give you time to look at it and our attorney to look at it. Then the Surveyor will work with the county people to help remove that. Is that kind of where we are?

President Mourdock: I think so. Let me summarize what your motion was just so I am understanding. You're saying to basically defer this for one week during which time Mr. Harrison and Mr. Wittekindt would look over that temporary easement and if that is signed and the work performed—

Commissioner Jerrel: Then the blockage or the obstruction—

President Mourdock: Yeah, if it is signed then the work be performed.

Commissioner Jerrel: Yeah, on the obstruction.

Joe Harrison, Jr.: If I could just add one thing. You need to find an obstruction because there is no reason for the county—

Commissioner Jerrel: Well, that is what I am saying. It's to remove an obstruction that's placed there.

Joe Harrison, Jr.: Yeah, but you've got to make a finding of an obstruction.

Commissioner Jerrel: Okay.

Commissioner Tuley: One question I've got before you make a motion. If we postpone that for one week then we're going to have a special Drainage Board meeting next week?

Joe Harrison, Jr.: We're not going to...I don't think that will postpone anything. You've got to find there is an obstruction if you want to do that, and if you do find such an obstruction, if you make that finding give Mr. Wittekindt...approve the temporary easement that has been drafted, you know, execution by this board,

approve it. If for some reason he has a problem with it, he can come back. We can get it changed, modified and have it approved at a later date.

Commissioner Jerrel: Well, but you want...what we're trying to avoid is a lot of coming back on this issue. We want to put it to bed, so A, I'll make a motion on the floor that there is an obstruction.

President Mourdock: Okay, stop right there.

Commissioner Tuley: I'll second that motion.

President Mourdock: And I will say so ordered.

Commissioner Jerrel: Two, I make a motion that we approve the temporary easement and give Mr. Wittekindt ample time to check it out.

President Mourdock: Yeah, define ample time.

Commissioner Jerrel: A week.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: Three, that we proceed, if all of those things take place to remove the obstruction.

Commissioner Tuley: We as in Surveyor, Engineer or whoever?

Commissioner Jerrel: Yes.

Commissioner Tuley: Exactly. Second.

President Mourdock: So ordered.

Commissioner Jerrel: Okay.

Mark Miller: The only matter that leaves open on the petition then would be the what if this doesn't happen. May I just make a suggestion that this be set for status at the next meeting? I agree with you, Ms. Jerrel, that we do not wish to keep coming back, but my hope would be that this matter has been fully taken care of before the next meeting in which case you will not see Mr. Rust or my smiling faces at your meeting.

Commissioner Jerrel: We won't mind that. The next meeting is August 28th, so at the August 28th meeting I move that we review the information and make sure that it has all taken place.

Mark Miller: That would be perfectly fine with us.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Wittekindt: Now, may I say something?

Commissioner Jerrel: Sure.

Bill Wittekindt: Okay, number one is now that we've got this taken care of and I will sign this if it meets...if it looks good, which I'm sure it does, but I want to review it. What about the ditch from the culvert on up to Hunter's Ridge?

President Mourdock: As I said, that's a County Commission issue.

Bill Wittekindt: County Commission issue?

President Mourdock: Not a Drainage Board issue because the work was done as part of the right-of-way along there.

Commissioner Jerrel: The garage went out there—

President Mourdock: Yeah, the garage.

Bill Wittekindt: Can I be on the agenda for next week for the County Commission?

President Mourdock: You sure can.

Commissioner Jerrel: You sure may.

President Mourdock: You certainly may.

Commissioner Jerrel: During our regular meeting that begins at 5:30.

Joe Harrison, Jr.: Sir, one of the things you may want to do though and apparently the County Engineer can't seem to find—

Commissioner Jerrel: That there is even any right-of-way.

Joe Harrison, Jr.: Yeah, right. The legal documents showing that you actually, I guess, own that property.

President Mourdock: Is that the case or is it that the county has no right-of-way?

Bill Wittekindt: Well, it's on that petition.

Joe Harrison, Jr.: No.

Bill Wittekindt: Yes it is, sir.

President Mourdock: No, I don't think that's right.

John Stoll: I'm not sure what the original petition had. Was that the 33 acre parcel? That covers where the pond is, but there are areas of that ground where portions of Browning Road Estates have been cut out of it. There are portions where Hunter's Ridge has been cut out. There are other lots here and there that have all been cut out of that. The residual property, we can't find a deed for.

President Mourdock: But are you defining the residual as that that is along the road

north of the culvert?

John Stoll: Correct.

Bill Jeffers: It goes to the south line of Hunter's Ridge.

President Mourdock: Which is north of this property?

John Stoll: North of this property.

President Mourdock: Okay, well that's—

Bill Wittekindt: You got that. Excuse me, but if you've got enough information for this easement then you should have the rest of it going down...going on to Hunter's Ridge.

John Stoll: The deed we have is from the '40s. We have no record of what happened since then. The deed does not have Mr. Wittekindt's name on it, let's put it that way. We couldn't find any subsequent deed that showed transfer of ownership to Mr. Wittekindt.

President Mourdock: But the point Mr. Wittekindt just made is a very good point. The property that we're working on or talking about here now where this pond is, is that in one of those lost episodes as well?

John Stoll: Yeah.

Bill Wittekindt: So is the other part.

Commissioner Jerrel: Well—

Bill Wittekindt: I've got an idea.

Commissioner Jerrel: Okay.

Bill Wittekindt: Why doesn't...make a suggestion. Start from that where we're going to put that...clear that obstruction and just take a tape measure and measure up to Hunter's Ridge so many feet from the middle of the road west so many feet. That would take care of it for a temporary easement.

President Mourdock: But the question is who signs the temporary easement.

Joe Harrison, Jr.: That's why he is looking at it.

President Mourdock: Yeah.

Joe Harrison, Jr.: We've got it blank as far as who is signing off.

President Mourdock: So he is...okay. He is essentially signing off on whatever rights I have, I grant basis?

Joe Harrison, Jr.: Right.

President Mourdock: Okay.

Bill Wittekindt: I mean, that would be a simple way.

Joe Harrison, Jr.: But the other issue he is talking about is not a Drainage Board issue. It's not an issue that is related to the petition.

President Mourdock: I understand, yeah. Coming back to your point, Mr. Wittekindt, we would be glad to have you at the Commission meeting. Hopefully, we would have this resolved and you wouldn't even need to be there, but you're certainly welcome to be there.

Bill Wittekindt: Next week?

President Mourdock: Next week.

Bill Wittekindt: I'll be here because I want to bring this petition to you.

President Mourdock: Okay, that's fine.

Bill Wittekindt: So I'll be here because I can't make the August 28th Drainage Board meeting or the September 25th meeting.

President Mourdock: Okay. Thank you.

Bill Jeffers: Just to clarify some issues, if I might take a moment. A widow passed away...before a widow passed away she deeded the 33 acres to whom I assume is Mr. Wittekindt's grandfather and grandmother.

President Mourdock: Ah.

Bill Jeffers: Who then left it to Mr. Wittekindt's mother. I cannot track that Mrs. Wittekindt passed it to her son, however, I can find a sewer document in miscellaneous records where Browning Road Estates Development Corporation deeded certain right-of-way for sewer improvements to the City of Evansville and Mr. Wittekindt, Jr. signed as president of that corporation and he responded to the petition as the respondent and executive or executor of that piece, that 33 acre parcel of ground, that passed down through that briefly described chain of title.

President Mourdock: Okay, that helps.

Bill Jeffers: Okay, I would like to point out that the statute does not require that we have a right-of-way. It gives us the right to operate 75 feet either side of the watercourse. Once the petition is activated, the County Surveyor can trace across ground 75 feet either side of the drain, and if the board determines that you could simply order Mr. Wittekindt to remove it. If he refuses to, you could order the County Surveyor to remove it and there is no right-of-way required. We're simply trying to be polite here and go through a polite chain of events.

President Mourdock: Okay.

Bill Wittekindt: If I remember what Mr. Jeffers said a widow deeded that ground to my grandfather and grandmother, and I inherited that particular area from my grandfather upon his death, but my mother had nothing to do with that parcel of ground.

President Mourdock: Okay.

Bill Jeffers: Was her name Gertrude Rose?

Bill Wittekindt: Not on that. Her name was not on that parcel.

President Mourdock: Okay. Let's move to the next one, Bill.

Jane Laib: I need to change the tape.

President Mourdock: Please do.

Tape change

Aiken Ditch reconstruction

Bill Jeffers: I have nothing to discuss on Aiken Ditch at this time other than to say that the only reason that is on the agenda is the City Engineer, for some reason, is encountering some flack regarding the construction schedule. I am not aware of where that flack is being fired from. The only issue that I'm aware of is related to right-of-way acquisition by the consultant and there is one landowner that wants to reduce the right-of-way through his property. I think it's prudent that we withhold the relaxation of the right-of-way until the Contract Deputy for the project determines the minimum width that is going to be required for long-term maintenance. If there is anyone in the audience that wants to add to that may, but that's all I have to say about that.

President Mourdock: Okay, anyone wishing to comment? Seeing none, drainage plans.

Kato Industrial Subdivision - Final drainage plan

Bill Jeffers: Okay, drainage plan. Kato Industrial Sub final plan is unavailable for our recommendation at this time.

Charlestown Square on the Lake - Final drainage plan

Bill Jeffers: Charlestown Square on the Lake final drainage plan. This is the one that's a large commercial sub located around a large lake on the east side of I-164 north of the expressway. The lake gathers all the drainage water, detains it properly and discharges it into Warrick County facilities and the Surveyor recommends approval of the final plan for Charlestown Square on the Lake.

Commissioner Jerrel: I'll make that motion that we approve Charlestown Square on the Lake final drainage plan.

Commissioner Tuley: Anybody here representing them?

Bill Jeffers: Yes, Mr. James Morley, Jr.

Commissioner Tuley: According to the notice we got from Soil & Water

Conservation, they still are waiting on their erosion control plan.

James Morley Jr.: Yeah, and it will be in place before any construction begins. The notice has been sent out to the paper and has been published. The publisher's update has been received and we'll be sending out the NOI within a week.

Commissioner Tuley: I'll second the motion to approve.

James Morley Jr.: I might also just note so it is correct on the minutes, it's Charlestown instead of Charleston.

Commissioner Tuley: Oh.

President Mourdock: Oh, really? I thought we changed it this way. It is supposed to be Charlestown?

James Morley Jr.: Yeah.

Bill Jeffers: My mistake again.

President Mourdock: I'm with you. I thought it was Charleston.

Bill Jeffers: He is right. I made the same mistake last month. It's s-t-o-w-n.

President Mourdock: Okay, there being a motion and a second I'll say so ordered on the final plan.

Northfield Subdivision - Final plan
--

Bill Jeffers: Northfield Subdivision final drainage plan also a commercial subdivision located up near the 4-H Center immediately east of the railroad tracks and adjacent to US 41 North. I'm going to skip my comments here because the design engineer has brought in a plan today which I requested Friday. Proof that the drainage facilities would conduct a 100 year storm to the basin without inundating the grocery store and the grocery store floor and he has done that so, therefore, the Surveyor recommends approval of the final drainage plan for Northfield Subdivision conditioned only upon any future modifications being brought to us in a prompt fashion and entered into our permanent record if the modifications represent anything substantial.

Commissioner Jerrel: So we need a motion to—

Bill Jeffers: To approve the plan and just ask them to bring in the modifications as they occur.

Commissioner Jerrel: But to approve it and make the request that the modifications be presented to you.

Bill Jeffers: Right.

Commissioner Tuley: That was your motion?

Commissioner Jerrel: That's my motion.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: That was just an issue where the developer is trying to market this and several of the people looking at it are continually modifying it. It doesn't reflect any fault, you know, just continually needs modifications to go forward.

Eagle Plaza West - Final drainage plan

Bill Jeffers: Okay, the next one is Eagle Plaza West final plan. This plan was approved by the Drainage Board January 24, 2000 as a final site drainage plan for what was then called Wendy's Convenience Store. Since that approval revisions have been made to address development related concerns from the neighborhood along Boehne Camp Road and the expressway and to make this plan serve as a drainage plan for a five lot sub now known as Eagle Plaza West. The Surveyor recommends that the board reaffirm the approval of the same final drainage plan along with the minor revisions that have been made to serve as a final drainage plan for the commercial sub known as Eagle Plaza West.

President Mourdock: Comments?

Unidentified: I didn't want to interrupt, I just didn't hear a motion for approval of the drainage plan.

Bill Jeffers: On Northfield?

Commissioner Jerrel: Yeah.

President Mourdock: Yeah.

Commissioner Jerrel: Yeah, we did.

Unidentified: Okay.

President Mourdock: There was a motion, a second and I approved.

Bill Jeffers: John is the consulting engineer on that.

Commissioner Jerrel: Well, I make a motion to approve the Eagle Plaza West drainage plan final plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lot 8 Waterford Place - Final drainage plan
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Bill Jeffers: The next one is called Lot 8 Waterford Place final drainage plan. This plan also was approved earlier this year as a part of Waterford Place Lot 9A and Lot 9B. Some minor revisions have been made to the previously approved plan including the enlargement of the lake to accommodate a larger detention volume and

to make lake maintenance easier. The lake also will serve a new furniture store which will be built on Lot 8 south of Steven Libs Candies. Lakes which serve as detention basins must be housed in a drainage easement and maintained by the commercial property owner therefore the Surveyor recommends the board reaffirm their approval of the final drainage plan for Lot 9A and Lot 9B Waterford Place to include Lot 8 Waterford Place and with the condition that the developer record a meets and bounds description of a drainage easement to house the enlarged lake.

Commissioner Jerrel: I'll make a motion to encompass the request from the Surveyor's Office regarding Lot 8 and approve their final plan of Waterford Place.

Commissioner Tuley: Same question on the erosion control plan, anybody? Jim, have you guys got that in the works?

Unidentified: That's already been filed. Waterford Place, Waterford Park.

Commissioner Tuley: How about...would you make a call to Mike Wathen because I am just going by what his comments says, needs ECP letter...or ECP sent letter requesting on 4/26 so there must be some confusion.

Unidentified: This is on Waterford?

Commissioner Tuley: It says Lot 8 Waterford Place.

President Mourdock: Needs erosion control plan and this is dated today.

Unidentified: There is an erosion control plan for the subdivision. The lot itself is not much more than one acre. I could call him.

Commissioner Tuley: Yeah, I think maybe he is just confused and we're just going by what he sent us, but I'll second the motion for approval.

President Mourdock: So ordered.

Bill Jeffers: The confusion may be the same confusion I had at first until I realized that Lot 8 had been a part of Lot 9A and Lot 9B which got approval about six months ago.

Glass Subdivision - Preliminary drainage plan
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Bill Jeffers: Okay, the last drainage plan I have on the agenda is for a preliminary drainage plan, Glass Subdivision which is a modified version of the preliminary plan you approved last month for the new Sam's Wholesale Club on Burkhardt Road and Virginia Street. They've made some minor revisions to the preliminary plan so that it incorporates all the ground that will go before APC as that Glass Subdivision the first of next month. Therefore, the Surveyor recommends reaffirmation of the preliminary drainage plan for Glass Subdivision.

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered. You mentioned that's the last one and maybe I'm working off a prior agenda. I have a Kato Industrial.

Bill Jeffers: Okay, Kato, I leave that on the agenda month to month because Dave Savage is awaiting approval of a DNR permit for construction in a floodway.

President Mourdock: Okay.

Bill Jeffers: And they're running way behind at DNR right now, so I just leave it on the agenda in case he happens to come in. All he has to do is come in with that permit on a Monday and it's a go.

President Mourdock: Okay.

Bill Jeffers: But he was not able to obtain it this Monday.

President Mourdock: You had then item seven, other drainage plans. Do you have any others at this point, Bill?

Bill Jeffers: I don't. I left that on there in case someone came in late with one that was a no brainer.

Ditch maintenance claims

President Mourdock: Ditch maintenance claims.

Bill Jeffers: The ditch maintenance claims are in the folder with the attended paperwork, etc., and the County Surveyor recommends that you approve and pay those claims for ditch maintenance the year 2000.

Commissioner Jerrel: And I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Encroachment agreement

Bill Jeffers: I do have one encroachment agreement from Mr. Michael Feldbusch, Riverwind Pointe, Lot 3 and part of Lot 2 to enable the construction of US Engineer's office building. Unfortunately...and it's all here and signed and notarized, his signature notarized. However, we ended up with the copy and Mr. Feldbusch ended up in St. Louis today with the original. I would like to present it and have you facilitate it any way you can. It's legitimate. It's part of a site improvement permit that is before APC at this time, but he needs this recorded so that he can move that forward and get a building permit. Like I say, this is a copy and it was notarized this morning. The original was notarized by Linda Freeman in our office. It's on the form approved by your lawyer, but it is the copy.

President Mourdock: Okay. I suspect we might just need a comment in the motion then that we would be signing the copy as the original.

Bill Jeffers: We can bring you the original for signatures later in the week when Mr. Feldbusch returns.

President Mourdock: Okay.

Bill Jeffers: And I'll have him record the original that has the embossed.

President Mourdock: Okay, so we can just do a motion for approval and hold off on signing until the original is delivered to our office and we'll get a chance to sign it this week.

Bill Jeffers: That's reasonable.

Commissioner Jerrel: Yeah, I move approval of the signing of the petition for...

President Mourdock: Riverbend. Yeah, go ahead and read it.

Commissioner Jerrel: Let me see.

President Mourdock: Yeah, go ahead and read it into the record.

Commissioner Jerrel: Yeah, I move that we approve the signing of the River Pointe Green River Investment represented by Michael Feldbusch and the original will be presented to us next week or next meeting.

Bill Jeffers: As soon as possible. If you would like to do it in a meeting it will come to you next Monday.

Commissioner Jerrel: Okay.

Bill Jeffers: If you would like to do it in your office it will be here as soon as he brings it back from St. Louis.

Commissioner Jerrel: Okay.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: The only other business I have is a brief report that I have had requests from farmers that I am in contact with, especially on the east side, to please hold off mowing the ditches. In particular East Side Urban North Half and Nurrenbern Ditch because the crops this year they're expecting a bumper crop. They're expecting low price per bushel. Everything looks lush and they asked me to postpone the mowing of the ditches as long as possible because we normally would destroy four to six rows of crop and I'm in agreement with that. That came particularly from the Durchholz's who grow popcorn and soybeans along those ditches I mentioned, so I will be examining the ditches very closely, talking to the contractor and coming up with a date that may postpone it a few days, or week, or two past November 15th if that is okay.

President Mourdock: Sure, it's always struck me as an odd thing. When you have those kind of crop years and everyone knows, as you said, there is going to be a bumper crop which means prices will be low, but whenever you disturb it in the field,

it always costs you more because this is going to be a great year even though the prices were down.

Bill Jeffers: That's true, but they have already expended all their fuel and fertilizer and herbicide costs and they don't want to lose that to our bush hog, you know what I am saying? So I sympathize with them and we'll hold off as long as we possibly can.

President Mourdock: Okay, very good. Thank you, Bill. Any other business to come before the Drainage Board this evening?

Commissioner Jerrel: Move we adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:52 p.m.

Those in Attendance:

Richard E. Mourdock	Bettye Lou Jerrel	Pat Tuley
Joe Harrison, Jr.	Jane Laib	Jim Morley, Jr.
Bill Jeffers	Mark Miller	Bill Wittekindt
John Stoll	Others unidentified	Members of the media

Vanderburgh County
Drainage Board

Richard E. Mourdock, President

Bettye Lou Jerrel, Vice President

Patrick Tuley, Member

**Vanderburgh County
Drainage Board
August 28, 2000**

The Vanderburgh County Drainage Board was called to order at 6:32 p.m.

Approval of Minutes

President Mourdock: We'll call the August 28, 2000, Drainage Board meeting to order. I think everyone here pretty well knows the way the game is played. I won't make the normal introductions. First order of business is to approve the minutes of the previous meeting.

Commissioner Jerrel: And I'll move approval.

President Mourdock: And I will say second and so ordered.

Initial Hearing of the Jeremiah Roll Petition
--

President Mourdock: Old business. First issue we have is the initial hearing of the Jeremiah Roll petition. I think, between Joe and Bill, we understand that's being continued. Is that succinctly said?

Bill Jeffers: Maybe I better say something. Our office notified each property owner affected by the issue via certified mail with return receipt requested. Here's a list of the persons we notified, and there's the green cards that came back for each of the notifications we sent out.

Joe Harrison, Jr.: Can we have that submitted into the record to?

Bill Jeffers: I'll submit it to the secretary at this time.

Jane Laib: Thank you.

Bill Jeffers: The notices included a description of the various remaining obstructions in the ditch and some adverse conditions along the course of the ditch. The descriptions of work that would be required to alleviate the restrictions and obstructions were included. Our survey crew went out and installed grade stakes along the ditch to help the various property owners set appropriate grades as they did the work that was described. I think I see one member of that neighborhood in the audience. Are there any questions from the board or would you like to hear from that person and then see if there's any questions?

President Mourdock: Anyone here wishing to—

Bill Jeffers: Are you Mr. Roll?

Jeremiah Roll: Yes, I am.

Bill Jeffers: Mr. Jeremiah Roll, who is the petitioner is here. If you would like to speak, now would be the appropriate time to speak.

President Mourdock: Mr. Roll. You need to come to the microphone, please, and start your name and address for the record.

Jeremiah Roll: My name is Jeremiah Roll, 4242 Wethersfield Drive. I filed the

petition back in May. I really had a couple of questions. I know that Bill has come out several times and they've looked at it and they've set the grade markers and it looks like most of the neighbors have been out doing some work in the ditch. There seems to be some improvement in the water flow. We had a pretty heavy rain the other day. The day after most all the water was gone. I just had a couple questions for Bill around the elevations. I'm just curious, is the grade we are putting in there going to be adequate for that? We're talking ½ inch drop in over 500 feet. Is that correct?

Bill Jeffers: That's an extremely flat grade, and I don't think it's very appropriate. In today's ordinance, we would require a concrete ribbon in the bottom of that ditch to facilitate a constant flow and to establish such a flat grade. But that's the available grade out there. That's what you have to work with. The expense of installing the concrete ribbon, at this time, would be the property owners expense because it wasn't required under the 1986 ordinance, so if you would like to put in a concrete ribbon, it would be at the various property owners expense. That's why, I didn't propose that as part of the corrections.

Jeremiah Roll: Okay, that's fine. Second question was, I know the...I guess, I was hoping to put it back and I don't know what the original drainage plan required. I don't know that anybody knows. I tried to get a copy of the drainage plan and there doesn't seem to be one available.

Bill Jeffers: There were no details along that line provided by the engineer for the project. I went out to his office and tried to get one as well.

Jeremiah Roll: Is that Easley's?

Bill Jeffers: Yes, sir.

Jeremiah Roll: I talked to him also.

Bill Jeffers: It just showed that it would be graded according to existing conditions along that north line. Graded out to the west line of the subdivision. It didn't give any specific details like that.

Jeremiah Roll: That's fine. I guess it will work out. I'll know more this spring. It's just in the spring it usually gets at it's worst. I've had 18-20 inches standing back there a few times. Actually, this is my second year there and both years I've had water 20 feet up into the yard. We raised ours four inches and the neighbors dropped their's four or five inches so that's nine inches. That's still not (Inaudible) inches that I'm concerned with.

President Mourdock: If you saw good results over the weekend, I'd say that's a positive sign.

Jeremiah Roll: I did.

President Mourdock: Alright, thank you, Mr. Roll.

Joe Harrison, Jr.: Do you want to maybe continue this, Mr. Roll, for a couple months. Maybe we could have Mr. Jeffers report back to us or do you want to dismiss it at

this time. What would be your pleasure?

Jeremiah Roll: Well, I was out this morning looking at it and maybe I shouldn't be speaking this, but a couple gentlemen were walking the ditch and looking. Apparently, another subdivision is going to be going in down four doors across possibly into the vacant cornfield that sits behind that, and they were looking at the drainage ditch as well. I think their plans are to share that drainage. I'm not sure how that's going to work out. How that's going to impact anything back there. I would... This spring, again through the summer months it seems to be pretty decent. We'll get standing water a few times but after the rain the other day, it didn't seem to be standing there. I really won't be able to tell until this spring. I mean, from January until mid-March we had water standing back there.

President Mourdock: Under the statute there's no requirement that this be disposed of in a certain period of time, so we can, basically, just kind of maintain it in it's status quo.

Joe Harrison, Jr.: That's fine.

Jeremiah Roll: I'd be more than pleased to let Bill or somebody know about February about the condition of the ditch.

Commissioner Jerrel: You could keep some notes of what happens when we get a fairly heavy rainfall.

President Mourdock: Okay, thank you.

Bill Jeffers: As a final note, I did look at it this afternoon, and Mr. Roll has done the greatest amount of work in his backyard. Seeding, grading, everything. The other neighbors have done a substantial amount of work and all the obstructions that were noted on our report have been substantially removed. However, down towards the end where the job tapers off, there is some standing water in the power easement. In fairness to the last couple of properties down that way, I do believe we should continue the hearing at least long enough for me to work on that last lot or two. The only conditions in the statute, as I read it, is if we fail to improperly notify people, which we have not, or in the interest of fairness. I think in the interest of fairness, we should continue it. I'm not aware of any subdivision coming in so this is something that will obviously hit me at the last minute. They would definitely need to address the fact that this ditch could not handle water from another subdivision without some major improvements.

President Mourdock: Okay, in the sense of completeness, as well as fairness, is there a motion to then to continue the Rust petition until—

Bill Jeffers: This is the Roll petition.

President Mourdock: I'm sorry, the Roll petition until the February meeting of 2001?

Commissioner Jerrel: I'll make that motion.

President Mourdock: And I will say second and so ordered.

Bill Jeffers: Thank you for coming tonight, Mr. Roll.

President Mourdock: Yes, thank you. We appreciate your work on that too.

Rust Petition Continued

President Mourdock: Okay, the next item on our agenda then is any continued discussion with the Rust petition. I don't see Mr. Wittekindt here, nor Mr. Rust here, so I presume there is no new information?

Bill Jeffers: None from our office.

Commissioner Jerrel: That was just a motion to just continue the Rust petition.

President Mourdock: So moved. You made the motion and I'll say so moved, second and so ordered.

Clear Creek Village Section IV - Final

Bill Jeffers: The next item is Clear Creek Village Section IV. The plans by Morley and Associates are available for viewing by interested parties. If anyone wants to unroll them, they are available here. It's simply a continuation of Clear Creek Village from Section III uphill into Section IV, so he's working in the right direction from the bottom up into the hill. Representative from Morley and Associates, Dave Schminke, is here in the audience to answer any questions or present the plan, if need be. The plan substantially complied with the ordinance. If there are no questions or comments regarding the plan from the audience, the surveyor will recommend approval of the final drainage plan for Clear Creek Village conditioned upon any revisions that may be required when the street plans are required. I'm only asking that those revisions be included as modifications with a paper trail to our office.

President Mourdock: Is anyone here to discuss Clear Creek Village Section IV? I see no one.

Commissioner Jerrel: I'd like to move approval of Clear Creek Village Section IV final plan.

President Mourdock: With the condition of—

Commissioner Jerrel: With the additional...if anything that comes up at the last minute that it will be addressed.

President Mourdock: I will say second and so ordered.

Bill Jeffers: That would only be if Mr. Stoll had some revisions to make the street plans approvable.

Glass Subdivision - Final

Bill Jeffers: Glass Subdivision. If we could hold that until the end of the meeting, I

was under the assumption that an engineer was flying in from Bentonville, Arkansas to present that tonight for Sam's Wholesale Club. I don't think he's here yet. I don't see him here. He has a set of plans with him that has some major revisions, and I'd rather hold that until the end of the meeting to see if he comes in.

Windemere Farms Section IV - Preliminary Plan
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Bill Jeffers: Windemere Farms Section IV preliminary plan. Windemere Farms is located on the south side of Kansas Road, west of Old State Road. Section IV is immediately north of Malibu Park Subdivision. The plans are available for viewing. They are laid out on the table open, if interested persons would like to view them. There is one person in the audience, Jesse Storey, that may wish to make comments at this time prior to the surveyor's recommendation.

President Mourdock: Mr. Storey.

Jesse Storey: My name is Jesse Storey and I live in Camden Farms Subdivision, 9301 Cayes Drive. There's a retention area behind Camden Farms. It's apparently going to take on the runoff from this addition at Windemere, as I understand it.

President Mourdock: Is that correct, Bill?

Bill Jeffers: That's correct.

Jesse Storey: First off, I think there's, again as I understand it, there's some documentation in county records that the Homeowner's Association of Camden Farms would be responsible for the structure of that retention area. If approved, I would ask that there be some note in there that since Windemere is going to add, apparently, 99 residential lots and there will be a maximum of 47 residential lots in Camden Farms, that the Windemere developer be responsible proportionately for the maintenance of the retention area.

Commissioner Jerrel: I have a question, maybe I didn't quite understand you. You're saying since there were originally 47—

Jesse Storey: There are a maximum of 47 lots in Camden Farms.

Commissioner Jerrel: In Camden Farms, okay. With this addition, 99 residential lots will be—

Jesse Storey: No, ma'am. Camden Farms is actually completely separate. The proposal in the plans for Windemere addition is 99 lots. The watershed from there will be coming to the retention area that is in Camden Farms. I'm asking that the developer from Windemere, in however they want to write it up just so they are responsible, proportionately, for the structure, that retention area, that's in Camden Farms. Then the people who live in Camden Farms aren't responsible if that structure should fail and there are 99 other residential lots in Windemere that won't have to cough up any money.

Commissioner Jerrel: Bill, do you typically when we add that to the drainage plan, the responsibility, if we add it to the developer once they sell them all there gone.
Bill Jeffers: Camden Farms is actually part of the Windemere Development by the same developer, it just carries a different name because it's a different section of

Windemere. It was originally, the lake was designed originally to handle Windemere II, III, Camden, and now it's being enlarged to handle Section IV of Windemere.

President Mourdock: In your request, and this is a preliminary plan, Mr. Storey. One thing we always, and I think we are getting fairly proficient at it thanks to Bill's help here, going from the preliminary plan to the final plan a lot of times the type of request you're making do get mediated. I don't know if mediated is the right word. It may come pretty close at times. I know what you're asking seems like a reasonable request. I guess the first question though is, are there already lots sold in Windemere Farms? In which case, I don't know how the developer could possibly, after the fact, to back and make those lot owners part of the continuing maintenance, if it wasn't in the deed or covenant in the deed when he sold it.

Jesse Storey: It's all open field right now.

President Mourdock: Still, there could be lots sold. I'm playing devil's advocate here.

Jesse Storey: Well, I don't think so because it hasn't been rezoned.

President Mourdock: Okay,

Bill Jeffers: You might more appropriately address the question to the representative of the developer at this time.

President Mourdock: Ah, didn't know there was a representative for the developer here.

Bill Jeffers: There's three.

President Mourdock: Before you come up, Keith, are there any other comments you have? That was obviously one of them.

Jesse Storey: Yeah, one other. I don't know if it's appropriate in front of this board or not, but I would also ask that proportionately for the maintenance for the area around the retention area that the responsibility also be shared. There's always going to be grass to be mowed around that. As long as we are sharing the structure, the property around it has to be maintained. I think we ought to share that cost as well.

Keith Poff: Keith Poff, Sitecom, Inc. I represent the developers, Windemere Development, LLC. We recognize the logic that they are using, and it is valid that the addition of 100 more lots draining into this amended lake, they should be prepared to proportionately pay their share of the repair cost that are anticipated. I don't think that's a problem. The developer is willing to have some documentation to that effect prior to our final drainage plan. I believe the actual mowing of the shorelines and things like that remain the responsibility of the lot owners for their portion. The majority of the shoreline for the lake itself is Windemere Development. They have a commercial property that is a majority of that shoreline. They do have that responsibility to mow that portion. The Association's responsibilities are basically to repairs of the system.

President Mourdock: Do I understand that correctly, the individual lots that border the lake are responsible for mowing their own lot on the lake?

Keith Poff: The day to day maintenance which should just be mowing of the grass. If there are any reels or anything that starts to show up, I think, they have that responsibility as well. Repair of the system for this simple lake...We have one outfall structure. To replace that outfall structure would come under the Association's responsibility.

President Mourdock: Okay, and you're saying the Association, as it's set up, is willing to consider that request?

Keith Poff: We currently do not have, we're in discussion to have Windemere Section IV approved. The developers recognize that they are going to be adding to that lake, therefore, they should share proportionately.

President Mourdock: Okay.

Commissioner Jerrel: Do you live on the lake, Jesse?

Jesse Storey: Actually, I live ½ block off the lake.

Commissioner Jerrel: But the person that lives there mows their own?

Jesse Storey: I don't know exactly how that works. There are property stakes running to the back of their lot. There's an area between their property stakes and where the actual retention area is.

President Mourdock: By retention area, you mean where the water line is?

Jesse Storey: Yeah, where the pond is.

President Mourdock: And I don't...If I can read the body English, I'm not sure if Keith agrees with that.

Keith Poff: I don't believe that's true. I have a copy of Windemere plat.

Bill Jeffers: There may be line stakes near the shoreline that show where the property line enters the basin.

President Mourdock: Right, right, but the persons property, what is actually their property, would go into the water and some distance beyond.

Jesse Storey: That was not my understanding, but it may well be.

Keith Poff: That should be the case. In most of our applications where there is a permanent body of water, the lot lines to go into the waters edge so they can have shoreline, therefore, they can have access to that body of water. This easement in the rear of the lots is part of lake maintenance and storm detention easement. That, effectively, should be the top of the embankment of the lake. So their lots go into that area.

Jesse Storey: If this goes 120 feet, as shown on here, I guarantee you that doesn't get near the lake.

Keith Poff: I guess, I want to disagree with you there because the intent was—

Jesse Storey: My lots here, and it's probably another 40 feet out to be even with the lake. Surveyor may be able to research that. There's definitely some area there that's—

President Mourdock: I'm hearing Keith say that the original title work, as drawn up when those first lots were sold, the intention of those titles, title descriptions as such, those people have access to the lake off their own property. So their own property goes to the lake line, the waterline, and beyond. So they have that responsibility for mowing that grass with the one exception being the larger block that you've both defined wherever Windemere, the Association, has it and they are both responsible for that point.

Keith Poff: Right. This is the area we were talking about. The rear of these lots have the lake maintenance easement along here as well as this area here. You can see the majority of the shoreline is there. That is Windemere's property, but each of these owners has responsibility to maintain up to the water's edge.

President Mourdock: In theory, the water—

Keith Poff: It shouldn't be past—

President Mourdock: The dotted line?

Keith Poff: This should be the top of the bank.

President Mourdock: Okay, okay. So your first point regarding the maintenance, obviously, the developer is looking to do precisely what you said. I would say, Bill, if you can confirm that between tonight, the preliminary plan, and the final plan, that would be a good thing to note in the record. That other question apparently remains simply one as to where the water edge versus what those people think their property line is.

Jesse Storey: I'll do some research in the meantime with the builder who's building out there and confirm one way or another.

Keith Poff: Let me go ahead...We have on our map what is the line we currently shot for the edge of water, and it does show to be approximately 20 feet from the rear of lot line. That's what they shot recently.

President Mourdock: From which way?

Keith Poff: Away from.

President Mourdock: So it's not quite to the property yet?

Keith Poff: Yeah, I'm not sure if that's a—It shouldn't be a dry dam condition.

President Mourdock: I wouldn't think so this summer.

Keith Poff: Not this year. If that's the case, then that would be completely on Windemere. In other words, the normal pool as my field crew picked it up the other day because we had confirmed some volumes. We had to modify the lake in order to add the church parcel and things like that into it. The map that I have shows that there's a bump in this corner and then it goes back out that way.

Jesse Storey: So I don't know if I understand, you saying what I was saying is correct?

Keith Poff: What you're saying is documented by what my crew shot these last two weeks.

Jesse Storey: My property comes in about 20 feet or so, so that would be—

President Mourdock: But for the purpose of your concern, if the water is not to that line and there's grass to mow, that's Windemere's grass to mow.

Keith Poff: Yes, I do stand by my statement that the land owner's responsibilities are for their property. So, if the water's edge is not to these lot owners, then it is Windemere's.

Jesse Storey: Then there's also another area that would be on the north edge of the lake that's about 35-40 feet that runs the whole length behind there that looks to be also responsibility of Windemere.

Keith Poff: Yes, it is. I think. That's the edge of the permanent pool. That's the property line for Windemere.

Jesse Storey: I made contact with—

Keith Poff: This object line is the water surface as was shot. That would be the property line for Windemere Development. It's true, we have a sanitary sewer easement that is along this line. The sanitary sewer easement there so the ditch of the lake top does not go into that easement. It starts from there and comes this way. All of that area is Windemere's responsibility. We recognize it.

Jesse Storey: Okay. Recognizing that, I would just say to the board, as of this time since I've moved in in April, I've not seen anybody from Windemere back there doing any maintenance to it. I'd just ask that they be a little more respectful of the homeowners of Camden Farms and keep a little closer eye on that.

President Mourdock: Okay. Is it seeded? Is it growing up in grass?

Jesse Storey: It's very—one area of this strip area that I referred to, actually, another gentleman that mowed the lot just north of that for the church people, actually went over and took care of it. Knocked it down two different times, but it needs a little more maintenance. A little closer attention paid to it.

President Mourdock: Okay, alright. You'll convey that to your client, Keith?

Keith Poff: Duly noted.

Commissioner Jerrel: With all of those suggestions, I—

Bill Jeffers: I haven't made a recommendation yet. Could I have those for the record so that when Mr. Storey and others wish to talk about it—the shots that your crew took. You already showed those. Okay, thank you. With those comments and an invitation to Mr. Storey and other property owners to convey their concerns whether they mirror Mr. Storey's or go beyond Mr. Storey's, to our office between now and September 25th so we can include them in the final drainage plan to be brought

before you. The surveyor recommends approval of the preliminary plan for Windemere Farm, Section IV.

Commissioner Jerrel: I'll so move.

President Mourdock: And I will say second and so ordered. Okay, thank you. Again, final will come up, should come up next month.

Bill Jeffers: September 25th, if their on time, and they usually are.

President Mourdock: Thank you, Mr. Storey.

Bill Jeffers: Thank you, Jesse.

Jesse Storey: Thank you, Bill.

Jacob's Village Pre-grade Project
--

Bill Jeffers: Next is Jacob's Village pre-grade drainage plan was not able to be brought in at this time. The project requires additional time, or the engineer for the project requires additional time to present his plan for review and asks the board to schedule a special Drainage Board meeting at the board's convenience, two or three weeks from this date. I don't believe you meet next week.

Commissioner Jerrel: That may be a problem.

President Mourdock: I don't know that we can do that.

Commissioner Jerrel: We've got the jail consultant reports. We're doing them in four sections. Juvenile is the 11th, courts the 18th, community corrections is on the 25th, and we're meeting at 4:00 o'clock on the 25th and 18th so that we can move—

Bill Jeffers: Do the Drainage Board in between. That being the case, I would say to the board that his drainage plan that he's asking us to review, in my opinion, does not have to have your approval for them to go forward with moving dirt. They just wanted to make sure all their bases were covered. The property's been rezoned for Jacob's Village. They will have an erosion control plan when they begin to disturb five acres or more so they'll be in compliance with rule five. They just wanted to make sure that we had a good look at their drainage plan. They're just really trying to move some dirt around and stockpile. As you know, they have an oil well problem at the present time. I'm going to tell them that we'll review their drainage plan in the office, and if we don't see any glaring problems with it, we'll just give them a nod to go ahead and move dirt. Then the preliminary approval for their drainage plan—

Commissioner Jerrel: On the 25th?

Bill Jeffers: Would be the 25th.

Joe Harrison, Jr.: And if it's in compliance, it could be final maybe at that point, if you thought it was in order. If not—

Bill Jeffers: Their really just wanting to move dirt. Their not wanting to construct apartments or anything just yet. They don't need building permits to move dirt.

Okay. I'll make sure, it's from Jim Farney. I don't anticipate any real problems. He just wanted to make sure that he could tell his client it had approval, and it will just be office approval to go ahead and move dirt.

President Mourdock: So do we need any formal approval for the record tonight, Joe?

Bill Jeffers: I would recommend that you insist that they have an erosion control plan before they move dirt. If they intend to disturb five acres or more, to submit one to Soil & Conservation.

Commissioner Jerrel: I'll make that motion that they have the erosion plan in place before they begin moving dirt.

President Mourdock: And I will second and so order.

Bill Jeffers: I think that ought to cover everybody's concerns.

Other Drainage Plans

Bill Jeffers: Are there any other drainage plans required to review at this time from persons in the audience that I've not announced?

President Mourdock: I see no one rushing to jump to the microphone.

Ditch Maintenance

Bill Jeffers: I have ditch maintenance claims.

Commissioner Jerrel: Now, is that a middle school student?

Unidentified: Yeah.

Commissioner Jerrel: Where do you go to school?

Unidentified: Thompkins.

Commissioner Jerrel: Well was this educational tonight or just helping dad?

Unidentified: Boy Scouts.

Commissioner Jerrel: Boy Scouts, good.

Bill Jeffers: He must have talked Dave into drainage merit badge as opposed to wood chopping. That's his dad, I believe.

Commissioner Jerrel: I can always tell when it's a mission. I'll move approval of the claims as presented.

President Mourdock: And I'll say second and so ordered.

Burkhardt-Lynch Business Park Section II
--

President Mourdock: Other business?

Bill Jeffers: We have one agreement that we are recommending you sign for encroachment of an easement for Lots 57, 58, 59, and 60 in Burkhardt-Lynch Business Park, Section II. It consists of a seven foot encroachment by a commercial building into a twelve foot wide drainage easement in order to allow space at the front of the building to meet EUTS access requirements for turning radius' for semi-trucks. They had to move the building back. The county surveyor recommends the board approve the encroachment agreement as the site plan that was submitted to site review indicates no conflict with the approved drainage plan for the subdivision even with the encroachment. There's actually no ditch needed at that point. Mr. Bob Woodward has signed the agreement in blue ink, I hope that's not a problem with the recorder. Otherwise, all other aspects of the agreement are in order along with the exhibits submitted.

President Mourdock: Is there a motion to approve the encroachments?

Commissioner Jerrel: I move approval of the encroachment drainage easements.

President Mourdock: That was lots 57,58,59, and 60 for what?

Bill Jeffers: Burkhardt-Lynch Business Park, Section II.

President Mourdock: Okay. With the motion then, I will second and so order. Any other business to come before the board this evening?

Bill Jeffers: No, sir.

President Mourdock: Seeing none.

Adjournment

Commissioner Jerrel: I move that we adjourn.

President Mourdock: And I will second and so order.

Meeting was adjourned at 7:02 p.m.

Those in Attendance:

Richard E. Mourdock
Joe Harrison, Jr.
Jeremiah Roll
Others unidentified

Bettye Lou Jerrel
Jane Laib
Keith Poff
Members of the media

Bill Jeffers
Jesse Storey

**Vanderburgh County
Drainage Board**

Richard E. Mourdock, President

Bettye Lou Jerrel, Vice President

Recorded and transcribed by Jane Laib.

**Vanderburgh County
Drainage Board
September 25, 2000**

The Vanderburgh County Drainage Board was called to order at 5:55 p.m.

Approval of Minutes

President Mourdock: I'd like to call the September 25, 2000, meeting of the Vanderburgh County Drainage Board to order. The first issue on our agenda, as always, is to approve minutes from last month's meeting. Pat, this was when you were out so Bettye Lou and I were present.

Commissioner Jerrel: I'll move approval of the minutes.

President Mourdock: And I will say second and so ordered.

Roll Petition Update

President Mourdock: We will jump to old business which first item of old business is the Roll Petition.

Bill Jeffers: I'm just keeping that on the agenda because you all asked me to keep it open until the February meeting and that was due to the new subdivision that's coming in for tonight, McCutchan Farms is adjacent to that. Remember, one of the fellows that was here said there was some survey activity behind us? That's McCutchan Farms. I don't have any comment on it. It may come up during the preliminary plan review of McCutchan Farms.

Rust Petition Update

Bill Jeffers: On the Rust Petition, we're waiting for Mr. Stoll to complete his right-of-way negotiations with Mr. Wittekindt. I understand that is being wound up this week. Eric has plans to, hopefully, send his crew out to do the work two weeks from today or three weeks from today depending on weather conditions.

President Mourdock: Very good. Any other old business? Drainage Plans.

Glass Subdivision Section I - Final Approval

Bill Jeffers: Glass Subdivision Section I consists of lots one, two, three, four, five and six of Glass Subdivision which will allow Wal-Mart to construct their building, allow a convenience store to be constructed and have four out lots available for development. I have reviewed the final plans, Mr. Dan Weiss from CEI Engineering of Bentonville, Arkansas is in the audience discussing some particulars with Mr. Stoll. I'm ready to recommend approval of the final plan for Glass Subdivision Section 1 consisting of lots one, two, three, four, five and six which will allow the plat for that section to be recorded. We will take care of any minor particulars in commercial site review committee unless you have questions for Mr. Weiss or Mr. Stoll?

President Mourdock: Any remonstrators here on this particular petition? Mr. Stoll or Dan Weiss any comments?

Dan Weiss: I'm here for any questions if you have them.

President Mourdock: Okay.

Commissioner Jerrel: None?

President Mourdock: None.

Commissioner Jerrel: Then I'll move approval of the Glass Subdivision Section I final plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Stonecreek Section III - Final Approval
--

Bill Jeffers: Stonecreek Section II is a final plan for a mixture of small lots, medium size lots. I think there was a PUD that was approved that this surrounds also. That's located on Kansas Road, on the north side of Kansas Road and the west side of Seib Road alongside Firlick Creek. It's a very extensive set of plans. It's sitting over on the table, if anyone here would like to view it. The representative from Morley and Associates is here to answer any questions if there are any. The only one I know of is there is a Mr. Schlensker out there in the hallway. They are out there talking about McCutchan Farms and McCutchan Gardens. I think they have a lot to say about that. He indicated that he has some farm ground through which some run off from Stonecreek runs, but he's not in here. I went over these plans in great detail with Ron London and Dave Schminke from Morley and Associates last week. They answered all the questions that I had, and I'm ready to recommend approval on Stonecreek Section II final drainage plans.

President Mourdock: Section II or III? The outline says three?

Bill Jeffers: Section III.

President Mourdock: Is there anyone here to discuss Stonecreek Section III final plan? Seeing none.

Commissioner Tuley: I'll move to approve Stonecreek Section III as recommended.

Commissioner Jerrel: I'll second.

President Mourdock: And I will say so ordered.

McCutchan Gardens and McCutchan Farms - Preliminary Plan

Bill Jeffers: McCutchan Farms and McCutchan Gardens are basically the same developer. They are adjacent to one another across Green River Road.

Commissioner Tuley: Bill, may I interrupt? If we know for a fact that these people are here to listen to this, we probably ought to give them an opportunity to come in.

Bill Jeffers: While we are waiting, on that asphalt deal—

Commissioner Tuley: Oh, yeah.

Bill Jeffers: That base coat is made up of coarser aggregate mixed with asphalt so it stabilizes. The wheel ruts are also leveled out by that leveling coat. I've heard it explained like if you were to put down linoleum on your sub-floor, it will reflect every crack in the wood.

Commissioner Tuley: Right. So you are in agreement with putting down (inaudible).

Bill Jeffers: Absolutely. Because the fine material in the surface coat that gives it the smooth finish is basically sand, and it wouldn't hold up to the pressures and weights that you get.

Commissioner Tuley: I appreciate you letting me know.

President Mourdock: Before we begin the discussion on McCutchan Farms here, since many of you have not seen a Drainage Board meeting previously, if you would like, I think, Tony, do we still have an agenda for this over there? Any of you are welcome to bring your issue to the board. If you do so though, you must come to the microphone because otherwise we won't get you on tape. We need you to state your name and address before you make your remarks. With that, we've dealt with a couple issues here. We didn't know all of you were out there waiting to come in and see us. We're now up to item three which is a preliminary drainage plan for McCutchan Farms. Mr. Jeffers is the technical representative for the surveyor's office. As such, acts as the chief technical representative to our Drainage Board. So having said that, Bill, if you will go ahead with McCutchan Farms.

Bill Jeffers: I have here a sign-in sheet that will go to the recording secretary so that she will get everyone's name, that may speak, correctly spelled. She will have a record of their address so we can contact them to follow up any questions a person may have with regard to the preliminary plan. I'd like to pass that around, at this time, because our office will want to get with the people who make comments tonight to make sure that their concerns are addressed by the final plan when it does come in. So, I'm just going to start over here and would you please clearly print your name and address for us.

President Mourdock: That is the purpose of having a meeting regarding these preliminary plans is to get public input, so that's what we are here for.

Bill Jeffers: Right. McCutchan Farms is on our agenda tonight. Up until about 2:00 p.m. or 3:00 p.m. I was prepared to carry it all the way through tonight. However, I was notified by Area Plan Commission that there were some irregularities of notification to at least four adjacent property owners of McCutchan Farms, and it will not appear on the Area Plan Commission meeting the first Wednesday of October which, I believe, is the fourth. Is that correct?

Commissioner Tuley: Right.

Bill Jeffers: After I was informed of that, I realized that it was too late to call the—and I did not know because I had only been called by two of the adjacent property owners by that time. Neither of them are here tonight because they are out of town. There concerns were late notification and the fact that they weren't able to come

tonight. I knew there would be several people from the neighborhood because this is a very extensive project between the two subdivisions named McCutchan Farms and McCutchan Gardens. There are over 400 lots. McCutchan Gardens is in total flood plain and will have to be filled anywhere from two and a half to five feet to be able to build homes. McCutchan Farms is up the side of a hill so I knew there would be some concerns. I didn't want to stand out here in the hallway and tell all these folks we weren't going to listen to them tonight. These folks have been notified properly and they are here. However, we may not reach a final conclusion tonight dependent upon the extent of the comments. I'd like to just open this up to those who took the time to come tonight, and I will reply to each person who signs that sign in sheet after referring to the minutes and finding out what the concerns are.

President Mourdock: Do you have a map that we can all be looking at, at one time?

Bill Jeffers: The engineer representing the developer indicated that he would have a display that could be used for that purpose. My map...I do have plans over here. They are extensively marked up. I'm not sure exactly, possibly the engineering company brought a better reference map.

President Mourdock: Who is the engineer on this one?

Unidentified: We are, and Jon Kipling has a larger drawing.

Bill Jeffers: Jon Kipling is the one that said he'd bring the display.

President Mourdock: Whereabouts is this? Which—

Bill Jeffers: We'll start with McCutchan Farms and I'll give you a plat in a minute.

President Mourdock: Okay. All of you who came in the door wishing to address your concerns about McCutchan Farms, this is your chance. Again, please state your name and address for the record.

Mindy Haas: My name is Mindy Haas and I live at 8900 North Green River Road. My husband and I and my parents, if you—do you have a map you can look at?

Commissioner Tuley: He's grabbing one now.

Mindy Haas: We own the property together. My parent's names are David and Dorothy Rueger and their names should be on there. There's 30 acres there. It's immediately south of the proposed McCutchan Farms development. Our major concern is the lack of notice about this meeting. My father received this notice September 20th, just five days ago. My husband and I had to go to the post office to pick-up ours on Friday the 22nd. We also got the wrong map. We live right there where it's going to be and we got the map of the development across the road. We had to go to him and get this map. We met yesterday to go over it. We're not necessarily for or against although, if you can see where we live, we do have a lot of drainage concerns there. We'd just like some time to get some professional advice from a civil engineer or attorney on the effect it's going to have on this land. My husband and father couldn't be here due to prior commitments, again, due to the shortness of notice. He also contacted two attorneys today who said they couldn't be here on such short notice. We are simply asking for a delay and copies of the proposed agreements so that we can, at least, read. Because even what it says on mine is way, way—I can't even read what it says even about any drainage.

(Inaudible.) Thank you.

President Mourdock: Thank you.

Bill Jeffers: Mr. Haas and Mr. Rueger both called me on the phone today and expressed the same thing that Mrs. Haas just expressed. The maps that these folks have in their possession are just plats. They are not drainage plans, they are the plats that came with the APC notification. Mr. Haas' concern was water coming across from the new development into an existing ditch along side their lane that goes back to their home in the woods. The new drainage plan that Mr. Kipling will have with him after I express some concerns to him about the very same thing last week, and he revised the drainage plan. They plan on constructing a drainage ditch on their side of the line and intercepting all the water before it comes to your lane where it crosses under your lane in the 36 inch pipe. That will not cross under your drive any longer. It will run out to Green River Road on their side of the line.

Mindy Haas: What about the backside?

Bill Jeffers: Not all the questions that you all have are addressed by the new plan, and that's why we will be talking to you over the next four weeks. The one particular critical thing that your husband had concerns about has been addressed, and that's the ditch that runs alongside your gravel lane that's severely eroded at this time. That will not be used as an outlet for this subdivision.

President Mourdock: Am I not correct, Bill, the fact that this is not on APC's schedule it's more conceivable that you may be talking about this over the next eight weeks, not just the next four.

Bill Jeffers: Right. If no action is taken tonight by your board, it will take approximately eight weeks from today before you'll see a final drainage plan.

President Mourdock: But even if we took action on a preliminary plan, because this is not published on the APC agenda, it would still be eight weeks, right?

Bill Jeffers: Yes, unless they wanted to do a final plan before they went to APC, but that would be unlikely though. We've hardly ever had done that.

President Mourdock: So there is some element of time out there. A minimum of four weeks and, I think, more likely it would be eight. Okay, are there others wishing to address McCutchan Farms? Yes, sir.

Shane Gray: My name is Shane Gray. I live at 8837 Bramblewood. Excuse me. I have some concerns as far as the drainage goes. It's going to be in the back of McCutchan Farms that's going to be adjacent from Covington Heights Subdivision. Right now, the corner of my property is ground zero for a bunch of water coming off all those hills. I've got a ditch cut across the corner of my backyard now to handle a lot of that to get it off my house and off my yard. I just want to make sure that we don't have anymore water problems in the future than what I have now. So I'm looking in the near future of having to put some rip rap in the ditch to keep the (inaudible), excuse me, and eroding any more than what it is. I'm not really for or against any development back there, I just don't want to have my water problems become any greater than what they already are.

President Mourdock: Covington Heights enters and exits off?

Shane Gray: Hedden. In between Millersburg and Kansas Road. So that's all my concerns, right now. I would like to see some plans on that or see what the engineers have in mind to keep that from happening. We do have a bunch of water that runs through the back of those properties.

President Mourdock: Okay.

Bill Jeffers: This plan might be a better reference for—as these people speak. Here's Mr. Gray's property. I believe he said his name was Shane Gray?

Commissioner Jerrel: Right. It's right up here.

Shane Gray: It's been put in here, not developed by any construction company like that, but the farmer who farms this field, by the grace of him putting a ditch through there with his equipment, is the only thing keeping the water from going across all these lots back here. There's never been any type of commercial development for a swell or anything like that back there. It's just from the farmer cutting a ditch through there.

President Mourdock: But what ditch you do have now runs this way?

Shane Gray: Right. It's all manmade and it actually stops right here at the White's property. That's where the farmer picked up the ditch.

Unidentified: There's actually two there.

Shane Gray: There's actually, yeah, two ditches there.

Unidentified: One that goes straight.

Bill Jeffers: This more clearly shows Mrs. Haas' house and the new ditch that would carry the water out to the road here.

President Mourdock: Okay. Others wishing to speak on this particular subdivision? Yes, sir.

Tom Mably: Yes, my name is Tom Mably and I'm at 4014 Wethersfield Drive. My lot currently backs up to the east/west, north/south intersection of the drainage.

President Mourdock: Is that in Covington Heights also?

Tom Mably: I'm sorry. It's in Green River Estates. So essentially, I'm at the point where there's drainage from the fields and Covington Heights coming north/south, and the drainage from the proposed development, as well as the rest of Green River Estates comes east to west. So even now with heavy rains, the swells in the back of my yard are full. They are proposing a retention pond with an outlet there, right there at the corner. I've been in touch—I did call the engineers last week to get some details, but I'm still concerned about what that's going to do to the swell there. In fact, I know neighbors that are even south of the swell that are not even backed up to the proposed development will be affected because all the water goes north/south. Even if they...I know they've proposed that they will contain the water from the development from coming south. There is still water coming from Green River in that swell and anything could cause it to back up at that point. I have very strong concerns about that there's adequate overage in their estimates for any type

of containment and release of water that comes off. Everything from the hill down, it's all downhill towards my lot.

President Mourdock: Okay. Thank you.

Don Gibbs: My name is Don Gibbs. I live next to Mr. Gary, here. If none of you have been out there and seen that. That hill is probably one of the highest spots in Vanderburgh County. The airplanes line up and come pretty low coming over that going to the airport. When that water starts coming down that hill, it's quite a runoff.

Commissioner Jerrel: I saw that today.

Don Gibbs: It's a lot higher than you are right here now. It comes down pretty fast. I'm like Shane here, the concern I have is what are they going to do with all the water because it's going to go right in them houses on all those proposed lots, unless there's a substantial ditch put down through there with some way to hold it back and keep it from running on this gentleman here. He lives at the bottom of the hill.

President Mourdock: Okay.

Henry Schlensker: I'm Henry Schlensker, 4100 Kansas Road. My son-in-law, Tom Petrig, 10345 Hedden Road, owned the hill, as it's been referred to here. We also own ten acres between the two proposed subdivisions. Our concerns are the water from us and through us beings we have two properties. We are going to give the subdivision water and probably will have to take water from one subdivision and give it to another one. If there is...when this is designed, make the drainage big enough that if our hill does become a subdivision too, we don't have to enlarge all the pipe when it becomes concrete. We also do not want either one of our properties to become a lay down yard for the subdivision, meaning cars, trucks, surveyors, etc. We also when it is finished, we don't want to be a dumping grounds for grass, limbs, concrete from concrete trucks, wood, banding, water from swimming pools, etc. Also, we do not want our property to become a recreational area for 4 wheelers, motorcycles, walkers, horses, bicycles or etc. Also, as they proposed a ditch to take the water from the hill, when this ditch is cut at the property line between McCutchan Gardens or the other one, Farms, when they cut at the base of our hill, what is going to keep our hill there? We don't want to spend a lot of money down the road to keep our dirt on the hill. Thank you. Here is the statement.

President Mourdock: Thank you, Mr. Schlensker.

Henry Schlensker: Is there a representative here from Crown Point?

President Mourdock: For the record, who's Crown Point? Is that the developer?

Unidentified: Yes.

President Mourdock: Okay. I just wanted to know who Crown Point was. That's the developer. I just wanted to put that on the record. Anyone else wishing to speak on this preliminary drainage plan?

Al Roth: Good evening. My name is Al Roth. My address is 9400 North Green River Road. Concerns that we have as property owners regarding the development that's been proposed. First of all is procedural issues. We didn't receive notification for McCutchan Farms which is adjacent to our property. Secondly, the notification we

received from McCutchan Gardens was inadequate size to read and didn't convey any information. It's too small to read. Third, it was late notification for this meeting to have any opportunity to prepare or consult other people. The other issues we've got concerns about are technical issues and has to do with the hydrology, the runoff of the plan; erosion as a result of increased water flows and the flow rate because of concrete and building roofs, that sort of thing; improvements that we've put in the property such as culverts will probably be undersized and have to be replaced. Either that or wash out the driveway stone. We don't feel that we should be obligated to incur that cost. We've got a drainage ditch that we share with another property owner here. That ditch receives an awful lot of runoff. I think the watershed area is probably close to 20 acres that contributes to that ditch and all of that is on McCutchan Farms portion of the development. That ditch is on a three percent grade or so, and it's a challenge to try to prevent erosion from that ditch at this time with the agricultural use of the land. When the land becomes residential use with streets, roofs, and gutters, that sort of thing, it will be that much more difficult. We believe there should be some sort of mitigation provided to improve the drainage. Although it's not on McCutchan Farms property, McCutchan Farms property will impact that drainage.

Commissioner Jerrel: When you look at the typography, the 491 of Mr. Schlensker's elevation goes all the way down to 390 something on your property and then sort of on either side so there is a broad area. I was just trying to find it all on these maps so I could get a feel for it.

Al Roth: The gradients alongside Kansas Road and coming off Schlensker's Mountain are substantial. That runoff is a problem that's unusual to Vanderburgh County. I think the board should endeavor to address those particular problems because they are unlike most of Vanderburgh County where it's fairly flat and retention is a problem. Retention is not a problem here. The water will flow.

President Mourdock: Every now and then, I jog from Darmstadt over through that way, and if you think it looks big from the road or on this map, go jogging up Kansas Road. That's Mt. Schlensker over there, I'll tell ya. Would someone clarify, Bill for us, we have McCutchan Farms which is obviously what we're looking at here, but the next agenda item it McCutchan Gardens. Is that part of the same development?

Bill Jeffers: It's basically part of the same development and same developer. Morley and Associates has a map here that puts both of them in perspective, if you'd like to have him put it on your display board so when we do start talking about McCutchan Gardens, we can make reference to it. While he's doing that, I'd like to say with regards to Mr. Roth's comments. I want everyone here to understand that the format of notification that you received, the form it takes, the reduced size of the copy of the map you received, all that has absolutely nothing to do with this board or with our office. That particular format of that notification and the requirement for it is Area Plan Commission, and that is sent out by the developer's engineer, in this case, Morley and Associates. It's sent to a list of adjacent property owners. It's submitted to Area Plan Commission, and I saw it today. I saw everybody's name on that list, it's just that some of the notifications had some technical error or failure to notify in exact accordance with Area Plan Commission's requirements. That did not come from our office, nor did it come from this board. It simply notifies you that this board is having a meeting tonight, and that it will proceed through Area Plan Commission as it's stated in that notification. Also, the routing of the runoff that Mr. Roth is referring to coming down at approximately 5 to 10 percent grades off of Schlensker's hill, it is about 100 foot difference in elevation from Green River Road

to the top of Mr. Schlensker's hill. It's coming down, at first, at about a 10 to 12 percent grade, then it flattens out to about a five percent grade. Those are very steep grades, but the routing of the runoff, I'm actually...it's being rerouted away from the Roth's according to the plan on your desk to the extent that I was actually concerned that the Roth's pond would suffer a lack of water. The engineer is actually routing this runoff around the periphery of the new subdivision to an extent that I was concerned that the Roth's pond would not get enough water to stay full. That was more of an issue to me than the resulting runoff from this subdivision passing through the ditch that he has an erosion problem in. That's something that I'll discuss with the Roth's in the field. I'd like to look at their pond and make sure that it still has enough water, if they wish to maintain it as a pond.

President Mourdock: Mr. Roth, is your property north of Kansas Road? I don't see it on this map.

Bill Jeffers: This is their pond and this is their house. These are water shed lines not property lines. Their property is actually back here. This is the ditch he is talking about that he shares.

Al Roth: I was referring to this ditch here.

Bill Jeffers: In front of your house?

Al Roth: That's the south side.

Bill Jeffers: This is the ditch then, right here. This is Kansas here and this is Green River and here's your home. This is a water shed line. This isn't a property line. Your property line is right here. The Roth's share with the Schlensker's this ditch here. I'm actually worried that their routing water away from your pond and around the subdivision to the extent that you might not receive enough water.

Al Roth: (Inaudible.)

Bill Jeffers: We can discuss that. I'd like to discuss that with you.

President Mourdock: Any other comments specific to McCutchan Farms? Yes, sir?

Mike Waters: Hi, my name is Mike Waters and this question I have is pretty much—

President Mourdock: What's your address, please?

Mike Waters: 9501 Green River Road. It's the corner of Kansas and Green River. One of my concerns is the map that I was sent was the Gardens. The problem that I have is until now, and I believe that a lot of the other people have the same problem, we never visualized this the way we're seeing it now because we got pieces of a map. So it was hard for us to have concerns that we are having tonight because we didn't see it all. We seen just what was right against our property. When you put this whole scale together, we are coming up with a lot more concerns that what we had and really no time to think about it.

President Mourdock: There will be no action tonight that's going to preclude you from getting your comments and concerns fully expressed so don't expect that we are going to slam a gavel down here in a few minutes and put anything in final form.

Mike Waters: I understand that but, like I said, I'd like to see all of us get a chance to see this plan fully instead of just a piece here and a piece there. That doesn't really tell us what's going to happen and living on the corner of Kansas and Green River, I watched that water come off of Kansas and come to Green River. I have a small ditch beside my yard, right now, that already is starting to erode out from under the road. There's a stop sign on Kansas and Green River there now that's starting to lean where the water has washed out from under the stop sign. You've got, maybe, six to eight inches of dirt from the edge of the blacktop to the drop off of the ditch now. I've seen cars turn there and their back wheel go off in it, and it's all from erosion from that water coming off. I've seen water run on the road, across Green River Road. There is no culvert under Green River Road. The water comes across the road when it rains hard. If it's doing that now, we're really going to have a water problem. That's pretty much all I have to say tonight.

President Mourdock: Okay, thank you, Mr. Waters. Any other comments on McCutchan Farms?

Unidentified: How can we find out what the drainage is going to be? You can't, I can't find it out by looking at that. I may not even have a concern. Half the people here may not have one, if we could see what the plan is. I thought that's what was going to happen tonight, that they were going to show us the plan.

President Mourdock: That is the plan and, certainly, Mr. Morley or his firm can get up and do some finger pointing here, if you like. Finger pointing at the map, let me verify that. And just give a general discussion as to what that would be and is it appropriate, at this time, since we've got so many folks here to talk about both of these together as far as McCutchan Farms and McCutchan Gardens? Are you working on both drainage plans?

Jim Morley: McCutchan Gardens doesn't affect most of the people here. McCutchan Gardens is on the agenda for the October meeting. McCutchan Farms is the one that has the person who was omitted from the notice. So McCutchan Farms will be on the November meeting whereas McCutchan Gardens (Inaudible) of the October meeting.

President Mourdock: Of the Area Plan Commission?

Jim Morley: Yes, of the Area Plan Commission. Since most of those people here butt up against the Farms, it's a good opportunity to raise the questions and have us meet with them.

President Mourdock: By way of introduction, this is Jim Morley with Morley Engineering.

Jim Morley: Yes, I'm Jim Morley and while I don't think...I think Mr. Gibbs hit the nail on the head. These are hard things to understand and even if I did go over to the map and point to all of them, there are certain questions that need to be dealt with on a personal basis like Mr. Roth whether yes we can bypass and we've shown bypassing all the water. Does he necessarily want that to take place if it would cause problems with the little pond, or is he not going to keep the pond? We'd be glad to meet with him. What I would suggest to the Drainage Board is while we've requested and submitted both of these drainage plans because of the delay in the McCutchan Farms, I think, we would ask that you simply continue the hearing on the preliminary for McCutchan Farms. What that will do will let all of the neighbors who

are concerned have an opportunity to come down to our office either as a group or on a one-on-one basis. We can go over the detailed explanation of the pipe that specifically effects them or whatever. Then whenever we bring it up again at next month's meeting, hopefully, all of those concerns will be addressed or certain details will be specifically called out to be placed on the final drainage plan. I think, I would like to give a basis explanation of the drainage plan, as you're probably all aware and the neighbors are all aware, this agricultural property goes through periods of time when it does have significant high runoff right now. Major rain occurring at a time when it doesn't have much ground cover on it can really produce high runoff and siltation as well as erosion downstream of that. According and following the county's drainage ordinance, we design ditches and go into storm detention basin to significantly reduce the flow from the site. One of the locations down there where a majority of the water leaves and runs towards Green River Road, currently, the pipe has a capacity that 48 has a capacity of about 117 cubic feet per second. By routing it through the detention basin, that will drop to 80. So not only are we not increasing beyond where we are today, but we are dropping it. All of these...so the whole thing is a collection where essentially except for the little bit right at the corner of Kansas Road, the very little bit, for the pond which they may not want bypassed, everything else it routed through a detention basin. We voluntarily put the little plat of the subdivision in our notices. I realize that all the Plan Commission asked us to do is just send a letter saying there is going to be a hearing, but we usually throw in, at least, a little copy of the plat so they can see where it is. It was not intended to be dissemination of information. They need to either come to the hearing or call us and get that. We always put them in there so they can tell where it's at. If there are specific things that anyone of those that spoke, want me to address on the drainage plan, we can tonight, but I would really suggest that if it's alright with the board to continue the Farms until next month. Probably one-on-one meetings or meetings with a large size drawing around the conference room table would be a much better explanation than something they would hear here tonight. Then I can get copies of the details.

President Mourdock: Okay, as I said at the outset when a lot of you came into the room, the purpose of having the preliminary type plan is so that all of the neighbors have a chance to let their viewpoints be known and to get a chance to fully understand what the plan encompasses. I'm hearing Mr. Morley say that he's, on the behalf of the developer, that they are certainly willing and able to do that and want the board to actually defer this for a month which means we are back to the eight weeks you were talking about. With that, is there a motion?

Commissioner Jerrel: Let me ask the question, does everybody understand that?
Shane Gray: I just had one quick question as far as—

Commissioner Jerrel: Do you want to give your name again, real quick so she can get it?

Shane Gray: Shane Gray, again. I live at 8837 Bramblewood. The thing that I think we are concerned about is whether we are going to have the Grand Canyon in our backyard for a ditch or if we are going to have concrete ribbons for a swell or something a little more substantial than what we have? That's my only question that I need answered tonight.

Jim Morley: I can answer his question very briefly. We've got a new swell on our side of the property line and not depending upon their swell. Theoretically, their swell was designed, he's in a new subdivision out there—

Shane Gray: We don't have a swell behind ours.

Jim Morley: Theoretically, the drainage plan for that subdivision took care of all of this off site water from the hill that is entering his subdivision. Whether or not it completely did it or not really doesn't matter to us. Our plan provides for an interception ditch taking it into a storm detention swell. So whether they completed it satisfactorily or not is irrelevant. We are going to intercept it and go through a detention facility.

President Mourdock: And 100 percent of that ditch, all the shoulders for that ditch, will be on your property and will not impose onto the Covington, whatever it is, Heights?

Jim Morley: Covington Heights.

Shane Gray: That's not going to affect what we have now?

Jim Morley: There was a question, is it a concrete bottom swell? As you know, the county and their drainage ordinance provided that if we dropped to a ditch that's flatter than .8 percent then we are to put a concrete ribbon down the swell.

President Mourdock: Mr. Schlensker?

Henry Schlensker: Henry Schlensker, 4100 Kansas Road. Sorry, I didn't recognize you, Mr. Morley, but could I ask why there is a steel pin with a wooden slate that says Morley and Associates on our hill. Approximately 200 feet from any McCutchan property?

Jim Morley: On your hill?

Henry Schlensker: (Inaudible.) Will there be restitution for this? Thank you.

Jim Morley: For any damage.

Henry Schlensker: I think, it's trespass, I think, without notification that you were going to be there.

President Mourdock: Mr. Waters?

Mike Waters: My name is Mike Waters, 9501 Green River Road. I'm still a little...I guess, I don't understand why we're doing this in two parts?

President Mourdock: Okay, let me explain the preliminary and final. The reason why—

Commissioner Jerrel: He means the subdivisions.

President Mourdock: The two separate subdivisions?

Mike Waters: I heard it said up here that it doesn't affect some of us.

President Mourdock: What he meant by that, if I may be so bold here, he's talking about the drainage patterns and only the drainage patterns. He's not inferring, in any way, traffic and all those other things.

Mike Waters: I understand that, sir, but if it affects one person in our community, it affects us all. What I would like is to know about the whole plan instead of a piece of it here and a piece of it here because there's going to be people in our neighborhood that's not going to be able to make all these meetings. There's people that couldn't make it as it is. If we keep splitting this thing up, there's going to be people that are just plumb lost that may have some real good input into this.

President Mourdock: Sure, and they are all invited and this is as public a meeting as you can get. Anyone, not just those on the mailing list for one of these subdivision notifications, is certainly welcome to come. As far as how they file these, whether, in this case McCutchan Gardens or McCutchan Farms, that's solely up to the developer as to how they do those. If they wanted to instead of having one development like this, if he so platted it and turned it in in eight different small packages, he would have the right to do that. In which case, he would have to bring it back here eight different times. The fact that it is the same developer on what appears to be the east side and the west side of Green River Road, if they want to put those on the same schedule, they can. If not, it's their choice not ours.

Mike Waters: I'm just saying that it's the same amount of water. It's like me reading the front half of the book and you reading the back half of the book. Neither one of us knows what the book is about.

President Mourdock: And that's true to the point that the erosion control plans that are required by the county, and I think Mr. Morley said this, every drop of water that falls on this subdivision has to, by ordinance, must go through a detention basin. So whether they do this in ten pieces or two pieces, that same rule applies, maybe they may have to have ten basins. If they do it this way, they may need only what appears to be two at a quick look here. So, the water is viewed in the big picture in the sense of how the drainage is coming off that subdivision.

Mike Waters: I understand that for you people, but for us out here as a community, it's not the way this has been done.

President Mourdock: Again, this is a public meeting and whichever parts of these come before us, you're always welcome to come, too, and express yourself.

Mike Waters: Thank you.

President Mourdock: Thank you.

Bill Jeffers: I understand what the gentleman is saying, and before you all make a motion, to clarify...what I think Mr. Morley is asking right now on behalf of his client, is for McCutchan Gardens which is everything east of Green River Road, as I said, lays in a flood plain that will have to be filled by up to six feet of fill to build a house on. That's everything on the right hand side of your page, yes, I believe.

President Mourdock: That's not even on this page.

Bill Jeffers: That's McCutchan Gardens. He's saying that was properly notified and he's asking for that to go forward tonight to Area Plan Commission. Then everything on the west side, McCutchan Farms, to be considered separately, at a later date. What I'm hearing from the neighborhood, at least one representative of the neighborhood and correct me back there if I'm wrong in my perception, they're saying it's hard to visualize the overall effect. You, as the board, and us, as your

technical advisors, should take a little extra effort to access the overall impact of this development on the neighborhood and downstream tributaries and properties that are affected by the stormwater runoff. I think that's what I'm hearing. Now the routing of the water from McCutchan Farms is through McCutchan Gardens, so it will affect the pipe sizes and the routes that it takes to its detention basin before it's release across the Fehd's property into Bluegrass Creek. I'm willing, at this point, to make the recommendation to you that we take the extra time to access the overall impact that this project, whether it's considered as one piece or two separate pieces, we take the extra effort to see what the overall impact is as suggested by these concerned residents and others. I've been counseled that way by other people in the community as well. Maybe it's time we just do that. I'm willing to recommend that this be postponed and viewed as one unit at the same time. That would be four weeks from tonight for its preliminary plan. If that's your wish as a board.

President Mourdock: In the strictest sense of what we have here as an agenda, since these were advertised in effect as two separate items, I think, we still would need to act in two separate items. McCutchan Farms first and then whatever we do with McCutchan Gardens.

Scott Railey: My name is Scott Railey. I live at 5625 Creekstone Drive. I'm the one that's proposing this. The only thing I would say to Mr. Jeffers comments is that this ground is actually in three separate parcels owned by two different families. There is no guarantee, at this point, that, of course we have to get through the drainage process, planning commission and so forth, there's no guarantee that all this will ever be developed, at least by me or my company. The land on the east side of Green River Road, more than likely...we originally have no plans for the ground to the west. The owner of the ground to the east also owns some of the ground to the west and offered to sell the ground to us. Once that ground goes on the open market, I beat another developer out by about a half an hour to get an agreement to purchase this ground. You could very easily have two or three different developers in here with different plans for each of these parcels. We may not, at this point, I have no guarantees that we will develop the ground to the west of Green River Road.

President Mourdock: To the west or to the east?

Scott Railey: To the west, the hill, The Farms. We don't...because of the confusion or the mix up on the notification, we understand that we need to wait another four weeks and I think that's probably just as well because we've got this...we want to make sure that everyone is...I think we can probably improve some of these situations. I use to live a couple doors down from Mr. (Inaudible) in Covington Heights. I built a few of those homes on the back there. There is no swell back there. We went back there with a (Inaudible) and made a little area for it to drain. We have actually added to the depth of the lots in all of the areas, off the top of my head that I can recall, that there was any concerns of drainage, we have added to the depth of the lots just so that we'll have room behind the house for adequate on-site swells that will not go across the property lines. We've got an extra 20-30 feet in the back of the lot. Then they'll still have room for a nice flat backyard. We've got plenty of room for drainage. It was obvious when we started that it was a big hill and there's a lot of water coming down there. This is going to be about a five year project for me, probably, and I don't want a five year nightmare. I know that no one else here does either. I live in the community, as well, and I don't want to have enemies. I know that this is a sore spot with a lot of people. This is probably not much conciliation but I can probably assure you that if we were not doing this, and

this ground hit the market, there's going to be another developer in there behind us.

All I can offer you is that, at least, we will do everything we possibly can. The guidelines they have for drainage are, I think, pretty strict and adequate. We won't do anything that will adversely affect any of the other property owners.

President Mourdock: Okay, thank you.

Jim Morley: My name is Jim Morley, again, we were talking about McCutchan Farms which is this segment on the west side of the road. The area that involves the hilly ground. Then we switched over to talking about the area called McCutchan Gardens on the east side of the road. The gentleman here who lived at the intersection of Kansas and Green River, I believe the northeast corner of that intersection, were he talked about having a ditch or swell along the front of his yard. Because he is upstream across the road from this, no part of any of the water on any of these subdivisions come onto his property. However, John Stoll has asked that during the design process of the intersection that we widen the radii between the intersection of Kansas Road and Green River Road at that point. So there will be widening of the curve extension of the existing pipe even though it's not for the drainage plan, but it would be for the area there to make the curve radii at Kansas and Green River Road better than what is there now. I can get for him a detail of what we and John Stoll have been talking about on the radii on Green River Road. It really won't show up on the drainage plan, it would show up on the road plans. The portion on the east side of the road, McCutchan Gardens, is very much like the large Keystone Subdivisions. As Bill pointed out, it's an area where there's a significant amount of fill. When you wind up with a significant amount of fill, you have a significant amount of excavation. What we are creating on this development and make it a smaller version where you can see the lakes a little bit better. As you can see, that subdivision winds up with a very large lake, detention basin, borrow pit, if you will, significantly larger than anything we need for the county storm water drainage ordinance. The runoff from that winds up being tremendously reduced. So not only are we doing detention on the west side of the road for McCutchan Farms, but when you pass under Green River Road and we've slowed the water down and it passes through. We go into a very large basin and, I think in our calculations that we have shown as we've presented, we believe that we have certainly covered...we believe we've pretty well covered everything on both subdivisions. Certainly, without a doubt, at the preliminary drainage stage, we have covered everything on McCutchan Gardens. We would respectfully request that you do approve McCutchan Gardens tonight on a preliminary basis. In the event that through meetings about the McCutchan Farms which is delayed a month, some issue would come up that has not been presented here tonight, every issue that's been presented here tonight, we have accounted for in our design and we'll be glad to talk with them. In the event that anything is covered then it would be picked up on the final drainage plan. So, as Mr. Railey indicated to you, he has a sequenced option arrangement here. It's very important to him that he be able to go forward to the October, if at all possible. From our standpoint of it's designers, we have taken everything into consideration in the drainage plan. As I said, this is the preliminary. We have gone way beyond the minimum requirements because of the large basin. Therefore, we would like to have preliminary approval of McCutchan Gardens so that we can go to the October meeting.

Leland Fehd: I'm Leland Fehd and I currently reside at 606 Brookcrest Court in Brookview Heights Subdivision, but I own the property that is directly to the east of the McCutchan Gardens planned subdivision. As I read your map, you're going to close three ditches and bring it in to this swell or detention pond, but what your map

doesn't show is one of the ditches your closing is one of the largest of the three. You're diverting your water from going to the south and going into the ditches existing there to the middle of my farm and down which is going to create an excessive ditch, more than what I have. I do not agree with that. I don't think you have made proper drainage provisions for once it leaves your property. When it crosses mine, then I think I have something to say in that matter. This plan needs to be changed considerably as to where that water in that largest ditch goes to. Whether it goes into this detention pond and it goes down along the line and then out to the south or how that's done. I have very large concerns about that because I know from living and working in that farm that bring all that water down through there just isn't going to work. The owner who had it before McCutchan Gardens, there was a bank put along Kansas Road all the way down to the northwest corner of my property. When he took over and mining his dirt, if you want to call it that, he put two small sewer pipes in that ditch and cut that bank and about half way down. There is no more bank to my corner and all this water is coming through his two sewer pipes out catty corner across his property and over and down through my farm. Before the water was diverted all the way along Kansas Road, went under Kansas Road and down into Henry Ditch which we pay existing taxes on to maintain. I don't think that this plan that I have been presented with and seen addresses these issues.

President Mourdock: The plan that you've seen, Mr. Fehd, I've heard some say they only got a plat. Did you actually get a drainage plan?

Leland Fehd: I got a map of McCutchan Gardens from—

President Mourdock: But was that a plat or did it actually include the drainage plans? Did not include the drainage plans. I just wanted to make sure if you had something more than what I've seen. The only thing that I've seen, at this point, of McCutchan Gardens is what's up there. I don't even have it here in front of me. Mr. Morley or Mr. Railey do you want to address the concerned citizens?

Jim Morley: We are certainly aware of the flow as it comes down. Our plan, of course, intercepts those ditches, the very ones he is talking about, takes them into the large lake. Thus reducing, very significantly, the flow out of there that's caused the erosion along that area. That was our design method was to capture that water.

Commissioner Jerrel: Where is his farm.

Jim Morley: If you would kind of envision that it's coming this way and he is here. This would be the new dam and what we're doing, he's asking about, you know, there's water that flows here and we're routing that water into the lake. It currently doesn't go into the lake or doesn't get detained. It currently cuts a ditch there across his property.

Leland Fehd: What my concern is, is that water comes down along Kansas Road and there's the sewer pipe that it would go through under Kansas Road into the Henry Ditch. It should. But when they started mining the dirt off this area of this farm, they cut this bank so there's no longer a bank here to get that water to go through that sewer pipe. This ditch that comes from McCutchan Farms on the west side of Green River Road comes down through here to my property and goes out along here and over to this main ditch back here. This one goes to the Henry Ditch. This one goes straight to Bluegrass.

Bill Jeffers: This does not go to Henry (inaudible).

President Mourdock: And you said there was a third ditch that was intercepted somewhere.

Leland Fehd: Here's one, and there's a smaller one up here. The big one that I'm concerned about comes down through here which catches all the water. I don't understand how you can take the volume of water that's coming down from here and put it in here along with these other two and go down through the center of my property.

Bill Jeffers: It will be routed along here.

President Mourdock: When all that water is collected, it will end up coming this way and will no longer come this way.

Jim Morley: We're aware, I mean, we've already addressed that.

President Mourdock: Okay. We've resolved Mr. Fehd's question. Are there any other questions specific to the east side of the road? McCutchan Gardens?

Al Roth: My name is Al Roth, 9400 Green River Road, North Green River Road. I've got a question for the board. What are the notification requirements that developers have to...before a meeting like this can be held and what is the time frame?

President Mourdock: Bill, do you want to address that one?

Bill Jeffers: There are no notification requirements for this meeting that I know of. The Area Plan Commission arbitrarily set a notification requirement and included this meeting as part of the notification for the Area Plan meeting on Wednesday the fourth. This board has no notification requirement for this meeting.

Al Roth: Can I understand from that answer that the Area Plan Commission's notification requirements would apply to this meeting.

Commissioner Tuley: No.

President Mourdock: No.

Bill Jeffers: You'd have to get that answer from the Area Plan's attorney because I don't know how they arrived at that.

President Mourdock: Before something can go to the Area Plan, the reason they sent out the notice including reference to this meeting is before there's a vote taken at Area Plan before it comes up on the agenda at Area Plan, they want, at least, to have a preliminary drainage plan approve.

Joe Harrison, Jr.: By this board.

President Mourdock: By this board. So if this board—

Al Roth: So that's done without notification to affected landowners? Is that my understanding?

President Mourdock: Preliminary.

Commissioner Tuley: Drainage.

President Mourdock: No, no, because the final drainage plan would come back after it goes to APC.

Commissioner Tuley: But there is no formal notification sent out to the landowners about either preliminary or final drainage board, and that's what his question is. That is correct. There is not.

Al Roth: I think we have a shortcoming in our rule making in Vanderburgh County, if that's the case.

Joe Harrison, Jr.: Yeah, but it's all by statute.

Al Roth: Yes, and we look to our elected officials, i.e. the folks across the front of this table, to resolve and take care of those kinds of issues in the future so that this kind of thing doesn't occur again.

President Mourdock: But it's statute meaning it's the people in Indianapolis who pass state law and not the people in the county that pass ordinances. There's the finger pointing I was talking about earlier, right? Sorry. It's the honest answer though.

Al Roth: The second issue I've got is the sediment ponds or retention ponds we're talking about. Is there a requirement that...is there any requirement or what requirement is in place for cleaning sediment from those ponds as they fill up over the years?

President Mourdock: Good question. Typically, how that's resolved is as a subdivision like this goes in, the requirements for maintenance of those retention structures are included in the covenants, not covenants, Homeowner's Association which membership of that becomes part of a covenant of living in that subdivision. So the Homeowner's Association would have the responsibility to maintain that structure.

Al Roth: And that's a liability, a legal requirement, that they would have to take care of that retention pond when it filled up?

President Mourdock: As part, Joe, you're the attorney I'll let you handle that.

Joe Harrison, Jr.: Typically, that's a part of those who buy the lots within that subdivision. They're on notice when they buy the lot that that's one of the obligations that they have that runs with their land.

Al Roth: And if that pond becomes a problem 20 years down the road, the builder is out of business, retired, gone from the area. The Homeowner's Association is there. The pond fills up. Neighboring land owners are incurring damage as a result of that pond being full and not retaining the water it was designed for. Who or where is the lien placed or who places the lien to get that thing taken care of?

Joe Harrison, Jr.: I don't know about a lien but typically what happens is if someone is being affected adversely by the non-compliance with those covenants, unfortunately, litigation may have to ensue by someone that's damaged by their

failure to comply with the obligation. That's typically what happens.

Commissioner Jerrel: Because it will be forever recorded in the covenant.

President Mourdock: In other words, you'd sue the Homeowner's Association or Subdivision Association.

Al Roth: A judgement against them would then become either paid or become a lien on all those properties.

Joe Harrison, Jr.: Or it's possible you could get an order from the court mandating some sort of affirmative action.

Commissioner Jerrel: Clean-up.

Al Roth: The other question or comment that I have is the developer indicated that he doesn't want to see a five year headache occur with the long term development of this thing. Believe me, as the landowners around it, we've got a vested interest in not seeing not only a five year headache but a lifetime headache. We bought these properties with the intension of retiring or staying on these properties for a long time. This isn't an investment that we're going into business and try to get out of it in five years. We're there for the duration. When the ponds are full of water, when the system doesn't work, the developer is gone and we're stuck. We hope that the board takes that into account. We petition the board to delay any decision on even the preliminary drainage tonight because of the notification problems and the fact that we haven't been able to find out any more information than we've been able to find out tonight. I think that the board owes us, as landowners in the surrounding area, a delay so that we can put our stuff together.

Commissioner Jerrel: That was the recommendation, if I'm not mistaken, from Mr. Jeffers.

Al Roth: I'm talking about McCutchan Farms and McCutchan Gardens.

Commissioner Jerrel: That was his recommendation.

Commissioner Tuley: That was his recommendation.

Al Roth: Then I misunderstood and I apologize.

President Mourdock: Mr. Stahl?

Quentin Stahl: For the record, I'm Quentin Stahl, 5416 Kansas Road. My concerns are the drainage in the area. My land joins on the northeast corner of the proposed McCutchan Gardens. I join diagonally across Kansas Road. At the present time, if we get a 2 ½ x 2 ½ rain...let me explain, a 2 ½ inch rain in 2 ½ hours times completely fills the legal drain in Henry ditch as it runs past my farm. At that point, water runs down Kansas Road which is not really my concern. My real concern is it runs across about 20 acres of my property. Instead of having 2 ½ inches of rain, I have now 6 inches of rain on part of my farm. I would propose that in the construction of the flood retention basins that they be made to completely empty and drain rather than hold a constant water level the year around. As I observed, flood retention basins in subdivisions that are being developed now, that water is retained at the same level the year around. It has flood retention properties only one time

and that is when it initially fills. These flood retention basins could be pumped dry so that they can take water and hold much more water thereby eliminating a lot of chemicals thrown into the water that turns the water bluish green. I think that you will need to address the issue of the legal drain, Henry Ditch, as it runs east into Bluegrass Creek. This is my major concern. My personal opinion is that you've got plenty of homes in the area. That's not my problem, that's someone else's problem.

President Mourdock: So you are suggesting, in essence, a dry basin out there?

Quentin Stahl: Right.

President Mourdock: We'll leave that one to... Jim , if you care to respond to that.

Jim Morley: The suggestion that Mr. Stahl made on the dry basins is complicated in many instances by just exactly what the other gentleman brought up, siltation. What usually happens is that the wet basins generally are designed as silt traps. So you put excess depth into the wet basin to capture any erosion that may occur during the construction of the subdivision and calculations are made for the amount of silt runoff that may occur. It's captured in the wet basin. I know that Mr. Stahl may not have seen many of the properly functioning storm water detention basins that are available. These would have a freeboard area of some four feet of fluctuation and they do fluctuate. They have a relatively small outfall pipe to drain them down to this permanent pool that's used for capturing. I know that they do work and I'm not really aware of where he's talking about that he doesn't think that it works. That is seems to be the same level all the time. These basins have a relatively small outfall in relation to the amount of inflow.

President Mourdock: You said the word "relatively" a couple of times. Let me be very specific here, this particular basin on the east side of McCutchan Gardens, are you saying it has four foot of freeboard?

Jim Morley: Yes, right. That's available storage area. It is many, many times...it's a multiplier factor of how much storage is available in this space and more than required for the subdivision itself.

President Mourdock: So you've got about...just looking here, what six or eight acres?

Jim Morley: About eight acres of basin.

President Mourdock: So you'd have 32 acre feet of storage.

Jim Morley: Yes, yes.

President Mourdock: I'm sorry.

Jim Morley: The hundred year is 10 acre feet. Even, you know, the hundred year storm having over three times the capacity to hold the hundred year storm.

Commissioner Jerrel: So what is the issue if this is delayed with Mr. Railey? Is there a problem that this can't be heard after this has had an opportunity to be explained to all the neighbors?

Scott Railey: I'm Scott Railey, again. Yeah, I think if it's going to be approved, if

there are some valid flaws that have been discovered in the plan, then I can understand the delay to resolve those. I've heard that. I think there is some concern and that's natural. The fact is that we are digging a lake that's about 16 feet deep, so silt should not be a problem, by eight acres surface area with, like he said, 32 acre feet of storage. It's very important to me as far as, I know that we're here for everyone's sake, but if this delay is only for the sake of delay then I'm very much against that. I don't know how to state that.

Commissioner Jerrel: I have a question to ask you, and I don't want to say it in such a way that you have to say something that...but if this is heard in four weeks and more opportunity because I think just tonight which we wouldn't really have had the opportunity. We didn't realize who would be here and who wouldn't be. Have you got a lease of some kind to satisfy? Option to buy?

Scott Railey: I believe that all the adjourners to the McCutchan Gardens were properly notified.

Commissioner Jerrel: Who are the adjourners here to McCutchan Gardens? One, two, three, and one behind the podium. Four weeks will be past your option? Somebody else is wanting to take that?

Scott Railey: I don't know that absolutely, but I'd hate to find out the hard way. We spent a lot of money to this point. All the water...most the people back here are upstream also. I think Mr. Fehd was about 90 percent or 100 percent of the downstream and, I think we've addressed his concern.

Commissioner Jerrel: Yeah. Are you, Mr. Roth and Mr. Schlensker, do you have concerns about that property, this is just the preliminary, for the final hearing? The final hearing will be next month. If this were approved in its preliminary form, the final approval plans would be a full blown hearing. In the meantime, I would hope that all of you would be personally met with and issues worked through. Is that not correct, Mr. Morley?

Jim Morley: Yes.

Commissioner Jerrel: Yes.

Unidentified: The only concern I have with this one is that the water that's going to pass through it is big enough in the beginning to take what's going to come from the other side. It does come down (inaudible).

Commissioner Jerrel: Mr. Morley, is it your intent to meet with like—

Jim Morley: We'd be glad to meet with them and restate his concern. That's the one that I'm telling you that we have all the excess on where we...Our normal design criteria is 25 year storm. We take even the 100 year storm and we still have over three times the capacity to hold the 100 year storm. You know, it isn't even close to being questionable as far as the capacity. The reason, of course, we are digging this to borrow the dirt to reach all the right elevations, and as a by product of the excavation, we get a huge basin.

President Mourdock: Where does the water from Farms pass to Gardens?

Jim Morley: There are three locations.

Bill Jeffers: That is an issue I want to touch on before you tell them because the Farms now, the plan right now which may remain or may be changed, takes all the water from approximately from Kansas Road. They had originally planned to take a lot of this water and route it down Kansas Road, and I said there's no ditch there. It runs down the surface of the road now. There's no ditch, and I don't want you releasing all twelve houses on it. So they are now taking all this down to the basin. This water to run, that's why I said it runs through the Ross Pond, etc. Runs through the Ross joint ditch with Schlensker. Now it's going all down to this basin and being routed down here and passing through the lake and out straight to Bluegrass Creek.

President Mourdock: So let me interrupt for one second just to make the point, Mr. Schlensker just asked the question, he wanted to make sure in response to Bettye Lou's question about what would happen on the Garden side? His comment was he wanted to make sure the water wasn't backing up and causing any problem coming from the other side. That was your first one.

Henry Schlensker: We will never back up. We are higher. What I want to know is that were not going to flood those people. Will their culvert, pipe and ditches be large enough—

President Mourdock: Flood which people?

Commissioner Jerrel: Can you come up, Mr. Schlensker.

Bill Jeffers: I think he's concerned that the water coming from his ground, if he decides to develop his hill some day into a subdivision, will the pipes downstream that are now being planned, will they be sufficient to carry all water forever coming off his ground? Well, the answer to that is that you'll have to have storm water detention facilities on your hill before it leaves your ground into this system because these pipes are being designed for existing conditions. They are designed to carry all the storm water calculated to pass through there during a 25 year storm all the way through both of these systems and out into Bluegrass Creek. If you come in with a new development on your, what is it, 40 acres of hill, 35 acres of hill? You will have to do the same type of planning as Mr. Railey is having done for him. You'll have to have your engineer plan to hold your water back so it doesn't overcome the system that's being planned now. You won't be allowed to free release of your ground with houses on it.

President Mourdock: Coming back to Bettye Lou's question about the water backing up on the Garden side. Obviously, if any water did back up, if the pipe wasn't under sized, the first people to be affected would be those in Farms.

Bill Jeffers: No, in Gardens. It's not going to come up over the top of Green River Road. They are so much higher on this side. There will only be a 387 on the far side. On the east side they'll be up over 395 over here.

President Mourdock: But my statement remains true, the developer is only going to affect the developer if something isn't sized correctly. It's either going to be people at the Gardens who are affected or it's going to be people on the Farms that are affected. So it's in every bit of his own self interest to make sure it's done right.

Bill Jeffers: No. This area down here is not being developed. This is where the first speaker...

President Mourdock: But I said, the first people affected and you said from where the water goes under or would go under Green River was further up there. You pointed a little bit up, up.

Bill Jeffers: It comes along Green River Road and then goes through this system right here. If this backs up, Mr. Haas and Mr. Rueger will be affected first.

Unidentified: (Inaudible.)

Bill Jeffers: He'll have to come up with a different discharge point.

Unidentified: (Inaudible.)

Bill Jeffers: There's an existing ditch here and there's an existing ditch up here. If he could release it at the prescribed rate or less.

President Mourdock: But conceivably, if that happened, instead of having one discharge point coming east towards Mr. Fehd's—

Unidentified: We'd be in total (Inaudible).

President Mourdock: Yeah, right. Who knows what happens then? Instead of having one discharge point, you could still have three.

Bill Jeffers: There have been some other issues come up tonight and Mr. Railey asked if there are any valid flaws that may have arisen? First, I'd like to touch on the dry basin versus wet basin. Let's just face up to the truth here that the reason there is a wet basin being planned is he needs the dirt to fill the ground so he's going for so many acre feet of dirt. Five feet underground he's going to hit water and he's still going to go another 11-12 feet down. So that's why it's a wet basin. Second reason is the marketability of the lots. Lakefront lots market higher than lots on a muddy bottom basin. Second issue is Henry ditch. How many people in the audience here know that they receive a ditch bill for Henry Ditch annually? That is the highest priced ditch in Vanderburgh County. We cannot maintain it properly. We can barely mow it because the watershed area is so small and the properties are so few and so large that they are paying something like \$2.15 an acre for rural ground. That's the highest assessment in Vanderburgh County. All these properties except for Mr. Fehd and Mr. Stahl that I can see here and Mr. Waters, I believe, did you have your hand up? Will be eliminated from that watershed by this plan. As I look at it now, all that water from all the potential five dollar bills that I had counted on, hoping that all these 400 five dollar bills would give us enough money accumulating in there to go really do something with Henry Ditch. How many people think we are doing anything with Henry Ditch right now?

Unidentified: I see you mowing it.

Bill Jeffers: We mow it but we can't straighten it out. It's in terrible shape and we don't have the money to straighten it out. Otherwise, we'd have to assess these people \$200 an acre. I'm not going to do that. We've been sitting here waiting for something like this to happen so we could get five dollars a parcel off each of these parcels to really do something with Henry Ditch. This plan takes it and routes it down and that's why I asked Mr. Fehd does that lateral go directly to Bluegrass Creek? The answer is yes. All these parcels will be eliminated from Henry Ditch. We might as well abandon the ditch because the remaining parcels that will pay into

the ditch basically are the Stahl's and the Fehd's and the other large property owners immediately adjacent to Kansas Road. They will bare the entire cost of maintaining that ditch. We are rerouting watersheds and we are taking the overall discharge from both of these developments and routing them through a new outlet largely. Again, I want to reiterate, I think our office may owe it to this community to assess the overall cumulative effect of this development. I don't want to do it at the detriment to Mr. Railey who's invested in this to some extent. Obviously, we don't want him to divulge everything. That's not fair. I don't know what his arrangement is on his option. I don't want it to adversely affect his ability to develop in the future, but there is some cumulative effect here that we should take into consideration. That's why I continue to make the recommendation I did previously.

President Mourdock: Mr. Schlensker, in conclusion.

Henry Schlensker: Was I clear, Henry Schlensker 4100 Kansas Road, Mr. Jeffers that we will have to make preparation for our runoff at the time that the hill is developed?

Bill Jeffers: Yes, sir.

Henry Schlensker: In other words, you're telling me right now that hill is going to go by the yard, by truck, because there is not...you could not have enough space to build anything if you build a retention pond on the edges of it. You would have straight up cliffs.

Bill Jeffers: Fair warning. Unless that ordinance changes, every parcel of ground that develops in Vanderburgh County cannot release any greater amount of water per second that it does today. That's why we're here.

Commissioner Jerrel: Are you ready for a motion?

President Mourdock: I certainly am.

Commissioner Jerrel: I'm going to move that number three is McCutchan Farms. I'm going to move that we continue that particular preliminary plan.

Commissioner Tuley: Second.

President Mourdock: With the motion and a second, I would move and we really need to defer, are you saying for 30 days?

Commissioner Jerrel: Next Drainage Board, I'll amend my motion to say that.

Commissioner Tuley: Second.

President Mourdock: With the motion and the second, I will say so ordered. So that is postponed for 30 days.

Commissioner Jerrel: I'm also going to recommend that McCutchan Gardens be deferred for 30 days. If we can give any sort of written information to Mr. Railey to assist him with his option, we'll do so, but I'm going to recommend that we defer that also until all these questions are answered.

Commissioner Tuley: I'm going to go ahead and go along with you. It does, it's kind

of like the analogy the guy gave about the book, if you only saw this side or you only saw this side, quite a difference when you open up that whole book and see how many homes are out there and potential problems. I'm going to second the motion for delay. Try to understand that you need to try to work together. That's one thing this board has pushed is asking the developers, neighbors, and engineers to get together. Don't fight something because you don't want development, but fight something because they can't come up with something to satisfy your real concerns. Try to work together and come back in 30 days and we'll base it on the facts that are presented.

Commissioner Jerrel: Mr. Railey, you can get a copy of the minutes of this meeting, if that helps you. They'll be ready at the end of the week.

President Mourdock: There is a motion and a second to defer as well for 30 days, McCutchan Gardens. With the motion and the second, I will say so ordered.

Bill Jeffers: The minutes will be available after they've been approved at the next meeting.

Unidentified: How will Mr. Railey get a copy of the minutes?

Joe Harrison, Jr.: We can give you a draft copy. It's not official but you can get a draft copy.

Commissioner Jerrel: In other words, the meeting has to say that we approve our meeting minutes but she can get—

Unidentified: I'd like to get the same thing Mr. Railey is getting at the end of this week.

Commissioner Jerrel: Jane, tell them what to do.

Jane Laib: You just need to contact me. I'm on the second floor in the Vanderburgh County Auditor's office, Room 208.

President Mourdock: Jane Laib - L A I B.

Commissioner Jerrel: Do you have a number they can have?

Jane Laib: Yes, it's 435-5471.

Unidentified: I'm sorry?

Jane Laib: 435-5471.

President Mourdock: Okay, thank you. Bill, any other drainage plans this evening?

Bill Jeffers: Unless there is someone in the audience who has drainage plans other than the ones that have been considered tonight, I don't have any additional.

Ditch Maintenance Claims

President Mourdock: Agreements to encroach drainage easements? I'm sorry,

maintenance claims.

Bill Jeffers: Maintenance claims are on your desk with proper signatures and paperwork affixed. We recommend payment of those claims.

Commissioner Jerrel: I'll move approval of those ditch maintenance claims.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Agreement to Encroach Drainage Easements

President Mourdock: Now agreements to encroach drainage easements.

Bill Jeffers: We have no agreements this month to encroach drainage easements.

Any Individual or Group Wishing to Address the Board

President Mourdock: Any other persons wishing to address the board?

Bill Jeffers: The only other item I have is that the Soil & Conversation Board has asked me to attend their meetings. I did so and gave a brief history and background on what we do at the last meeting. Wanted to hear the board's thoughts on drainage and storm water. Had a lengthy discussion. We suggested, at that time, that the board...that I come back to the County Commissioners as the Drainage Board and talk to you concerning forming a model watershed or storm water district to work on a solution for some of the problems they expressed. I asked the board if they would be willing to participate in looking at a long term solution to their drainage problems. They said they would welcome that opportunity. I offered to talk to the board concerning the on-going invitation by SWCD to put a plan together. Basically, they want us to do a watershed study. I'll be taking this to them tomorrow night and showing them the preliminary results of our watershed study on some of the areas that they're concerned about. You know what they're concerned about. They want us to say what capacity their streams have for future development and what we can do to improve the projects. That's what we're working on. I did suggest that they might want to form a storm water control district similar to the Impact Drainage District and participate more fully in what's going on. We are going to examine the statutory capability to do that.

President Mourdock: And that would have to be enacted by the County Commission, I believe.

Bill Jeffers: Yes, sir. So I'm just letting you know that I'm having on-going discussions with them every fourth Tuesday of the month.

President Mourdock: Any other business this evening?

Commissioner Jerrel: Motion to adjourn.

**Vanderburgh County
Drainage Board Meeting
September 25, 2000**

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Commissioner Tuley: Second.

President Mourdock: So ordered.

Meeting was adjourned at 7:16 p.m.

Those in Attendance:

Richard E. Mourdock	Bettye Lou Jerrel	Pat Tuley
Joe Harrison, Jr.	Jane Laib	Bill Jeffers
Mindy Haas	Don Gibbs, Sr.	Shane Gray
Tom Mably	Leland Fehd	Quentin Stahl
Mike Waters	Al Roth	Tom Petrig
Henry Schlensker	Jim Morley	Scott Railey
Others unidentified	Members of the media	

Vanderburgh County
Drainage Board

Richard E. Mourdock, President

Bettye Lou Jerrel, Vice President

Patrick Tuley, Member

**Vanderburgh County
Drainage Board
October 23, 2000**

The Vanderburgh County Drainage Board was called to order at 6:43 p.m.

Approval of Minutes

President Mourdock: I'd like to call the October 23, 2000, meeting of the Vanderburgh County Drainage Board to order. I see some new faces in the crowd so let me by way of quick way of explanation, say that the County Commission also serves as the County Drainage Board. Joe Harrison, Jr. is the County Attorney and Jane Laib is our Recording Secretary. We've got a fairly full agenda this evening so if you wish to address the board, you need to come to the microphone, state your name and address for the record because all of our minutes are verbatim. So having said all that, the first issue on our agenda, as always, is to approve minutes from the prior meeting. So, is there a motion to approve?

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: And I will say so ordered.

Rust Petition Update

President Mourdock: First thing by way of old business is to get an update from the County Surveyor's office on the update on the obstruction petitions that have been filed. Again, if you've not been here before, we are going to start with the County Engineer, John Stoll.

John Stoll: I can give you an update on the Rust Petition. The ditch slope has been cut back on Mr. Wittekindt's property but the notch wasn't cut to drain the ditch back into the lake as of yet. Since Erik's been off sick, I haven't been able to talk to him about when he's going to get the rest of the work done out there but he is aware of it. It is in the works and Mr. Rust called me Friday afternoon and I called him back today to let him know that as soon as I find out Erik's crew's schedule, I would let him know.

President Mourdock: Okay, thank you, John. Chief Deputy Surveyor, Bill Jeffers any other updates on petitions?

Roll Petition Update

Bill Jeffers: Thank you, John. I don't have any updates on the Roll Petition, but it is adjacent to McCutchan Farms so it's an on-going thing that we're holding until February when we see the dirt work take place.

Meyer Acres - Preliminary

President Mourdock: Okay, let's get started with our drainage plans then. First preliminary plan is Meyer Acres.

Bill Jeffers: Meyer Acres is a very simple two lot subdivision that would otherwise be a minor sub except that the one small building lot that's being divided off from the parent tract requires the extension of a county road and that qualifies it as a major subdivision. The preliminary plan consists only of drainage plan details on these two sheets which show the drainage alongside the extended roadway. We recommend approval of the preliminary plan and ask only that the final plan be submitted to the county engineer as a street and drainage plan. Those are the only details we are requiring, that show positive drainage around and from the roadway improvements. There are no other details necessary for this project.

President Mourdock: Is there anyone here in the audience to speak either for or against the Meyer Acres plan as submitted?

Commissioner Jerrel: I'll move approval on Meyer Acres preliminary plan.

Commissioner Tuley: Second.

President Mourdock: So ordered.

McCutchan Farms - Preliminary

Bill Jeffers: The second item is McCutchan Farms which came to you last month. Morley and Associates has renotified all adjacent property owners to correct a minor defect in last month's notification process. The notification that Morley sent out included an invitation to all people to come to a meeting at Morley's office this past Thursday evening to view revised drainage plans and ask for comments and address each comment. That meeting was attended by many people including representatives from Morley and Associates and the developer himself. Our office followed up the notification with phone calls to remind each person who had signed last month's sign-in sheet of the meeting. Of this meeting, the only person we were unable to contact was the Hass family. I was unable to reach them. I reached everyone else's answering machine or personally on that list. The meeting was very productive, and I think it's appropriate at this time for Mr. Morley to summarize that meeting. Following Mr. Morley's presentation, I would ask the neighbors to express any remaining concerns, if any, prior to the surveyor's positive recommendation of the preliminary plan for McCutchan Farms.

Jim Morley: Thank you, Bill. We answered a lot of questions at our meeting last Thursday. I would like to read into the record a formal statement about some of the issues relating to the neighbors so that they know that we have made a statement on record and that the final drainage plan will represent what we say here. It's not so much the internal, technical as it is how what we are doing relates to the neighbors and the flow of the water. Now this is on McCutchan Farms which is...the first statement that I wish to make is Covington Heights adjoins a portion of McCutchan Farms and on Covington Heights there is a grown up fence line tree row. It is our intention to offset the drainage ditch so that we can preserve most of the

trees that are growing in that tree row.

President Mourdock: Excuse me, Mr. Morley, do you have a map of it? I know we were looking at a map.

Jim Morley: I think that was what was important. They wanted to know if we were going to take the trees down and we're going to offset the ditch so that we can save most of those trees. Also on Covington Heights, all of the water that flows down through there, some of it does get over onto their swale at some portions along this property, along our frontage. We will have an independent swale that will carry it down to the lake. Jon, can you perhaps point to—

President Mourdock: Pivot that around. That's a start.

Jim Morley: Do you want to point to what we just talked about, Jon?

Jon Kipling: This is Covington Heights right here and there's a tree line basically from (Inaudible).

Jim Morley: It was very important to those neighbors, and it's important to the developer, too, to save those trees.

President Mourdock: Okay, so you are saving those trees.

Jim Morley: Also, there's a swale along the, is it pronounced Haus or Hass?

Unidentified: Hass.

Jim Morley: Along the Hass property. They have a similar situation of trees along that property line. We're going to offset the drainage swale along there so we can save those trees also. Green River Estates backs up to this or this subdivision backs up to Green River Estates along six lots. The ditch along the north side of Green River Estates has overflowed and has given them drainage problems in the past. It's a rather steep hill all the way from the top of Mr. Schlensker's hill all the way down to there and water comes off pretty good during a heavy rain. We are going to be intercepting 60 percent of the entire drainage basin that comes down into that swale, and we will be routing that 60 percent into a basin and will be discharging, not back into that swale, but into that major north/south ditch that flows along the west side of Green River Estates at a reduced rate. What I wanted to say is that we will be intercepting all of the water that's coming to those six lots.

President Mourdock: Just so I can picture it, that north/south ditch you are referring to, is that the one just to the west side of the church?

Jim Morley: Yes, sir. That is exactly the ditch that goes alongside the church. That's exactly the same ditch. That large ditch will be the one we discharge, not the smaller swale that's causing them problems. We believe that by the interception of the 60 percent, we'll be doing a great benefit to those property owners along there. Also, down along the Hass property, the new swale that we have will go on the developer's property, not into the swale on their property. We will be going to the Green River Road ditch and the pipe there in a new swale on this property, McCutchan Farms, not on their property. So if the Hass' wish to fill part of that in, whatever they wish to do, we'll be intercepting the drainage that comes into that ditch. At the other corner of the subdivision at the Roth's parcel at the northeast

corner of the subdivision, they have a pond that perhaps at one point in time, more water drained into it but right now it doesn't. The water drains out to Kansas Road. The developer has discussed with them that we're going to try...although it's a small drainage basin and we've just got a berm for a temporary slow down of water, we're going to try and work out an arrangement where they can divert that water into their pond. We've suggested a method whereby they could simply gate the pipes so that if they later on decided to take the pond out, the water would go to Kansas Road as it does today. The basins are oversized as we told them. If you used a four foot high berm, basin number one is 10.4 times as large as your required basins. Basin two is 7.6 times as large. Basin three which is the little berm we talked about is about 1.2 times as large. Probably, we will cut those overly large, high berms down to a probably two foot differential instead of four just to make them look nicer since it's such a huge amount of oversizing. Those are the statements that I wanted to make for the record.

President Mourdock: Thank you, Mr. Morley. Any of the neighbors have any comments? Yes, sir? Please state your name and address, please.

Dave Rueger: Can I borrow your first map? My name is Dave Rueger. My wife and I, Dorothy, own approximately 20 acres next to the Hass'. We own this ground right here. The Hass' are here, okay? This map does not do the incline of that hill justice. Saturday, my daughter and I walked—

President Mourdock: You need to stay to the microphone, please, so we can pick you up.

Dave Rueger: I need to do some pointing too.

Commissioner Jerrel: Bring it up here.

Jon Kipling: I'll do the pointing for you.

Dave Rueger: Saturday afternoon my daughter, Mindy Hass, and I walked the total property line. People, believe me, the map is a flat object and until you've walked that line and see the incline of those hills...Mr. Morley, with all due respect, said that he was going to trap 60 percent of the water. My question is, 40 percent of the water coming down that hill can be a lot of water and what I want to ask you, and I know it's election time and I know you're all busy, but I wish you could come walk the walk before you vote the vote. Thank you.

Commissioner Jerrel: Are these elevations...it goes from 491—

President Mourdock: Those are existing elevations.

Commissioner Jerrel: Those are existing elevations, okay. And down to 392?

Jim Morley: Um-huh. One hundred feet.

Commissioner Jerrel: A hundred foot drop?

Unidentified: How many stories is that?

Unidentified: A lot.

Mindy Hass: My name is Mindy Hass and I live at 8900 N. Green River Road. I don't mean to be disrespectful to Mr. Morley or his associates because I'm not qualified to understand all of this. What I would like to know is, is there a subdivision that you have done comparable to what you're going to do here? Could you give me an example?

Jim Morley: Hilly like this?

Mindy Hass: Yes.

Jim Morley: Plantation and Bentwood.

Mindy Hass: That has the surrounding property like I own? Do you see what I'm saying? If you guys are so positive that this is going to work, could you personally guarantee me that there won't be any damage to my property or is that asking way too much?

President Mourdock: I learned a long time ago that it never hurts to ask if you can get an answer.

Mindy Hass: That's right.

President Mourdock: I want to ask one question though just to be sure that I understand it. Mr. Morley, you said you are going to intercept 60 percent of the water and otherwise keep it from coming down on the Hass and Rueger property, is that right?

Jim Morley: At the time I made that statement what I was talking about was the 60 percent of the water that flows into the Green River Estates swale and let me point that out. That's the swale that comes along here from these drainage basins. We capture all of this in here but what comes from the Hass and Rueger property will still run into the basin. Then on the Hass and Rueger property there is a swale that comes down here and we capture that here and go out. So the 60 percent is a number that related specifically to Green River Estates, and I didn't figure the percentage of...but we'll actually be catching most of what comes to your property. It will be higher than 60 percent. It takes 60 percent off what goes to the Green River Estates ditch.

Bill Jeffers: That's the one that's under the petition that we're holding until February. In other words, what they were addressing there is the ditch that the people are working on in Green River Estates on that petition, he's intercepting 60 percent of the water that goes into that ditch and diverting it into the drainage basin.

President Mourdock: Specific to the two folks who just asked the question, Ms. Hass and Mr. Rueger, you're saying that some percentage greater than 60 percent of the water that's presently coming on them will be intercepted?

Jim Morley: That's right, that's right, but not into that basin. It's in the second basin.

President Mourdock: But—

Jim Morley: The basin that will be right here.

President Mourdock: Okay.

Jim Morley: While I'm not up here to enter into contracts, we are a professional engineering company, and we do carry professional liability insurance, and we are certified by the State of Indiana to do acts, so if any representation that I make, and that's the reason I wanted to make the representation, if anything were to be false or there would be a failure in our design, we hold ourselves up as being liable for that kind of action. That's a matter of Indiana law.

President Mourdock: Any other questions from neighbors? Yes, sir?

Al Roth: My name is Al Roth. I'm a landowner at 9400 N. Green River Road. Morley and Associates and Scott Railey did provide us with a good forum to discuss a lot of these issues and a lot of those things were worked out. We appreciate that as the neighbors. I've got a couple of concerns though. My concerns have to do with the follow through of what's been presented here and how that's going to be put into place? Mr. Morley stated that, he incorrectly stated, that the water that drains down the...that I'm pointing to, drains to Kansas Road. Well, some of it does drain to Kansas Road, but some of it presently goes into the pond that we own, and we want to make sure that continues to happen. Mr. Morley said he would try to work out an arrangement and I don't know if that holds any kind of promise between Mr. Railey, the developer, and the adjacent landowners. Try isn't necessarily doing. We want to be sure that there's something there. I haven't seen a drainage plan, per se, that said that there would be a retention basin or retention area that would divert the water over to our pond rather than turning it loose to Kansas Road. So those are the kind of concrete things that I'm looking for rather than "try to work out an arrangement." Something concrete that there is a plan that's been submitted that's what we'll do.

President Mourdock: And I'll say what I probably said last month when this was discussed, this is still a preliminary plan. One of the reasons we go from preliminary to final is so that those kinds of things can be worked out. Bettye Lou, I'm sorry.

Commissioner Jerrel: No, I was going to say much of the...that's what this is for, tonight is so that between tonight and the final plan all of those things that you're concerned about are included in that. What did you say about the pond? I made notes but—

Jim Morley: At Mr. Roth's pond a great deal of the field seems to run straight to the north out to Kansas Road. Whether or not it's from a change in farming over the years, it looks like maybe at one time more of the water than currently runs did go towards his pond. We were going to try and set the berm so that he could intercept most all of that water. As we get to Kansas Road, we are a little bit lower and I'm not sure that we don't have any actual ground shots along that part yet. We'll do that under the final design. I didn't mean to indicate that we couldn't do anything at all, it's just that I wasn't sure that we could catch it all into there. We are going to work on that and we'll make sure that Mr. Roth has the final drainage. As a matter of fact, we'll give him the survey shots as soon as they're taken on that.

President Mourdock: Thank you, Mr. Roth. Any other comments or questions for the developer or Mr. Morley?

Commissioner Jerrel: Anything else, Mr. Rueger or Ms. Hass? Is that clear about what he was indicating was going to be captured as far as your property which will be clear for you to see on the final plan? Yes, sir?

Daniel Hass: My name is Daniel Hass and I live at 8900 N. Green River Road. They expressed that they were going to build a berm all the way around our property. That's what was expressed at the meeting, that there would be a berm all around our property?

Jim Morley: Not all the way around, just on the north line and—

President Mourdock: You might want to go up there and go ahead and start again.

Daniel Hass: Just on the attached property, I understand. Just on the property that's attached with your subdivision.

Jim Morley: To intercept the water. What we need to intercept the water, yes.

Daniel Hass: There will be a berm?

Jim Morley: There will be a berm at all locations where we need it to intercept the water that comes from this. If it's in an area where we don't need a berm to intercept the water, then there wouldn't be a berm. So it isn't like—

Daniel Hass: As long as it travels that way.

Jim Morley: Exactly. So we'll have a berm every place we need one to capture the water.

President Mourdock: Okay. Bill Jeffers, any final comments?

Bill Jeffers: Just before we recommend this preliminary plan, I'd like to make three comments. One, the preservation of trees, especially mature trees, usually presents some challenge with regard to erosion in a drainage area because trees shade grass and slow the growth of grass. Roots can sometimes become obstructions or diversions or become undermined. So purely from a drainage point of view, our office usually prefers open, grassy waterways to convey water in new subdivisions or anywhere. When preservation of trees becomes an issue with the neighbors, as it has in this case, we do go along with it but we like to alert folks to the potential maintenance problems they may face because they always end up...when you leave trees, it always ends up that there's a maintenance problem or a maintenance issue that takes a little additional work to address. This has been the case with all new development that preserved a tree line. We'll go for the preservation of the trees, but we'd like to warn folks that there may some additional maintenance requirements to address erosion problems. Second issue, on the pond, usually the design intercepts all the water along the perimeter of a new development to maximize the protection of adjacent land. This is kind of unusual that a landowner is actually asking for more water to be cast onto his ground. I understand his request because he has a pond he'd like to maintain as a pond. They could run a pipe straight from a street inlet into his pond just like you would into a detention pond and give him all the water he could possibly handle, but I'm not sure that's what he's asking for. I think, he's just asking for what may have been the natural sheet flow that kept that pond full, and we will work towards that in some form in the final plan. Then, of course, my final comment is that this is a preliminary plan, as Mr. Mourdock pointed out. Even though there is an election on November 7th, the final plan won't come back to you until the 4th Monday of November and that would give us all adequate time, if we so desire. I will personally meet with anyone who would like to walk the perimeter of the project before the final plan is brought to us at the end of November.

Having said that, if there are no other comments from the audience, the county surveyor recommends the preliminary plans for McCutchan Farms.

Commissioner Jerrel: Okay, and I'll move approval of the preliminary plan based upon the final plan containing those issues the neighbors had asked for.

Commissioner Tuley: Second.

President Mourdock: And I will say so order, but because it is preliminary, and Mr. Morley comes before us quite often and his office is always very good about working with folks who are affected, so I'm sure you'll continue to have good dialogue there. We would appreciate that.

McCutchan Gardens - Preliminary
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President Mourdock: Next up is McCutchan Gardens.

Bill Jeffers: McCutchan Gardens...the same process was followed for McCutchan Gardens as for McCutchan Farms with regards to notification. The only difference being that this proposed subdivision is on the east side of Green River Road and located totally within flood plain. It involves the Henry Ditch issue that we discussed last month. Now, our office has looked into that and we will address the Henry Ditch issue simply by calculating the per acre assessment for year 2001 after the final approval of both of these subdivisions, should they both be finally approved. Then we will make a determination if the benefit of continuing to maintain Henry Ditch is worth the continued assessment cost. Right now we are estimating that it will go from \$4.50 to \$6.00 an acre. We'll look at that and if the cost seems to out weigh the benefit of continued maintenance of Henry Ditch, we will recommend that the Drainage Board will hold a hearing and let the owners of the property that remains in the Henry Ditch Watershed voice their opinions regarding the continued maintenance of Henry Ditch. That's the procedure that's dictated by drainage statutes, so that's the procedure we'll follow. At this time we'll only ask for pertinent drainage comments from adjacent property owners and a presentation from the design engineer, if necessary, regarding the proposed McCutchan Gardens before we make a positive recommendation of that project.

President Mourdock: Okay, Mr. Morley?

Jim Morley: Very briefly, this subdivision is really a lot simpler than the other as far as the way it fits in the middle of the drainage basin. At this location with the fact that much of this property is low and has to be filled, we will be building a new basin, a new pond, that is some nearly 2,000 feet long north/south direction of the excavated area. It holds many times what is the required storage needed for this subdivision and all of the drainage from Green River Road. The end result is that Mr. Leland Fehd...there is a ditch flowing through the center of this area where the pond is that Mr. Fehd tries to farm across. That ditch, which flows down through there, he's ask us if we could divert the flow and not discharge there but discharge to the ditch along his south line which is down there? Currently, during a 25 year rain storm, they get about 105 cubic feet per second coming down through there. The discharge from our lake would be approximately 15 cubic feet per second. We would change the discharge from 105 to 15. Very significant...not only would we take all of the discharge from Mr. Fehd's property down in the middle, but the discharge into the south ditch would be reduced by 90 cubic feet per second. Very

significant reduction here. At Mr. Jeffers' request, we did an analysis of the south ditch and walked that and surveyed the capacity of the ditch down along there all the way down to Bluegrass Creek and determined that it has sufficient...Mr. Jeffers wanted to know that we walked the ditch and was sure that was not a problem to discharge to that ditch. It does have sufficient capacity all the way down to Bluegrass Creek.

President Mourdock: Is that ditch presently pretty clear of obstructions?

Jim Morley: Down to the corrugated metal pipe that's sitting...there's a crushed corrugated metal pipe put there a few years ago and it washed out.

President Mourdock: It wasn't crushed when it was put there, was it?

Jim Morley: Well, I don't know. I understand that it was used when it was put there.

President Mourdock: Will you point on the map where you're at?

Jim Morley: Pipe.

President Mourdock: That's what you are calling the south ditch? That's not Henry Ditch?

Jim Morley: Correct. That's the south ditch, right. Basically, I think the pipe was put in as a dry weather crossing then, through lack of maintenance, it washed out. The capacity is there, it just goes around the pipe. They don't try to cross there anymore. Anyway, that is an obstruction along the channel that's actually washed out alongside of it and goes on past. That's a statement that I wanted to make about the very significant reduction in that basin. I did want to do one other thing, Mr. Jeffers, as you talked about the Henry Ditch and the analysis. Mrs. Melton is here in the audience. She has asked me to request that as you look into this, that you look into the south ditch, the McCutchan Ditch, as to whether or not that could possibly be considered for a regulated drain? So, Bill, I'll make available the drainage basin maps that we've got, and I know that you can't respond right now, but Mrs. Melton would like to have an answer later on about what you learn about that possibility. If it is a possibility, what steps would need to be followed? It's off the subject but she's here tonight and wanted me to ask that question.

President Mourdock: Okay, and one other question. The 2000 foot long pond you're talking about? I don't have my notes from last time, obviously, is it 16 foot deep? Is that what you said or how many cubic yards are you taking out of there? Do you know?

Jim Morley: Oh my goodness!

Unidentified: We calculated what we are going to require.

President Mourdock: All that is obviously going for fill for the home sites?

Jim Morley: The ditch acts as a borrow basin. Do you remember approximately how much you had in cubic yards?

Unidentified: It was just an assumption.

President Mourdock: Surface acreage?

Unidentified: Surface acreage was 8.5.

Jim Morley: Eight and a half surface acres. Ten, twelve, eight acre feet. Pretty big numbers.

President Mourdock: Okay. Questions from anyone in the audience? Seeing no questions, where did Pat disappear to?

Bill Jeffers: With regards to Mrs. Melton's inquiry. I think what we'd like to do, I didn't want to talk about it in any great length tonight, but I think what we'd like to do is consult with the neighbors. If they don't want to continue to maintain Henry Ditch at \$6.00 an acre, to use the remaining funds is to clean it up and put it in good shape, vacate it, and then go down there and petition the board to create a regulated drain out of the south drain. Some minor work would have to be done on that drain to be brought up to our standards like removing that pipe and putting a correct crossing there. Once it's brought up to our standards, and most of what's on Mrs. Melton's property and Mr. Fehd's property is up to our standards, we could mow it on a regular basis. It's as good as Henry Ditch or better. We could go through that process at the proper time. I would encourage the board to look forward to that because I think that would be much more appropriate since we would be collecting then \$5.00 per parcel. I think the time to do it is before the lots are sold to individuals because then you don't have to deal with 244 people, you only have to deal with the developer and the adjacent property owners that are served by that ditch. Most of them are here in the audience today. So that's what we'll be looking at. I want to thank Morley and Associates and the developer, Mr. Scott Railey, for providing the extra time and extra forum to bring us to this point. I still think there's some issues to address. One of them being Mr. Hass' driveway pipe where the water will have to go under a new driveway pipe and will have to be placed to carry the water from the diverted ditch under his driveway and down along Green River Road. I think the county highway department might have to do some ditching along Green River Road to get that flow down to the 42 inch pipe where it crosses and goes into McCutchan Gardens. Those are the types of things where when I walk this with them in the month of November, we'll bring that back to you at the end of November. We do recommend the preliminary plan for McCutchan Gardens.

Commissioner Jerrel: With that recommendation, I'll move that we accept the preliminary plan for McCutchan Gardens.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Other Drainage Plans

President Mourdock: Other drainage plans. Do we have any others this evening?

Bill Jeffers: I don't unless there's (inaudible).

President Mourdock: I don't see anyone rushing to the microphone, so I'll assume there's not.

Ditch Maintenance Claims

President Mourdock: Ditch maintenance claims?

Bill Jeffers: The blue claims are for work that's been done recently on the year 2000 contracts for ditch maintenance properly signed and with the proper documentation attached. We recommend approval of payment of these claims.

Commissioner Jerrel: I move approval of the claims that have been presented for ditch maintenance.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Aiken Ditch Relaxation of an Urban Drain Easement
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President Mourdock: Other business. I have two requests to relax some urban drain easements.

Bill Jeffers: The first request to relax an urban drain easement is for Aiken Ditch. As a parcel of property at the end of Calf Lane that was formally used as Chris Combs Nursery. It's now lying vacant and the owner, Mr. Dick Christ, is asking us to allow him to fill in as shown down here. It's called the fill area. He would like to fill in his property so that the tow of the slope of the fill and that's, of course, very exaggerated because it's an elevation drawing. The slopes are eight to one and two to one so they actually would appear to be much wider than that in reality. The purpose is for Mr. Christ to make this parcel marketable as a commercial parcel at the end of Calf Lane. We agree with his intent to more fully use his ground, and we would recommend that the board allow the reduction of the 75 foot setback to a 25 foot setback. The comment I had to make on there is that, with the provision that the contract deputy for the reconstruction of Aiken Ditch, which is Morley and Associates, agrees with our recommendation which they have indicated verbally they do and with the drawing itself they do, we make it clear to Mr. Christ and to his prospective buyers that any subsequent property owner is totally responsible for controlling erosion from this new fill area and repairing any damage to the fill area or any damage caused to the land within the remaining 25 foot right-of-way caused by erosion from the fill area. We will also be reviewing all subsequent site plans for the use of this land. Our recommendation to approve or disapprove the site plans will be made on a case by case basis as they show proper erosion controls and so forth.

Commissioner Jerrel: May I see your drawing? You said Calf Lane? Off Pollock?

Bill Jeffers: Off Pollock. This lane here that goes back to the pump station. I think, at the present time, unless the board has had that road paved, that was a gravel road that led back to K-1.

Commissioner Jerrel: Isn't that where Combs had—

Commissioner Tuley: The old landscape.

Commissioner Jerrel: Use to, and the Watson's lived in a house right there.

Bill Jeffers: This is a part of all that improved Aiken Ditch reconstruction that's carrying all the storm water out of the Green River Road/Covert Avenue area.

Commissioner Jerrel: Right.

President Mourdock: Questions from the board? Anyone in the audience wishing to speak on this particular issue?

Commissioner Jerrel: I'll move approval of the two requests to relax the urban drain easements.

Bill Jeffers: This is just the first one.

Commissioner Jerrel: The first one on Calf Lane.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Premier Properties Relaxation of an Urban Drain Easement

President Mourdock: Now, the second one.

Bill Jeffers: The second request is from Premier Properties, Inc. who are the proposed builders of the or are the developers of the proposed Super Target Store at Burkhardt and Lloyd Expressway. They are asking to relax the right-of-entry along the north bank of Bonnie View Ditch in order to landscape and get ready for the Super Target project. The historic purpose of the 75 foot right-of-entry along legal drains is for the spreading of spoiled dirt that results from ditch dredging. The statute contemplates that it might take 75 feet to spread that spoil thin enough to not impede drainage into the ditch. The statute allowing the relaxation of the right-of-entry to no less than 25 feet for an urban drain addresses the constitutional statutory rights of the landowner for his fullest and highest use especially for land zoned for higher than agricultural use. Therefore, our office always encourages the relaxation of the right-of-way to it's minimum practical width. In order to determine that minimum width, we ask for details and depictions of the proposed use within the vacated right-of-entry, and we ask for details of the improvements to the drain that indicate that there will be a reduced need for dredging the drain and that the cost of disposing the spoils is minimized after all this occurs. Premier has offered to landscape and maintain the ditch by mowing but we have not reviewed their plans for improving their ditch at this time. Mr. Morley has given you some displays and some preliminary details here, but our discussions have revolved around whether this ditch is going to be piped, whether there's going to be a concrete bottom placed in the ditch, etc. Additionally, the joint property owners, or the joint property line shared with the neighbors to the south of the ditch, generally lies down the center of the ditch, so their offer to mow the ditch may be restricted to mowing half the ditch depending on how the other property owners view their right to mow the ditch. At this time, the surveyor does recommend tentative approval of the request to relax the right-of-entry along Bonnie View Extension to 25 feet from the top of the bank, but the request...the recommendation is based upon our viewing a more detailed plan so we know where the top of that bank will lie after their proposed

improvements. Also, a written agreement between Premier and the County as to perpetual maintenance by Premier. That the agreement be drafted and approved by representatives of the various parties including your attorney, our office, and Premier.

President Mourdock: Bill, with all respect, it sounds like in that recommendation you're asking us to get half pregnant. This isn't a final drainage plan in the sense of that type of plan where we have a preliminary and a final. This is for a specific easement and it sounded rather, I don't want to say tentative, but conditional. I don't know that we can act on this kind of...especially on this particular property that's had so much focus on it with so many adjacent landowners when you say about who's going to mow the ditch and who isn't. There's just a whole lot of ifs on this that I certainly—

Bill Jeffers: It's very tentative and it's very iffy and now that I look at the display that Mr. Morley has just placed in front of me, it appears that they are asking for it to be relaxed...the 75 feet to be relaxed along Crawford Brandeis. We hadn't discussed that up to this point. Again, I will just say that we've come to the board on many occasions and requested or recommended the request be granted so that a property owner can more fully develop high cost real estate, but your point is well taken. I, myself, would appreciate more details of what they plan before we take a final action. I guess what I'm trying to say, and I guess I don't know exactly how to say it, is I'd like to give these folks an indication that we have (tape flipped) a mutual agreement that we'd like to see expensive property not prohibited from being fully developed. I don't know exactly how to say it. Seventy-five is too much and twenty-five feet might be too little. Let's see what we can do but let's have some more details before we make a final decision.

Commissioner Tuley: That's liveable.

President Mourdock: Mr. Morley?

Jim Morley: We have...not only is there a request to reduce this, but as Mr. Jeffers pointed out, there are construction drawings. There is a crossing of the Crawford Brandeis for the entrance with a pipe to be included with the details. Crossing into a private development is not a public street, therefore, it will not come to the county for acceptance so therefore that pipe falls upon the ownership of the property and the obligations that go with that pipe maintenance fall upon the landowner. Also, there is landscaping to go along there. Just as they have offered to accept the responsibility, which you now carry, of maintaining all of that area, I think that perhaps what should be done is that it's time to work on a formal agreement. We would have pipe crossing or the roadway crossing into the entrance. We could have some utility crossings of the Crawford Brandeis or the Bonnie View. We have maintenance along the south line where currently we are having problems with it flowing good. We've been talking about using a concrete liner at the bottom of it so it cleans it up and makes it look real nice along there. That's what was shown to the neighbors. Those were all things that were part of the construction details and the request for relaxation doesn't really speak to those issues. We are still working on a legal drain. We have to come back before the board to do anything within the legal drain. In this case "anything" means several things. It means paving a portion of the ditch, the proper bank slopes, the pipe crossings. All of those things need to be covered. Although we've not done anything other than just a statement made here about maintenance. Perhaps as long as we're doing an agreement on the pipe crossings, you would like to have that as part of the agreement to cover the issue of

mowing and landscaping? Does that seem like a reasonable approach?

Commissioner Jerrel: Wouldn't it make more sense to do it all at one time? And all those issues should be incorporated into any kind of an agreement?

Jim Morley: I don't have a problem with that. I think all of them could be...what we did, you know, I know we routinely do this. Sometimes rather informally and then regret it later. I think we'd be better off to go ahead and work up our full agreement here. We did want to learn if anyone...I'm assuming if everything is done right, then it's not a problem? Your issue is let's go ahead and finish the plans. Let's go ahead and do the formal agreement and just do the whole thing as a formal agreement?

President Mourdock: Exactly.

Jim Morley: Is that...Mr. Cronk and Trev Wade are in the office. Ryan, do you have a problem with that? I think that would make the board feel a lot more comfortable.

Ryan Cronk: I'm Ryan Cronk. I'm at Premier Properties at 9449 Priority Way West Drive, Indianapolis. Just so I'm understanding, we are going to go back, do the agreement, submit our final plans again, and we'll get our final drainage plans along with the reduction? Is that a common practice, I guess is my question? Before a reduction of an easement?

President Mourdock: You heard the lady in one of the earlier settings ask Mr. Morley if he'd ever done a drainage plan for a situation like the one we were looking at? I don't think any two are ever exactly the same.

Ryan Cronk: I understand.

President Mourdock: The higher visibility, the more controversy, when there has been involvement, the more critically we look at things. In that sense, are we asking you for anything unusual? I don't think so.

Ryan Cronk: Okay, I'm just curious.

President Mourdock: I'll let you two reflect on that, but that's the way I see it.

Commissioner Tuley: Given the nature of that whole situation, I think it's only right that we sit here and see a complete project or complete proposal as opposed to piece milling. I'd like to see it all at once. I don't have a problem with what you're asking for. I understand why you're asking for it but give us some breathing room and give us a full plan.

Ryan Cronk: Okay, that's what we'll do.

Commissioner Jerrel: Thank you.

President Mourdock: So the board needs to obviously take no formal action on that request then this evening.

Any Group or Individual Wishing To Address The Board

President Mourdock: Does anyone here wish to address the board this evening on

any issue? Bill, do you have anything else? Oh, there's a report on Azteca drainage facilities?

Bill Jeffers: We continue to receive comments from neighbors downstream of Azteca that they don't feel that Azteca's detention facilities are complete. I've tried to view those, but I'm not able to view them throughly from the roadway or from the guard house, so I'm asking permission to go to the proper authorities out there and ask to walk around and take a look. I have a set of construction plans and they appear to come close to doing everything right, but since I continue to get comments from neighbors, I'd like to make sure while our review period is still active. I don't know how long that bonding period or whatever tax arrangements they have with the county goes, but I'd like to take a look at it and address those concerns with the neighbors.

Joe Harrison, Jr.: You many want to contact their attorney, Marco Delucio.

Bill Jeffers: Before going on the property?

Joe Harrison, Jr.: Yeah, just call him.

Commissioner Jerrel: He could tell you the names of the people, too, that you're going to deal with.

Bill Jeffers: Right. I just want to be sure that I'm not a trespasser out there.

President Mourdock: Is it the will of this board that the county surveyor be directed to work with the Azteca folks just to tour the property to review the drainage?

Commissioner Jerrel: Sure. So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any other business to come before us this evening?

Commissioner Jerrel: Motion to adjourn.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Meeting was adjourned at 7:37 p.m.

Those in Attendance:

Richard E. Mourdock
Joe Harrison, Jr.
Mindy Hass
Scott Railey
Daniel Hass
Others unidentified

Bettye Lou Jerrel
Jane Laib
Al Roth
Jon Kipling
Ryan Cronk
Members of the media

Pat Tuley
Bill Jeffers
Jim Morley
David Rueger

John Stoll

**Vanderburgh County
Drainage Board Meeting
October 23, 2000**

**Vanderburgh County
Drainage Board**

Richard E. Mourdock, President

Betty Lou Jerrel, Vice President

Patrick Tuley, Member

Recorded and transcribed by Jane Laib

**Vanderburgh County
Drainage Board
November 27, 2000**

The Vanderburgh County Drainage Board was called to order at 6:22 p.m.

Approval of Minutes

President Mourdock: Good evening. We'll call the November 27, 2000, meeting of the Vanderburgh County Drainage Board to order. Since I see a couple faces here who normally aren't at these meetings, just by way of explanation, the county surveyor acts, or chief deputy surveyor soon to be county surveyor, acts as our technical representative. So he will present information to the Drainage Board. We have minutes that are available. If you wish to speak to the board, you need to come forward, state your name and address for the record on the microphone. Mr. Jeffers, I'll turn the meeting to you. First thing we have, as always, are the minutes from our previous meeting have been submitted.

Commissioner Jerrel: I'll make a motion to approve.

Commissioner Tuley: I'm sorry, second.

President Mourdock: So ordered.

Rust Petition Update

President Mourdock: Okay, now, new business for the board this evening, Bill?

Bill Jeffers: First item is for update obstruction petitions, and I have no items. I believe John Stoll and Erik are still working on the Browning Road petition.

Commissioner Jerrel: What about the petition—

President Mourdock: Is that Rust?

Bill Jeffers: Mr. Rust, yes. Mr. and Mrs. Rust still have a petition still outstanding. I believe they are waiting for that to be completed. The other one will be brought up again at the February meeting, Mr. Jeremiah Roll.

Lillian R. Robbins Petition

Bill Jeffers: Next item under new business is to receive the petition from Lillian R. Robbins, 7001 W. St. Joseph Road, Evansville, IN 47720. A petition to remove a drainage obstruction which she identifies as existing on property known as 7217 W. St. Joseph Road. When you receive this petition, the statute then requires the county surveyor to immediately go out, examine the site and file a report at the next regular meeting of the Vanderburgh County Drainage Board. The Drainage Board, I assume, will be the reorganized Drainage Board after the first of the year. They will have to set a hearing date within 90 days of tonight which I believe is February 21st? Would that be the fourth Monday in February? Which is exactly 90 days from today.

President Mourdock: The 19th. No, I'm sorry, the 26th would be the fourth in February.

Bill Jeffers: The fourth Monday in February is the 26th. I counted them up today and

that's when the hearing will be held.

President Mourdock: Okay.

Bill Jeffers: At the latest.

President Mourdock: Are you Ms. Robbins by chance? I thought you might be.

Bill Jeffers: This is the petition that Mrs. Robbins filed with us. Do you have a copy?

President Mourdock: We have a copy of the letter and for the record we will note that Mrs. Robbins has submitted the \$100 fee to the Drainage Board to begin the process.

Bill Jeffers: So our office, sometime this week, will go out and examine the property that she alleges has an obstruction placed in a drain.

Joe Harrison, Jr.: So there will be a hearing on February 26th?

Bill Jeffers: No later than February 26th.

Joe Harrison, Jr.: Then at the next meeting that you attend, you'll have to make sure that the date is set by the board and notice is sent out to them.

Bill Jeffers: The date is set and the notices are sent by the auditor to the respondent who's identified in Mrs. Robbins petition.

Commissioner Jerrel: Did you have any questions about the process? How it will work? Do you pretty well understand?

Lillian Robbins: He explained it to me over the phone.

President Mourdock: Do you wish to make any comment for the record tonight, Mrs. Robbins? You don't need to if you don't feel like it. Obviously, this process will unfold a little bit in the next—

Lillian Robbins: No, I didn't bring any information tonight. How far back, for the record, do you want me to go back? That this has been going on?

President Mourdock: Well that, Mr. Jeffers will review the property. He'll pull that kind of information together for us. That should be fairly simple.

Commissioner Jerrel: I move that we proceed with the petition received from Lillian Robbins.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Drainage Plans

Bill Jeffers: Under section four, I do not have any drainage plans to bring before the

Drainage Board tonight.

President Mourdock: In six years of doing this I don't recall ever when we've had a meeting without some drainage plans.

Commissioner Tuley: I'll take you two years longer than that.

Commissioner Jerrel: I think he wants to get out of town.

Commissioner Tuley: He deserves a break.

Bill Jeffers: They were all minor subdivisions the last two months so they didn't require drainage plans.

Ditch Maintenance Claims

Bill Jeffers: The ditch maintenance claims are on your desk. They have been signed by the surveyor and they have the proper paperwork attached. It's for work that has been completed to date on year 2000 contracts. We recommend payment of those claims.

Commissioner Jerrel: I move that we approve and accept the maintenance claims.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Report on Bonnie View Ditch & Extension & Crawford Brandeis
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Bill Jeffers: Under other business, I have a report that I sent with your agenda but I'd like to give you another copy because I failed to run it through spell check and Linda discovered two spelling errors that she corrected on this copy that I'd like to submit for the record. One of the errors was relinquished. I didn't spell it correctly because being a pack rat, I don't like to give anything up. The other was extension. Other than that, it remains the same. Basically, I'm notifying the board so that the new commissioners also have the opportunity to read it in the minutes. By statute, the surveyor files a report no later than June 1st of each year that states the classifications of regulated drains in the county. We have two drains, actually it's Bonnie View Ditch, Bonnie View Extension of that ditch and a portion of Crawford Brandeis which lies south of the Lloyd Expressway which form the boundaries of the Premier property. I've had several calls from individuals in the neighborhood who say that the drain is in what they consider to be poor condition. I went out and inspected the drain and did find some problems which I will be saying at the first of the year. The drain no longer fully performs the function for which it was designed and constructed. Certain topographic changes and on-going urban development have made the drain inadequate to properly serve all the affected properties.

President Mourdock: Since I don't have a map, this is Burkhardt and Lloyd, right?

Bill Jeffers: Right. Premier Properties is approximately 40 acres at the southeast corner of Burkhardt and Lloyd. Bonnie View Ditch forms the southern boundary of that property from the residential subdivision out to Burkhardt. It drains that

residential subdivision that is generally referred to as Plaza Court—

President Mourdock: Plaza Park?

Bill Jeffers: Plaza Park. Then the Crawford Brandeis runs along the very edge of Burkhardt Road there. As you know, you have piped it with your widening of Burkhardt Road. You piped it from the Lloyd Expressway north to Morgan. The portion that remains south of Lloyd Expressway is an open ditch. It's going to have to be moved over to accommodate some turn lanes. There will be tiles that need to be added to the drain for access to the property when it's developed. There will have to be minor changes made in the course of that drain to allow for the widening of Burkhardt Road and the turn lanes into that property. So I'll also be stating at the first of the year that minor changes in the course of the drain are going to be required that will be a public utility. All those things that will be stated at the first of the year require that those ditches that I'm naming, Bonnie View, Crawford Brandeis and Bonnie View Extension be reconstructed. It will be assigned top priority because of the urgency of the need. That will also be stated in my report at the first of the year. Additionally, I'm going to try to work with the city engineer, who I spoke with today, to see to it that when this is reconstructed, it's reconstructed in such a way that the city might be friendly to the idea of us relinquishing the drain to the city's jurisdiction because we will use the type of construction that they have used in the very recent past on other drains that they maintain. I'd like to turn it over to them because the cost of our maintenance of that drain is prohibiting us from doing what's really necessary in other areas of the east side. Once we reconstruct the drain, if we reconstruct it the way I envision, we will no longer have to mow it. Rather than spending 75 cents a foot mowing the ditch, we could spend that money elsewhere improving other portions of east side urban drainage systems that will help promote more orderly development of that ground. Mr. Morley is here today representing the developer because the developer has retained him to help design the improvements that are going to be made along the boundaries of the developer's ground. I thought this was the most effective way we could handle the situation. It doesn't indicate that our department feels that Premier will build what has been touted as their intended development. It just means that we feel that that ground will be developed in the near future and the ditches that will serve that ground no longer function fully as they were designed and constructed. They need to be reconstructed to be ready for that development. I thought I'd bring that to you at this time. It's in the record and the new commissioners can be prepared to receive a more full report very soon after the first of the year.

President Mourdock: Very good. Alright. Jim, did you have anything to add to this?

Jim Morley: Only that Chris White, the President of the developer, came down and visited with Bill in the Surveyor's office and heard Bill's thoughts about taking a look at piping the ditch as opposed to the lining of the open ditch. He heard Bill's explanation of what some of the neighbor's expectations had been years ago about that ditch and it's maintenance which has caused him the on-going problems. Mr. White agreed that he would certainly take a look at piping that adjoining his property. So if Bill can work a pipe in that goes to the south, it looks like we'd be able to put together a pretty nice project. For most of the neighbors when it was finished, there wouldn't be an open ditch to look at. They could just mow it as their yard.

President Mourdock: Right. Thank you.

Bill Jeffers: If we're able to pipe it and still maintain an emergency overflow over the

top of the pipe that could handle the exceedingly intense storms, we would like to pipe it. That would make it to where the neighbors and Premier could mow it with normal lawn care equipment rather than us taking tractors in. If it can't be piped due to grade constraints or other design reasons, we may have to look at paving the ditch. Either way, I want it to be constructed in such a way that it could be mowed with riding lawnmowers, push lawnmowers, etc. rather than tractors. It will also allow whoever does develop it, whether it be Mr. White or another development corporation, to perform the landscaping the neighbors are asking for between what's now a ditch and the closest structure in the new development. The landscaping takes up a certain amount of space and this would allow for more space for landscaping and sight and sound separation.

Any Group or Individual Wishing to Address the Board

President Mourdock: Other persons wishing to address the board or do you have other items, Bill?

Bill Jeffers: I have one last item but I'd like to hear if there's anybody else that wants to address the board first.

President Mourdock: Anyone wishing to address the board? Seeing none, go ahead.

Bill Jeffers: I just like to say that I came back to work for the county in 1994 to write the drainage ordinance for Mr. Hunter. Before that I worked as chief deputy from 84 to 91 so I have seen a lot of commissioners come and go and I enjoyed working for everyone of them in one way or another. At this time, particularly to Mr. Tuley and Ms. Jerrel because I'll still have the pleasure of working with Mr. Mourdock next year, I'd like to say that out of all the sets of commissioners I've ever worked for, this set of commissioners was the most pro-active and positive set of commissioners I've ever worked with, with regard to drainage. I was very apprehensive at first because 1996 was such a terrible year for rainfall and that campaign was run, to some extent, on drainage problems that we had in the county. Mr. Tuley was very familiar with those because he was out in hip boots walking along with John Stoll and myself on a lot of those sites. My apprehension was ill founded because the commissioners have responded to the public's need in a very positive and very progressive way for the entire four years and I've enjoyed working for you that whole time. To Mr. Harrison, I'd like to thank you for coaching me and showing me a much better way to approach the legal issues that face the Drainage Board and the County Surveyor's Office on a daily basis. I do not know who the next county attorney will be, I'm not privileged with that information, but whoever that person is, they have some mighty big shoes to fill in my mind. You're the best counselor that I've seen a Drainage Board have in 17 years. I've enjoyed working with all of you. Thank you very much.

President Mourdock: Very kind remarks. Thank you, Bill.

President Mourdock: I have a question, Bill. Go ahead. Did you have one?

Commissioner Tuley: I was just going to tell Bill thanks. I appreciate all his efforts. I always felt like when he came up here and had a recommendation that was either for a development drainage plan or against one, it was based on a professional study of the facts and figures. I felt comfortable that if he said something ought to be approved, to approve it. And if he said it shouldn't be approved, not to approve

it, and I appreciate that.

Commissioner Jerrel: He taught me what to do. I'll say that.

Joe Harrison, Jr.: I enjoyed working with you very much and will miss you. One of the things that was brought up was the next meeting?

Bill Jeffers: Correct. I'll be out of town from the 26th of December until late on the 2nd of January. I'm not sure, I might be able to make it back, but I'm anticipating that I won't be back until the 3rd of January.

President Mourdock: Based on what you know to be on the schedule, what's your recommendation then as far as the first meeting.

Bill Jeffers: Tomorrow's subdivision review committee meeting, I believe, we will have two major subdivisions which will have to go before APC on the first Wednesday of January. If you would...I'll talk to the developers tomorrow and if they wish for them to go to that meeting with the recommendation from our office to your board, I will have that in writing to a meeting on the 2nd you say?

President Mourdock: That's correct.

Joe Harrison, Jr.: Yes.

Bill Jeffers: If I'm out of town, I'll have that to you in writing. So I would recommend that meeting only take the business of –

President Mourdock: Those specific subdivisions?

Bill Jeffers: Those specific subdivisions and blue claims. I know there will be several people asking for blue claims. Those are just a matter of process that technical people in our office process those on a regular basis.

Joe Harrison, Jr.: And that a meeting would not be held in December.

Bill Jeffers: And that a meeting not be held in December.

Commissioner Jerrel: If that's a motion, I would accept the surveyor's recommendation that there will be no Drainage Board meeting in December and the January meeting will be set after tomorrow's site review committee.

Joe Harrison, Jr.: It will probably be the second or–

Bill Jeffers: I'm sure the new commissioners, along with Mr. Mourdock, could take the recommendations for two subdivisions and those claims. I'll have the acting chief deputy bring them down to the board meeting.

President Mourdock: We can take the recommendations but we need to advertise the meeting prior to, if we're going to have that.

Bill Jeffers: Right.

President Mourdock: So, if in fact you can find out tomorrow–

Bill Jeffers: I'll find out tomorrow for sure.

President Mourdock: And let us know.

Commissioner Jerrel: And the motion includes the approval of the date that you recommend.

Joe Harrison, Jr.: And publication of proper notices.

Jane Laib: Bill, let me know also.

Commissioner Tuley: So if I second, I've just had my last Drainage Board meeting?

Commissioner Jerrel: You did.

Commissioner Tuley: Second.

President Mourdock: You get to do one other thing...we'll give you the honor to do, Pat—

Bill Jeffers: So order?

President Mourdock: Wait a minute, wait a minute, wait a minute. Now that you will be assuming new duties after the first of the year officially as the surveyor, and I will add for the record, if Mr. Brenner came in the room right now, I wouldn't recognize him. I'm not sure that I've ever met him. Since that is the case, will you continue to be doing these meetings personally or do you think you will—

Bill Jeffers: I made some commitments this year to certain people and certain groups that I would attend the Subdivision Review Committee meeting and the Drainage Board meeting personally, unless I'm actually on vacation or out of town for business reasons.

President Mourdock: Even though I'll have the pleasure of two more years of Drainage Board meetings, I think by you doing it personally, especially in this last year, I think like you said, it's been much more of a well oiled machine in the last year. I think we felt each other out and we got the process working better. I'm glad to hear that you'll continue to do that.

Bill Jeffers: Ms. Freeman did bring you business at two meetings this year—

Commissioner Jerrel: She did a good job.

President Mourdock: She's quite capable.

Bill Jeffers: I'm confident that she could handle that duty, but I plan on being at nine out of ten of them.

President Mourdock: Don't infer from that, that I meant that she did not do a good job with it, I just think you do such a good job.

Bill Jeffers: That's why I made that commitment to the other people that want to understand the same thing.

Commissioner Jerrel: You need to so order that motion.

President Mourdock: Okay, there was a motion, there was a second, and I will say for the benefit of the three of you for sure, so ordered. So, we are adjourned.

Commissioner Jerrel: No, the motion was just—

Commissioner Tuley: That was just the meetings. Changing of the meetings.

President Mourdock: Oh, okay.

Bill Jeffers: Just to make sure that nobody misunderstood my earlier comments, I do look forward to working with the new commissioners. I just didn't want to burden then at a meeting that I wasn't going to be at with a bunch of things that they might not be familiar with. In case there's a big rain storm between now and the first of the year.

Commissioner Tuley: I think that would be funny if that happened. Do you remember my first commissioners meeting, by chance?

Bill Jeffers: Which one was that?

Commissioner Tuley: We had a—

Bill Jeffers: Ten inch rain or something?

Commissioner Tuley: It didn't have anything to do with drainage, but getting your feet put to the fire. It was a trustee issue where someone was denied benefits.

Bill Jeffers: And the had to appeal to you.

Commissioner Tuley: That was my introduction to this board.

Commissioner Jerrel: I'll make a motion to adjourn.

Commissioner Tuley: Second.

President Mourdock: And I'll say so order.

Meeting was adjourned at 6:45 p.m.

Those in Attendance:

Richard E. Mourdock
Joe Harrison, Jr.
Jim Morley
Others unidentified

Betty Lou Jerrel
Jane Laib
Lillian Robbins
Members of the media

Pat Tuley
Bill Jeffers

**Vanderburgh County
Drainage Board**

Richard E. Mourdock, President

Bettye Lou Jerrel, Vice President

Patrick Tuley, Member

Recorded and transcribed by Jane Laib

**Vanderburgh County
Drainage Board
December 18, 2000**

The Vanderburgh County Drainage Board was called to order at 7:23 p.m.

Approval of Minutes

President Mourdock: We'll call the December 18, 2000, meeting of the Vanderburgh County Drainage Board to order. We have all the familiar faces, so we'll not do any introductions or anything. First issue on the agenda is for the approval of minutes from the November 27th meeting.

Commissioner Jerrel: I'll move approval of the minutes of the Drainage Board meeting.

Commissioner Tuley: Second.

President Mourdock: And I will so order.

Final Drainage Plans

President Mourdock: Final drainage plans.

Bill Jeffers: This meeting was advertised as a regular meeting intended to replace the meetings –boards– otherwise scheduled December 26th to handle some items that had to be handled before the APC January 3rd meeting.

Windemere Farms Section 4 - Final
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Bill Jeffers: First being Windemere Farms Section Four. The location on the west side of State Road 57, south of Kansas Road, north of Malibu Park, across from Sunbeam Plastics. Section four is a southerly extension of Windemere Farms on-going development. The developer is Buck Development, LLC. The engineer is Sitecon. Keith Poff is here in the audience representing Sitecon to answer any questions, if you have them. Surveyor's recommendation is approval of the final plan for Windemere Farms Section Four.

Commissioner Jerrel: Nobody's speaking to this? Okay, I would like to move approval of Windemere Farms Section Four.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Autumn Hills Section Five - Re-plat
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Bill Jeffers: Next item under final plans is the re-plat of Autumn Hills Section Five. The re-plat of Autumn Hills Section Five goes to the Area Plan Commission on January 3rd to address certain technical requirements not associated with storm water drainage. The Drainage Board previously approved the final drainage plan for section five with a positive recommendation from the surveyor. The developer is Dewey Burton. The engineer is Billy Nicholson. The surveyors recommendation is for the board to reaffirm approval of the final plan for Autumn Hills Section Five.

Commissioner Jerrel: And I would like to make that motion – Autumn Hills Section Five re-plat.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lake Placid Estates - Preliminary
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Bill Jeffers: Lake Placid Estates is a new one lot subdivision that may go before the Area Plan Commission as a two lot major subdivision depending upon their requirements. It's located at the eastern end of Apache Pass Drive, north of Bromm Road. Section E is currently a one lot expansion of the Raben family development known as Lake Placid Estates. The extension of right-of-way to access section E is what requires a public meeting. The developer is Mark Raben. The engineer is Andy Easley. The recommendation from the surveyor is to approve the preliminary plan for Lake Placid Estates Section E.

Commissioner Jerrel: I'm going to make that motion – Lake Placid Estates Section E be approved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Jacob's Village P.U.D. - Preliminary

Bill Jeffers: The next item is Jacob's Village P.U.D. Located on the west side of Vienna Road, north of State Road 66, immediately east of the Posey County line. The board previously approved preliminary site clearing and grading plans contingent upon an erosion control plan in accordance with the state rule five. Clearing, grading and preliminary site prep work is on-going. After a site inspection on Friday, December 8, 2000, the surveyor's office requested the engineer to submit a preliminary drainage plan to address the location of certain excavations intended to become lakes, waterways, pipes, and other future drainage facilities for this development. Also of concern to the surveyor's office is the exact location of existing oil wells, pipelines and access easements on behalf of the oil operation, on-site containment facilities around the oil storage facilities and off-site waterways and lakes that might belong to other adjacent property owners. Without more precise locations of these features, the surveyor is hesitant to recommend complete approval of final drainage plans or plans as they were submitted earlier. The preliminary drainage plan otherwise substantially complies with the county's stormwater control ordinance. It's on the table over there, if anyone would like to view it. The plan drawings are attended by tabulations, calculations and other narrative material that addresses everything for preliminary plan. The developer is Beacon Group. The engineer is B.L.A. Jim Farney is in the audience to answer any questions, should you have any. The recommendation, at this time, from the county surveyor is to tentatively approve the preliminary drainage plan for Jacob's Village with the provisions that the developer and the consulting engineer immediately develop and continuously maintain all necessary plans to address some items I'm going to read here. The reason for this concern is that certain things were brought to our attention. There's a modest amount of discussion that indicated some vary

slight alarm about the oil wells and we wanted to address this.

1. Exercise extreme caution – these are conditions of approval – exercise extreme caution to prevent damage to or interference with any oil fill operations, equipment, facilities, access easements or containment facilities.
2. Immediately be prepared – this is a plan – to be prepared immediately to contain spills and repair damage should they occur or threaten to contaminate any existing or proposed storm water facilities, natural waterways, public right-of-ways, off-site ponds and lakes, etc...

President Mourdock: That's spills, again, relating to the petroleum operations?

Bill Jeffers: If, for some reason, one of these lines were ruptured or facility slightly damaged. They had that plan over there. They have a containment plan on the desk over here, but I want them to continue to update it and maintain it at all times.

3. Continue to install and maintain all required erosion control facilities necessary to comply with applicable federal, state and local laws and codes.

Bill Jeffers: That erosion control plan and the materials are in place or where at the time of my inspection on December 8. I'm just asking that they continue to install and maintain all the required erosion control facilities that refers back to your previous approval so long as they are in conformance with rule five.

4. To include any additional details as required by the surveyor or required by the board on all subsequent final drainage plans – include those details on future plans and any future site development plans – sufficient to address any applicable requirements per state statutes, local drainage ordinances, subdivision and building codes.

Bill Jeffers: The reason I'm getting this down on paper is simply because it was brought to my attention that there is some small amount of concern on the part of neighboring properties about the potential for earth moving equipment to cause a contamination of adjacent properties. We are recommending that you approve the final drainage plan – excuse me, the preliminary drainage plan which Bernardin Lochmueller has submitted for Jacob's Village at this time.

Commissioner Jerrel: I'd like to make a motion that we approve Jacob's Village preliminary plan with the caveats that will be included in the minutes that were stated by the surveyor.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: I believe that I've provided a typed copy of what I'm saying or what I have said to Mrs. Laib to be included.

Bill Jeffers: Okay, other business. I need to give you a report. This is the report on the alleged obstruction that Mrs. Lillian Robbins filed a petition to have removed at the last meeting. It's attached to the back of the packet I gave you. It's titled, "Preliminary Report on Lillian R. Robbins Petition to Remove the Obstruction". It pretty much details what I saw when I went out there the day after your last meeting. I'd like permission to send a copy of this report to Mrs. Lillian Robbins and to the respondents, Ronald and Becky Mayer, and ask you set a tentative date for a hearing on the Robbins Petition of February 26th. The next Drainage Board of 2001 will be ready to hold that hearing.

President Mourdock: You said February, do you mean February or January?

Bill Jeffers: I believe February 26th is exactly 90 days from—

President Mourdock: When we met last.

Bill Jeffers: --November 26th. I think that's when we met last. I think that's exactly 90 days and that's the required span.

Commissioner Jerrel: I'll make the motion that the hearing be set for the Lillian Robbins, Petitioner, to be set for February 26, 2001.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Bill, are you going to send that out or do you want me to send it out, or how do you want to do that?

Bill Jeffers: Why don't I do that the first of the year. I'll get together with the new attorney and use your model and send it out after the first of the year. Is that okay?

Joe Harrison, Jr.: Yes.

Bill Jeffers: Maybe you all should just direct me to have that sent out no later than the January meeting. I'll bring you a copy of it at the January meeting.

Dan Buck Petition - Cambridge

Bill Jeffers: I believe Tony has transmitted Mr. Dan Buck's petition to remove an obstruction from a natural surface water course on a property adjacent to Cambridge. I have a copy here, but I think you have the original copy. You should receive that at this time so I can go out there and make a report on that. Direct me to go out there and make a report.

Commissioner Jerrel: I'd like to make a motion to direct the surveyor to review the Dan Buck Petition to remove an obstruction.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Pay Claims for Ditch Maintenance

Bill Jeffers: The next item is pay claims for ditch maintenance that was performed by our contractors in year 2000 and have been inspected with the paperwork signed and the recommendation from the surveyor to pay these claims.

Commissioner Jerrel: I make a motion to approve paying the claims.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Nebar Investments Encroachment Agreement

Bill Jeffers: I do have one other items I failed to included on the agenda; however, I did have this in front of me at the time and just neglected to put it on the agenda. It's a request to enter into a Drainage Easement Encroachment Agreement between Nebar Investments, a partnership and the Board so the new Raben Tire Store at Eagle Crossing Commercial Subdivision, on a lot located at the southwest corner of Boehne Camp Road and Lloyd Expressway, so their parking lot can encroach an easement and allow for parking of an adequate number of cars on that lot.

President Mourdock: Who is the petitioner there, Bill?

Bill Jeffers: Well, it says Nebar Investments and it's for the Raben Tire Store that's going to be built. Specifically, it's lot two Eagle Plaza West Subdivision as recorded in plat book "O" page 87. Here's exhibits A, B, and C. Here's the agreement that's signed by a partner. Then it has the signature blanks for Richard Mourdock, President; Bettye Lou Jerrel, Vice President; Patrick Tuley, Member; Suzanne Crouch. It follows the legal form designed by Joseph H. Harrison, Jr. It has a signature block for Mr. Harrison. We are recommending that you enter into this agreement. We have inspected the site and the drainage plan. It conforms – the site plan – conforms to the drainage plan of simply paving over some concrete pipe.

President Mourdock: That was lot two? Lot two, Eagle Plaza West Subdivision?

Bill Jeffers: Yes, sir, lot two Eagle Plaza West Subdivision.

Commissioner Jerrel: I'd like to move approval of the Nebar request for site approval for the construction of the new Raben Store.

Joe Harrison, Jr.: Is that drainage easement encroachment agreement?

Commissioner Jerrel: Drainage easement encroachment agreement.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Bill Jeffers: You blame your attorney for the title of that document being so hard to pronounce. I have trouble with it, too.

Any Group or Individual Wishing to Address the Board

Bill Jeffers: Any other persons wishing to address the board?

President Mourdock: Seeing none.

Commissioner Tuley: I will move to adjourn my final Drainage Board meeting.

Commissioner Jerrel: And I'll second.

President Mourdock: And I will say so ordered for what won't be my last.

Meeting adjourned at 7:39 p.m.

Those in Attendance:

Richard E. Mourdock
Joe Harrison, Jr.
Others unidentified

Bettye Lou Jerrel
Jane Laib
Members of the media

Pat Tuley
Bill Jeffers

**Vanderburgh County
Drainage Board**

Richard E. Mourdock, President

Not in office at time of signature
Bettye Lou Jerrel, Vice President

Not in office at time of signature
Patrick Tuley, Member